

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: September 13, 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 variances from the unit size requirements.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

Variance #1 previously approved on August 9, 2016.

Approval of variance #4.

Denial of variances #2 and #3.

BACKGROUND

On August 9, 2016 the application was reviewed and approved by the Board with the exception of the fence design and the north and west elevations of the new 3-story detached addition which was continued to a date certain of September 13, 2016.

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 August 15, 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 variances from the unit size requirements.

The applicant is requesting the following variance(s):

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 approved at the August 9, 2016 meeting**).

- 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.

2. A variance to reduce by 52 s.f. the minimum required unit size of 400 s.f. for rehabilitated buildings in order to provide two (2) residential units with a unit size of 348 s.f.
3. A variance to reduce by 21 s.f. the minimum required average unit size of 550 s.f. for rehabilitated buildings in order to provide six (6) residential units with an average unit size of 529 s.f.

- Variances requested from:

Sec. 142-155. - Development regulations and area requirements.

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Unit Size (Square Feet): Rehabilitated buildings — 400.

Average unit Size (Square Feet): Rehabilitated buildings — 550.

These variances apply to the building with the former address of 1608 Euclid Avenue, located at the south side of the property. Building permit records (# 76785) show that the building contained four (4) apartment units, as noted in the historic report, microfilm and building card submitted by the applicant. The units located in the center of the building do not comply with the minimum 400 s.f. for rehabilitated buildings and as a consequence, the average of the total six (6) units proposed are also below the minimum average 550 s.f. As these units appear to be reconfigured illegally and there are no records of a building permit for modifications of the original units, staff recommends that these variances be denied. Unless the applicant can provide evidence of approved permits for these units, staff recommends that the building be reconfigured to comply with the unit size requirements.

4. A variance to reduce by 34 s.f. the minimum required average unit size of 550 s.f. for rehabilitated buildings in order to provide twelve (12) residential units with an average unit size of 516 s.f.

- Variance requested from:

Sec. 142-155. - Development regulations and area requirements.

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Average unit Size (Square Feet): Rehabilitated buildings — 550.

This variance is related to the reconfiguration of the residential units in the building located at the north side of the property with an address of 1610 Euclid Avenue. The building was constructed with eight (8) apartment units and subsequently another eight (8) units were added. The project proposes a reduction in the number of units from 16 to 12 units, which allows the enlargement of the existing units. This proposal would have less impact than the original 16 units. Although, the proposed units exceed the minimum 400 s.f. required, they do not comply with the average 550 s.f. required when the building is substantially renovated. In this case, staff finds that the existing constraints created by the building envelope of the historic structure contribute to the practical difficulties for the variance request. As such, staff is supportive of this variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded only partially (as noted) satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application partially satisfy compliance with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings

in the same zoning district;

Satisfied for variance requests #1 and #4;
Not Satisfied for variance requests #2 and #3;

- That the special conditions and circumstances do not result from the action of the applicant;

Satisfied for variance requests #1 and #4;
Not Satisfied for variance requests #2 and #3;

- 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;

Satisfied for variance requests #1 and #4;
Not Satisfied for variance requests #2 and #3;

- 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;

Satisfied for variance requests #1 and #4;
Not Satisfied for variance requests #2 and #3;

- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Satisfied for variance requests #1 and #4;
Not Satisfied for variance requests #2 and #3;

- 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

Satisfied for variance requests #1 and #4;
Not Satisfied for variance requests #2 and #3;

- 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.

Satisfied.

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 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.
Satisfied
 - 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.
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 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.
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.

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

On August 9, 2016, the Historic Preservation Board reviewed and approved the subject application with the exception of the fence design and the north and west elevations of the new 3-story detached addition, which were continued September 13, 2016. Since the August

meeting, the architect has worked with staff in order to address the concerns stated by the Board. Specifically, the architect has refined the design of the front yard fence to be at consistent height and the entrance has been further defined. Additionally, the architect has further developed the secondary elevations of the 3-story detached addition through the introduction projecting eyebrows, in a similar architectural vocabulary to the projecting balconies of the primary façade, and additional vertical and horizontal scoring.

In summary, staff believes the applicant has addressed the concerns raised at the August 9, 2016 meeting and recommends approval as indicated in the attached Draft Order.

VARIANCE ANALYSIS

The majority of the project was previously approved, including a variance to reduce the required rear setback to construct a new residential addition at the rear of the property, as noted in the background section of this report. Variances requested from the minimum required unit size for residential units within the existing buildings were continued due to a notice deficiency. These variances are part of the analysis in this report.

Variance #2 pertains to the smaller building on the south side. The original number of residential units has been increased in the past to create two (2) residential units that do not meet the minimum standard unit size, as per documents provided by the applicant and noted in the project portion of this report. Staff could not find evidence of a building permit for this modification and unless the applicant can provide documentation to that effect, staff recommends that variance #2 be denied. In addition, the granting of this variance would also trigger variance #3 creating more non-conformity on the property. Staff does not support the variances #2 and #3 as they are not associated with the retention of original residential units. Staff recommends that the units be modified to comply with the unit size requirements in this building.

Staff is supportive of variance #4 as the original number of units, non-conforming in size, will be reduced to comply with the minimum unit size and is only non-conforming in reference to the average area within the building. Staff finds that only variance #3 satisfies the practical difficulties criteria.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** as to the Certificate of Appropriateness and variance request #1 (**previously approved**) and #4, and **denied** as to variance requests #2 and #3, 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: September 13, 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 unit size requirements.

CONSOLIDATED ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the 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 'c' in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'b' & '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. The design for the north and west elevations and fence shall further developed, in a manner to be reviewed and approved by the Board.~~
 - ~~b.e.~~ 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.
 - ~~c.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.
 - ~~d.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.
 - ~~e.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. Any hedge or similar landscape material located within the required front yard shall be of a species that naturally does not exceed 36" in height at maturity and that does not require periodic pruning in order to maintain such height, 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 utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - c. 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), which were either approved by the Board with modifications, or denied (Underlying denotes new language and ~~strikethrough~~ denotes stricken language):
 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".
 2. A variance to ~~reduce by 52 s.f. the minimum required unit size of 400 s.f. for rehabilitated buildings in order to provide two (2) residential units with a unit size of 348 s.f.~~ (Variance denied).
 3. A variance to ~~reduce by 21 s.f. the minimum required average unit size of 550 s.f. for rehabilitated buildings in order to provide six (6) residential units with an average unit size of 529 s.f.~~ (Variance denied).
 4. A variance to reduce by 34 s.f. the minimum required average unit size of 550 s.f. for rehabilitated buildings in order to provide twelve (12) residential units with an average unit size of 516 s.f.

- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to Variance(s) II.A.1 and II.A.4 as noted above, 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, as it relates to Variance(s) II.A.1 and II.A.4 as noted above:

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 **Denies** the Variance requests as noted in II.A.2 and II.A.3 and grants the requested variance(s), as noted in II.A.1 and II.A.4, and imposes the following conditions 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 within the building located at the south side shall comply with the minimum and average unit size.

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

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

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness and Variance approval as same are contained herein, in the original Order dated August 9, 2016. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the August 9, 2016 Order, the provisions hereof shall control.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, within 30 days of the Board approval.
- G. Applicant shall submit revised plans pursuant to Board conditions no later than 60 days after Board approval, as required.

- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED, including the Application for Variances II.A.1 and II.A.4 as noted above, and that the Application for variances II.A.2 and II.A.3 as noted above, is DENIED 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 August 15, 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 _____ (_____)

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