

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: December 11, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB18-0195, **7925-7935 Crespi Boulevard.**

The applicant, Rebond, LLC., is requesting a Certificate of Appropriateness for the total demolition of two existing buildings and the construction of a new multifamily building, including variances to ~~reduce the landscape requirements at the ground level~~, to exceed the maximum height for a fence and to ~~reduce the required rear and both side setbacks.~~

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness
Approval of the variance.

BACKGROUND

On October 9, 2018, the Board reviewed and continued the subject application to a date certain of December 11, 2018.

EXISTING STRUCTURES

Local Historic District:	North Shore
Status:	Contributing
Construction Date:	1947
Architect:	Donald Smith

ZONING / SITE DATA

Legal Description:	Lots 20 and 21, Block 10, of the Biscayne Beach Subdivision, According to the Plat Thereof, as Recorded in Plat Book 44, Page 67, of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-1, Residential Multifamily, low intensity
Future Land Use Designation:	RM-1, Residential Multifamily, low intensity
Lot Size:	11,500 S.F. / 1.25 Max FAR
Existing FAR:	5,035 S.F. / 0.44 FAR, as represented by the architect
Proposed FAR:	14,304 S.F. / 1.24 FAR, as represented by the architect
Existing Height:	11'-1" / 1-story
Proposed Height:	40'-7" / 4-stories
Existing Use/Condition:	Multi-family residential

Proposed Use: Multi-family residential

THE PROJECT

The applicant has submitted plans entitled “Nobe Island” as prepared by Contemporary Design Studio, Architecture and Planning, dated November 5, 2018.

The applicant is requesting a Certificate of Appropriateness for the total demolition of two existing buildings and the construction of a new multifamily building including a waiver from the line of sight requirements for the stair of elevator bulkheads and a variance.

The applicant is requesting the following variance:

1. A variance to exceed by 1'-0" the maximum height of 7'-0" for a fence within the side yard in order to construct entry steps and railings with a height of 8'-0" as measured from grade (3.54' NGVD) on the north side.

- Variance requested from:

Sec. 142-1132: - Allowable encroachments within required yards.

(h) Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:

(1) All districts except I-1:

b. Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, as measured from grade, except when such yard abuts a public right-of-way, waterway or golf course, the maximum height shall not exceed five feet.

Entry steps and railings are allowed within required yards with limitations in elevation, projection and height. The project has been modified substantially to comply with the maximum elevation and height for allowable encroachments that previously required variances. One set of access steps and landing remains within the north side to connect the lower side yard with the parking area. The railing of the stairs is limited to a maximum of 7'-0" from grade elevation, applicable to fences along the side yards. The existing grade for this property is 3.54' NGVD and the finish floor of the garage is at 8.0' NGVD with a difference of approximately 4.5' in height, and the railings, in this case exceed by 1'-0" the maximum 7'-0" height allowed which requires a variance. Staff is supportive of this variance request as the existing low grade elevation creates the practical difficulties that result in the need for the variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City:

- 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 consistent with the applicable sections of the City Code, with the exception of the variances requested herein.

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 **multi-family residential use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

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 provided. It will be required at the time of building permit.
- (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.
- (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 is proposed to be constructed as above Base Flood Elevation.
- (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.
Satisfied
The proposed building will be built above required Base Flood Elevation.
- (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

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
Additional details will be required in order to ensure the proposed architectural features are consistent with the high quality of design present within the North Shore Historic District.
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Not Satisfied
Material samples have not been submitted.
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
Additional details and material samples will be required in order to ensure the proposed architectural features are consistent with the high quality of design present within the North Shore 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.
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.
Not Satisfied
See Compliance with Zoning Code
- 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.
Not Satisfied
Material samples have not been submitted.
- 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.

Not Satisfied

Additional details for exterior lighting shall be required.

- 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).

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

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 structures are located within the North Shore Local 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 structures are not of such design, craftsmanship, or material that they could be reproduced only with great difficulty and/or expense.
- 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 subject structures are not one of the last remaining examples of their kind and are not distinguished examples of the Post War Modern style of architecture.
- 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.
Satisfied
The structures are classified as Contributing 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 structures is not critical to developing an understanding of an important early 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 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 is requesting approval for a new residential structure a part of this application.

- h. The 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 the structure.

