

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: March 10, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: HPB19-0366, **6747-6757 Collins Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the construction of a new hotel building on a vacant lot and a variance to eliminate the residential or commercial use required when providing parking along a façade facing the street.

### **STAFF RECOMMENDATION**

Continuance of the application to a date certain of May 12, 2020.  
Denial of variance request

### **BACKGROUND**

In 2005, the Historic Preservation Board approved a new 19-story, 64 unit residential building on the subject vacant lot. The previously approved project included 3 full levels of parking above grade, with an additional partial parking level below grade. A Building Permit, however, was not obtained within the required 18 months of the approval, resulting in the expiration of the Historic Preservation Board Order.

On September 10, 2013, the Board reviewed and approved a Certificate of Appropriateness for the construction of a new 16-story, 13-unit multi-family residential structure (HPB 7378). The Building Permit was cancelled on September 30, 2015.

On April 12, 2016, the Board reviewed and approved a Certificate of Appropriateness for the construction of a new 18-story, 42-unit multi-family residential building (HPB 7619). No Building Permit has been applied for or issued.

Subsequently, the property was sold to a new owner who has submitted plans for a new 11-story, 209-unit hotel structure.

### **EXISTING SITE**

Local Historic District: North Beach Resort

### **ZONING / SITE DATA**

Legal Description: North 37.5 feet of Lot 45 and South 25 feet of Lot 46, Block 1 and South 62.5 feet of Lot 45, Block 1, Amended Plat of the Second Ocean Front Subdivision as recorded in Plat

Book 28 at page 28 of the public records of Miami-Dade County, Florida.

Zoning: RM-3 (Residential Multifamily, Medium Intensity)  
Future Land Use: RM-3 (Residential Multifamily, Medium Intensity)  
Lot Size: 41,625 S.F. (Max FAR = 2.25)  
Proposed FAR: 92,760 S.F. / 2.22  
Proposed Height: 11-stories / 107'-4"  
Existing Use/Condition: Vacant Lot  
Proposed Use: Hotel

### **THE PROJECT**

The applicant has submitted plans entitled "Urbanica the Beach", prepared by Studio McG Architecture, dated January 6, 2020.

The applicant is requesting the following variance:

1. A variance to eliminate the residential or commercial use requirement for the first floor of a building containing parking spaces along a facade facing a street.

- Variance requested from:

#### **Sec. 142-248. – Additional regulations for new construction**

*In the RM-3, residential district, all floors of a building containing parking spaces shall incorporate the following:*

*(1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway.*

This variance pertains to the elimination of active residential or commercial use required at the first level along the front of the property facing Collins Avenue. The City code requires that all floors of a building containing parking spaces must be screened with active residential or commercial uses when facing a street. At the ground level the applicant is proposing a sloping landscaped berm, occupying approximately 70'-0" of street frontage with an approximate height of 9'-0" from the sidewalk elevation to the finish surface of the front entrance of the building. The depth of the area is approximately 40'-0". In addition, a very long, zig-zagging ramp (approximately 245 feet in length) is proposed which will provide pedestrian access to the building. The sloped front yard is designed to cover the parking; however because this proposal is not consistent with residential or commercial use requirements, a variance has been requested.

Planning staff has serious concerns with the proposal to eliminate required active spaces along the front of the site, particularly when a vacant property has a size of more than 41,600 square feet and located in an area with more intense pedestrian activity (Collins Avenue). This is a self-imposed variance, as it is a design driven configuration that is the result of the amount and location of the parking for the proposed number of hotel units. Staff has met with the applicant's architect and provided different options for addressing this minimum code requirement, which do not require additional FAR.

The elimination of this requirement would have a negative impact on the urban character of this part of the City. Staff has very serious concerns with the precedent that the granting of this type

of variance would establish for future developments, specifically for buildings fronting on Collins Avenue and the surrounding area. The granting of this variance would confer on the applicant a special privilege not granted for other properties in the same zoning district. Staff recommends that this variance be **denied** due to a lack of hardship.

#### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that **DO NOT** 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 **DO NOT** 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.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

#### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. **Section 142-1132(a)(1) and 142-1132(j)**. The rear yard located west of the Oceanfront Overlay up to the required pedestal setback, (16'-8") does not comply with maximum 30% deck/cabana area. Provide a diagram and calculations.

2. **Section 130-32 and 130-40.** Vehicle and bicycle parking count is not consistent in zoning information and floor plans. Parking and reduction alternative shall be verified at the time of the building permit.
3. **Section 142-246.** Maximum FAR is 2.25. The project appears to exceed the maximum FAR allowed. FAR proposed shall be verified at the time of the building permit. Based on the dimensions indicated on plans, the FAR on each floor appears to be larger than the area indicated on FAR table on page A5.02. Calculated FAR is 10,660 per typical 4-10 floors. Applicant indicates 9,688 sf per typical floor.

