MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation — Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: August 9, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB0616-0037, **1610 Euclid Avenue**.

The applicant, Euclid 1610 Inc., is requesting a Certificate of Appropriateness for the demolition of a 1-story rear accessory structure, the renovation and restoration of the 2-story 'Contributing' structure and the renovation of the 2-story 'Non-Contributing' structure, including a variance to reduce the required pedestal rear setback~~, and variances from the required room sizes for hotel rooms~~.

STAFF RECOMMENDATION
Approval of the Certificate of Appropriateness and variance with conditions.

EXISTING STRUCTURES
Local Historic District: Flamingo Park

1610 Euclid Avenue
Front 2-story structure
Status: Contributing
Original Architect: William Shanklin Jr,
Construction Date: 1926
1939 renovation Architect: L. Murray Dixon

Rear 1-story structure
Status: Non-Contributing
Original Architect: J. F. Budley
Construction Date: 1955

1608 Euclid Avenue
Status: Non-Contributing
Original Architect: T. Hunter Henderson
Construction Date: 1966

ZONING / SITE DATA
Legal Description: Lot 3 and north half of lot 2, Block 50A, Lincoln Subdivision, According to the Plat Thereof, as Recorded in Plat Book 9, Page 69, of the Public Records of Miami-Dade County, Florida.

Zoning:	RM-1 Residential Multi-Family, Low Intensity
Future Land Use Designation:	RM-1 Residential Multi-Family, Low Intensity
Lot Size:	11,250 S.F.
Existing FAR:	10,865 S.F. / 0.96
Proposed FAR:	14,020 S.F. / 1.24 (Max FAR: 1.25)
Existing Heights:	1 and 2-stories
Proposed Height:	34'-0" /2 and 3-stories
Existing Use:	multi-family 23 units
Proposed Use:	multi-family 22 units

THE PROJECT

The applicant has submitted plans entitled "Euclid 1610 Inc." as prepared by SKLARchitecture, dated March 29, 2016.

The applicant, Euclid 1610 Inc., is requesting a Certificate of Appropriateness for the demolition of a 1-story rear accessory structure, the renovation and restoration of the 2-story 'Contributing' structure and the renovation of the 2-story 'Non-Contributing' structure, including a variance to reduce the required pedestal rear setback~~, and variances from the required room sizes for hotel rooms~~.

The applicant is requesting the following variance:

1. A variance to reduce by 10'-0" the minimum required pedestal rear setback of 15'-0" for the construction of a 3-story ground level addition with a rear setback of 5'-0".

    - Variance requested from:

    Sec. 142-156. - Setback requirements.
    (a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:
    Pedestal, Rear: Non-oceanfront lots—10% of lot depth.

The applicant is proposing a new three-story detached addition to replace a one-story "non-contributing" structure along the rear. Two existing "Contributing" buildings on site will be renovated and restored. The new building addition will allow additional floor area along with the retention of the historic buildings fronting Euclid Avenue. The existing building to be demolished was constructed at 5 feet from the rear property line. However, a 15 foot rear setback is required for a new structure. The applicant is proposing the same rear setback as the existing building, and the increase of the side setbacks to 7'-6" from both side property lines.

The variance to allow a 5-foot rear setback in the Historic District has been previously granted for other projects with similar additions. The granting of this variance would not be detrimental to the adjacent properties or to the historic nature of the existing structures. Staff finds that this variance request satisfies the practical difficulty and hardship criteria, based on the existing site conditions and the retention of the historic buildings, which greatly limit the available area and footprint of any new construction. As such, staff recommends that the Board approves the variance as proposed.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **residential 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, is not consistent with the following City Code sections, with the exception of the variances requested herein.

1. A fee in lieu of providing parking shall be required for the 4 residential units within the new addition at $40,000 per space. The final parking requirement for the proposed new construction shall be determined by the Planning Director or his/her designee.

2. Section 142-155. The project does not comply with the minimum unit size and average unit size for residential units. Variances from this section will be reviewed in a future application.

3. Section 138-171. The proposed sign on the building shall be relocated to the ground floor.

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.
Not Satisfied
Wood fencing within the front yard is highly inconsistent with the historic Flamingo Park neighborhood.

c. Texture and material and color.
Not Satisfied
Material Samples have not been provided.

d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
The overall massing, siting and distribution of volume proposed for the new structure is consistent with the scale and design of the site, the existing structures and the built context of the immediate area.

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.
Not Satisfied
Wood fencing within the front yard is highly inconsistent with the historic Flamingo Park neighborhood.