STAFF ANALYSIS

The applicant is proposing to construct a new 4-story, multi-family residential structure on the site. In order to construct the new building, the applicant is proposing the total demolition of two existing 1-story Contributing buildings.

Request for total demolition

Located on Crespi Boulevard adjacent to the Tatum Waterway, the existing buildings, constructed in 1947, are representative of the low scale garden style apartment buildings built in Miami Beach during the Post WWII period. Particularly notable is the courtyard plan created through the mirroring of the two nearly identical narrow bar-shaped buildings on two separate platted lots.

Staff has carefully evaluated the request for total demolition of these buildings and has no major objection due to the following reasons. First, the existing structures, located in one of the lowest lying areas within the City adjacent to a waterway, were built with a very low finished floor elevation, rendering the buildings particularly vulnerable to the impacts of flooding as evidenced by the information contained in the “Structural Condition Assessment” report prepared by Youssef Hachem Consulting Engineering, dated August 2, 2018. The report details the existing structural conditions including significant damage that has occurred over time to the shallow concrete stem wall foundations, likely due to water intrusion. The report concludes that “based on the site observations of the conditions of the structural members of the buildings, the structural members of this building need to be replaced rather than repaired, that is evident by the collapse of the joist system and missed alignment of the stem walls due to settlement”. Based on this information, staff believes that due to the unique as-built structural conditions, it is unlikely the existing buildings could be renovated and brought into compliance with the current Florida Building Code and the FEMA required finish floor elevation without total or near total demolition and new construction.

Second, while the existing buildings are classified as Contributing within the North Shore Local

Historic District, staff would note that these very modest 1-story structures do not possess the same level of architectural detail present in more noteworthy examples of the Post War Modern style of architecture within the North Shore Local Historic District.

Further, staff would note that on March 12, 2018, at the time the Historic Preservation Board reviewed the Historic Designation Report for the Tatum Waterway Expansion of the North Shore Historic District, it was noted that much of the property surrounding the Tatum Waterway was prone to serious site flooding due to its low elevation. During this discussion, the Board concluded that a suitable level of flexibility will be necessary in reviewing applications for Certificates of Appropriateness for alterations, demolition, and additions to existing buildings and new construction in order to ensure the revitalization and resiliency of this unique and low-lying area of the City.

Although a possible course of action could be the reconstruction of the buildings, staff would not recommend this as an option for several reasons. First, an accurate reconstruction of the buildings would not be possible, as the finish floor elevation would be required to be raised approximately four feet which would compromise the historic and design integrity of the buildings. Secondly, Miami Beach has a rich history of evolving architectural styles and staff believes that the replacement of a structure that has exhausted its ability to function as a useful and habitable building should be with a structure of its time, while respecting the established scale, context and setting in which it is located. In general the replication of structures is not encouraged; the reconstruction of demolished structures should only be considered when there are very extenuating circumstances. The current structural condition of the buildings appears to indicate that they have reached the end of their life cycle. Staff believes it would be most appropriate to replace the demolished historic structures with a new structure reflecting its time and place in Miami Beach.

New 4-story multi-family residential structure

The applicant has submitted plans for the construction of a new 4-story, 14-unit multi-family residential building. The proposed design has been inspired by the garden style courtyard plan of the existing buildings, which was prevalent during the Post War Modern period in Miami Beach. The two residential wings are connected at the ground level by a central entry feature, 14 space parking deck and water facing residential units. At the upper levels, the wings are connected by elevated pedestrian bridges. The design successfully captures the spirit of the Post War Modern style of architecture through the incorporation of exterior catwalks, open air stairways, decorative brise soleil screening, projecting overhangs and cross-ventilated units taking full advantage of the sub-tropical climate. Additionally, staff is supportive of the contemporary design which incorporates variations in surface materials, changes in plane and facade features oriented toward both the street and waterway.

It is important to note that the proposed building has been designed in a manner to achieve a high level of resiliency in the face of future flooding and projected sea level rise. Staff commends the applicant for this effort which creates a unique challenge with regard to compatibility within the context of buildings with much lower yard and first floor elevations.