This 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 **hotel use** is **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 Applicable**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Not Applicable**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Satisfied**
- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.  
**Satisfied**  
**The first finished floor is located at 16.00' NGVD**
- (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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.  
**Satisfied**

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.  
**Satisfied**
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.  
**Not Applicable**
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.  
**Not Applicable**
- (10) In all new projects, water retention systems shall be provided.  
**Satisfied**
- (11) Cool pavement materials or porous pavement materials shall be utilized.  
**Satisfied**
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.  
**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.  
**Not Applicable**
- 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**  
**The first level of the project facing Collins Avenue incompatible with the character and context of the built environment.**
  - c. Texture and material and color.  
**Satisfied**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Not Satisfied**  
**The first level of the project facing Collins Avenue incompatible with the character and context of the built environment.**
  - e. The purpose for which the district was created.  
**Not Satisfied**  
**The first level of the project facing Collins Avenue incompatible with the character and context of the built environment.**
  - 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.  
**Not Applicable**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Applicable**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
  - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**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.

**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.

**Not Satisfied**

**The first level of the project facing Collins Avenue incompatible with the character and context of the built environment and the surrounding historic district.**

- 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.

**Not Satisfied**

**The first level of the project facing Collins Avenue incompatible with the character and context of the built environment and the surrounding historic district.**

- 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).

**Not Satisfied**

**The first level of the project facing Collins Avenue incompatible with the character and context of the built environment and the surrounding historic district.**

- 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).

**Not Applicable**

- 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.

**Not Satisfied**

**The first level of the project facing Collins Avenue incompatible with the character and context of the built environment and the surrounding historic district.**

- 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**

**STAFF ANALYSIS**

Staff would preface this analysis by noting that the two subject lots located within the North Beach Resort Historic District have remained vacant for well over a decade, notwithstanding the three separately approved development projects noted in the Background section of this report, which never obtained building permits. The applicant is currently proposing to construct a new 11-story, 209-unit hotel building with a 104-seat restaurant, a 91-space grade level parking garage and amenity decks at the first and roof levels.

Staff is supportive of the contemporary design language of the proposed structure, as it has been well developed and when evaluated within the entirety of its surrounding context, it

achieves a high level of compatibility with its immediate neighbors in terms of its overall design aesthetic. The strong horizontal emphasis of the balcony structures successfully relates to and complements the exuberant Post-War Modern architecture of the Contributing Deauville Hotel. Further, the scale, massing, height and building orientation are all consistent with the built context of the east side of Collins Avenue within the North Beach Resort Local Historic District.

Staff has only one concern with regard to the proposed project. The City Code requires that all floors of a building containing parking spaces along a street or waterway be screened with active residential or commercial uses. As the applicant is proposing an at grade parking level with no active residential or commercial use along Collins Avenue, a variance is being sought. The lack of active uses along the ground level of Collins Avenue would have a long-lasting adverse impact on the urban character of this part of the historic district. Staff strongly recommends that this portion of the building be further developed in accordance with the active use requirements, commensurate with its location along a primary street frontage.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **continued to a date certain of May 12, 2020** in order to address the concerns noted herein, including the substantial lack of zoning compliance. In the event the Board should approve the application, including the variance requested, staff recommends that the conditions in the attached draft order be included, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and/or Practical Difficulty and Hardship criteria, as applicable.

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

MEETING DATE: March 11, 2020

FILE NO: HPB19-0366

PROPERTY: 6747-6757 Collins Avenue

APPLICANT: BTL Investments, LLC

LEGAL: North 37.5 feet of Lot 45 and South 25 feet of Lot 46, Block 1 and South 62.5 feet of Lot 45, Block 1, Amended Plat of the Second Ocean Front Subdivision as recorded in Plat Book 28 at page 28 of the public records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the construction of a new hotel building on a vacant lot and a variance to eliminate the residential or commercial use required when providing parking along a façade facing the street.

**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 Beach Resort 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 Sea Level Rise and Resiliency Review Criteria 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 'b', 'd' & 'e' in Section 118-564(a)(2) of the Miami Beach Code.
  - 4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'd', 'e', 'g', 'j' & 'n' in Section 118-564(a)(3) 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. 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.
  - b. 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 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.
  - b. Cool pavement materials or porous pavement materials shall be utilized, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

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

## **II. Variance(s)**

- A. 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:

The following variance was denied by the Board:

1. A variance to eliminate the residential or commercial use requirement for the first floor of a building containing parking spaces along a facade facing a street.
- B. The applicant has submitted plans and documents with the application that **DO NOT** 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 **DO NOT** 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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

C. The Board hereby **denies** the requested variance, as noted 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. The width of each of the driveways shall be reduced to a maximum of 12'-0".

**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 agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.:

Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.

- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- 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. 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.
- 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, prior to the issuance of a Building Permit.
- 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.
- K. 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 "**Urbanica the Beach**", prepared by **Studio McG Architecture**, dated **January 6, 2020**, 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 )

Page 6 of 6  
HPB19-0366  
Meeting Date: March 10, 2020

COUNTY OF MIAMI-DADE )SS  
)

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 \_\_\_\_\_ ( )