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 variance analysis in 'The Project' description and the Compliance with the Zoning Code section of this report.

c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Not Satisfied
Wood fencing within the front yard is highly inconsistent with the historic Flamingo Park neighborhood.

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
A lighting plan has not been submitted.

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 Flamingo Park 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.
Satisfied
The 'Contributing' structure proposed to be retained is of such design, craftsmanship, or material that it 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.
Satisfied
The 'Contributing' structure proposed to be retained is one of the last remaining examples of its kind and 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.
Partially Satisfied
The existing primary structure located at the front of 1610 Euclid Avenue is classified as 'Contributing' in the Miami Beach Historic Properties Database.

The 2-story structure at 1608 Euclid Avenue and the 1-story rear accessory structure at 1610 Euclid Avenue are 'Non-Contributing' buildings.

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 'Contributing' structure is 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.
Not Applicable
No 'Contributing' structures are proposed to be demolished.

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.

ANALYSIS

The applicant is proposing to retain and restore two 2-story structures on the site and construct a new 3-story, 4-unit multi-family residential building at the rear of the site. In order to construct this new ground level addition, the applicant is proposing the total demolition of the 1-story 'Non-Contributing' building at the rear of the property. Staff has no objection to the demolition of the structure, which was not original to the site and contains little to no significant architectural features.

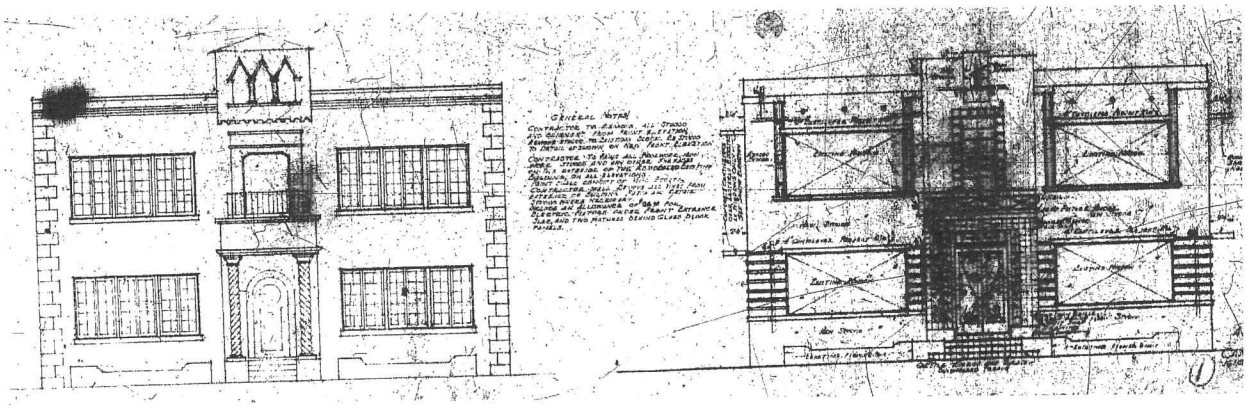
Existing 2-story 'Contributing' structure

This multi-family building, originally known as the 'Canterbury Apartments' was constructed in 1926 and designed by William Shanklin Jr. in the Mediterranean Revival style of architecture. In 1939, the structure was 'modernized' in the Art Deco style of architecture by L. Murray Dixon (see microfilm elevations on next page; original elevation on the left and 'modernized' elevation on the right.)

The applicant is proposing to renovate and restore the existing building including the removal of the inappropriate through-the-wall air conditioning units to be replaced with a new central air conditioning system. Additionally, staff would note that applicant is proposing to replace all of

the existing non-original windows with impact resistant casement windows that are consistent with the Art Deco period of architecture.

Additionally, the applicant is requesting approval for the demolition of the wood frame floor plates and roof structure. The applicant has provided shoring and bracing plans prepared by Youssef Hachem Consulting Engineering demonstrating how the exterior walls will be maintained during demolition and construction.



Finally, staff would note that the extent of demolition proposed exceeds 25% of the first floor slab and will require a waiver from Section 118-395 of the City Code (which is set forth below) to be approved by the Historic Preservation Board in order for the property to retain its non-conforming setbacks and parking credits.

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.

If the Board should determine that the level of demolition is appropriate, staff has found that Criteria i., ii., iv., v. & vi, above are satisfied.