On October 9, 2018, the Board reviewed and continued the subject application in order to give the applicant additional time to further develop the design of the new building. Since the October meeting, the applicant has met with staff and has submitted revised plans in response to concerns expressed by staff and the Board. The currently proposed plans include the following modifications:

- The overall height of the building has been reduced by approximately 2'-0".
- The elevator core has been relocated within the volume of the north residential wing.
- The exterior stairwells along the front façade have been further developed.
- The projecting planter features along the front façade have been eliminated.
- The material pallet has been simplified.
- The ramping systems have been further developed in conjunction with a modified landscape plan.
- A single pedestrian entrance has been introduced at the center of the property.
- The area of green space has been increased.
- The curb cut and driveway along the north side of the property has been eliminated and a single curb cut and driveway along the south side of the property is proposed for garage entry and exit.

Collectively, these modifications result in a design that achieves a greater level of compatibility with the surrounding historic district. Staff's only concern with the proposed project is the lack of detailed information with regard to the design and attachment of the brise soleil screen and railing elements, which will be highly visible and prominent architectural features of the new building. Consequently, staff has included conditions in the draft order to ensure that these elements are further developed in a high quality manner prior to the issuance of a building permit. In summary, staff remains supportive of the proposal to construct a new resilient residential building on the site and believes that the currently proposed design successfully addresses the concerns of the Board and staff expressed at the October 9, 2018 meeting and recommends approval of the project as noted below.

VARIANCE ANALYSIS

Since the previous meeting, the applicant has modified the project to eliminate 4 of the variances previously requested. Staff is supportive of the remaining variance, as it is associated with the height of railings on a side stair limited in height by the existing low grade elevation of the property, as noted in the project portion of this report. Staff finds that this is the minimum variance required in order to construct a more resilient building within the existing public infrastructure where the elevation of the sidewalk is significantly lower than the average elevation of the future crown of the road. In this case, staff recommends approval of the variance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerate in the attached draft order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: December 11, 2018

FILE NO: HPB18-0195

PROPERTY: 7925-7935 Crespi Boulevard

APPLICANT: GFI Investments, Inc.

LEGAL: Lots 20 and 21, Block 10, of the Biscayne Beach Subdivision, According to the Plat Thereof, as Recorded in Plat Book 44, Page 67, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the total demolition of two existing buildings and the construction of a new multifamily building, including a variance to exceed the maximum height for a fence.

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 North Shore 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 Sea Level Rise and Resiliency Review Criteria (1) in Section 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'c' in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' 'c' & 'g' in Section 118-564(a)(3) of the Miami Beach Code.
 - 5. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'e' in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be 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. A plaque describing the history and evolution of the original buildings shall be placed on the site and shall be located in a manner visible from the right of way along Crespi Boulevard, prior to the issuance of a Certificate of Occupancy for the building, 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. Prior to the issuance of a demolition permit for the buildings, the applicant shall submit detailed measured drawings of the existing buildings, in a quality consistent with the Historic American Buildings Survey (HABS), 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 brise soleil screens shall be further developed in a manner that is which creates a more three-dimensional quality and shall attachment details 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.
 - d. The framing for the brise soleil shall be further developed in a manner that is better integrated into the structure of the building and final details including material samples and attachment details shall be provide for the screens and all associated framing, 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. Exterior lighting plan, including all lighting within the exterior stairs and catwalks shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. The exterior railings shall not be permitted to be attached to the face of the balcony or catwalk.
 - g. Final details of all exterior surface finishes and materials including the brise soleil screens and exterior railings, 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.
 - h. 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. 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 area of greenspace within the second level courtyard shall be doubled at a minimum and shall include additional small size shade canopy trees, to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- b. All exterior vehicular and pedestrian surface hardscape inclusive of steps shall consist of a permeable decorative paving system, to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- c. Civil and structural plans shall be coordinated and designed around the proposed location of trees and large shrubs in or to prevent underground conflicts with the installation of the landscape material, to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- d. The spacing of the shade canopy trees shall be increased in order to enhance width for the natural spread of canopy upon maturity, to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- e. 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 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. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to exceed by 1'-0" the maximum height of 7'-0" for a fence within the side yard in order to construct entry steps and railings with a height of 8'-0" as measured from grade (3.54' NGVD) on the north side.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, 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.

C. The Board hereby **approves** the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

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

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

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

- A. 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.

Meeting Date: December 11, 2018

- 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 "Nobe Island" as prepared by Contemporary Design Studio, Architecture and Planning, dated

November 5, 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, 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 _____ ()

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