Existing 2-story 'Non-Contributing' structure
The applicant is proposing to retain and renovate the existing 2-story structure including the redesign of the exterior facades. Modifications include the removal of a portion of the upper façade and faux brick veneer and the introduction of new contemporary architectural features. Staff believes that the currently proposed design is appropriate to and compatible with the 'Contributing' building that the existing designs. Additionally, the inappropriate through-the-wall air conditioning units will be removed and replaced with a new central air conditioning system.

New 3-story multi-family residential structure
The applicant is proposing to construct a new 3-story, 4-unit multi-family residential structure at the rear of the site. The new detached addition, which will be minimally visible from Euclid Avenue, has been designed in a manner consistent with the scale and mass of the adjacent buildings and will not overwhelm the existing 'Contributing' structure on the site.

While supportive of the design direction, placement and scale of the proposed new structure, staff does not recommend the design of the proposed fence within the front yard. It should be noted that wood fencing within the front yard is highly inconsistent with the Flamingo Park residential neighborhood. As such, staff recommends a simple metal picket or horizontal cable railing system. Staff is confident that this minor issue can be addressed administratively, as indicated in the recommendation for approval below.

VARIANCE ANALYSIS

The required rear setback for a structure is 15 feet based on the depth of the property. The applicant is proposing a rear setback of 5 feet for the new building. This request is triggered by the existing buildings that limit the available area for construction. The addition will be set back from the existing buildings and complies with the Certificate of Appropriateness Criteria. The applicant's request is the minimum variance required to make a reasonable use of the property, add floor area to the site and minimize the impact on the historic buildings. Further, the addition will help fund the restoration of the existing historic buildings and ensure their preservation. The granting of the variance would not have a negative impact on the abutting properties to the rear as they are 3 and 4-story buildings with a similar rear setback.

The City has previously recognized that there are often practical difficulties and undue hardship to a property owner associated with the development of a site and the preservation and restoration of "Contributing" structures, which many times are constructed with setbacks and

other site conditions that would be legally non-conforming under the current code. In this case, staff finds that the retention of the historic buildings satisfies the practical difficulties and hardship criteria for the granting of the variance. In summary, staff recommends the approval of the applicant's request.

Staff would also note that additional variances associated with the reduction of the minimum unit size and average unit size have been requested by the applicant. However, due to a staff error in the public notice language, these variances will be readvertised for a future meeting.

RECOMMENDATION

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

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: August 9, 2016

FILE NO: HPB0616-0037

PROPERTY: 1610 Euclid Avenue

APPLICANT: Euclid 1610 Inc.

LEGAL: Lot 3 and north half of lot 2, Block 50A, Lincoln Subdivision, According to the Plat Thereof, as Recorded in Plat Book 9, Page 69, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the demolition of a 1-story rear accessory structure, the renovation and restoration of the 2-story 'Contributing' structure and the renovation of the 2-story 'Non-Contributing' structure, including a variance to reduce the required pedestal rear setback~~, and variances from the required room sizes for hotel rooms~~.

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 Flamingo Park Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.

2. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'c' in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'a'. 'b', 'c' & 'g' in Section 118-564(a)(3) of the Miami Beach Code.

4. Is consistent with Certificate of Appropriateness Criteria for Demolition 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 if the following conditions are met:

1. Revised elevations, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

    a. The existing structures on site shall be fully renovated and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

        i. All through-the-wall air conditioning units shall be removed and replaced with a central air conditioning system, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

        ii. The existing windows shall be removed. New impact casement windows shall be provided on the 'Contributing' structure and shall incorporate a muntin configuration that is consistent with the architectural style of the building. New impact windows shall be provided on the existing 'Non-Contributing' structure, 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. Any fencing proposed within the front yard of the property shall be limited to metal picket or horizontal cable type, 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. 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.

    d. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, 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.

    e. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

    f. 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.

2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.

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 utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.

   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. Right-of-way areas shall also be incorporated as part of the irrigation system.

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 reduce by reduce by 10'-0" the minimum required pedestal rear setback of 15'-0" for the construction of a 3-story ground level addition with a rear setback of 5'-0".

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 grants 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.

2. A fully enclosed trash room shall be provided on site, in a manner to be reviewed and approved by staff.

3. All residential units shall comply with the minimum and average unit size, unless a variance is granted.

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

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

A. The applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools, prior to the issuance of a Building Permit. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.

B. 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.

C. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

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, within 30 days of the Board approval.

F. Applicant shall submit revised plans pursuant to Board conditions no later than 60 days after Board approval, as required.

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 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 conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Euclid 1610 Inc." as prepared by SKLARchitecture, dated March 29, 2016, and 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
PRESERVATION AND DESIGN MANAGER
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. He 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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