

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 13, 2020

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB20-0421 a.k.a. HPB18-0264, **800 Lincoln Road.**

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for improvements at the roof levels and the introduction of a rooftop outdoor bar counter, landscape features and mechanical equipment including variances to exceed the allowable hours of operation for an accessory outdoor bar counter, to exceed the maximum sign area and for the installation of a sign along a frontage that does not provide direct access from the street. Specifically, the applicant is requesting approval for the installation of additional canopy structures at the rooftop outdoor dining area including the deletion of condition I.C.1.d. of the Final Order.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

BACKGROUND

On October 13, 2015 the Board reviewed and approved a Certificate of Appropriateness (HPB File No. 7550) for the partial demolition, restoration and renovation of the existing Contributing structure on the site and the construction of a new 1-story rooftop addition and new 3-story ground level addition, including variances to reduce the required rear pedestal setback and to not provide the minimum required parking for off-street loading spaces.

On December 13, 2016, the Board reviewed and approved modifications to the previously approved Certificate of Appropriateness (HPB16-0066) including additional interior demolition and design modifications to the ceiling.

On March 11, 2019, the Board reviewed and approved a Certificate of Appropriateness (HPB18-0264) for improvements at the roof level and the introduction of a rooftop outdoor bar counter, landscape features and mechanical equipment including variances to exceed the allowable hours of operation for an accessory outdoor bar counter, to exceed the maximum sign area and for the installation of a sign along a frontage that does not provide direct access from the street.

EXISTING STRUCTURE

Local Historic District:
Classification:
Construction Date:

Flamingo Park
Contributing
1935

Architect: Robert L. Weed

ZONING / SITE DATA

Legal Description: Lots 7 and 8, Block 49 of Lincoln Subdivision, according to the plat thereof recorded in Plat Book 9, Page 69 of the public records of Miami Dade County, Florida.

Zoning: CD-3, Commercial high intensity
Future Land Use Designation: CD-3, Commercial high intensity
Existing Use/Condition: Commercial
Proposed Use: Commercial

THE PROJECT

The applicant has submitted plans entitled "MILA 800 Lincoln Rd.", prepared by STA Architectural Group, dated August 6, 2020.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the existing **commercial** use is **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 appears to be consistent with the City Code.

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.

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.
Not Applicable
- (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.
Not Applicable
- (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.

Not Applicable

- (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.

Not Applicable

- (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.

Not Applicable

- (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.

Not Applicable

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Not Applicable

- (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 Satisfied

The extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the historic character of the Contributing building.

- 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.
Not Satisfied
The extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the historic character of the Contributing building and detract from the design integrity of the rooftop addition.
 - b. General design, scale, massing and arrangement.
Not Satisfied
The extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the historic character of the Contributing building and detract from the design integrity of the rooftop addition.
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Satisfied
The extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the historic character of the Contributing building and detract from the design integrity of the rooftop addition.
- 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 Applicable
- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Not Satisfied
The extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the historic character of the Contributing building 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 extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the historic character of the Contributing building 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.

Not Applicable

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Satisfied
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Applicable
- 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.
Not Applicable
- 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 extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the historic character of the Contributing building 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.
Not Applicable
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- 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 Satisfied
The extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the historic character of the Contributing building and the surrounding historic district.
- 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 Applicable

- 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.

Not Applicable

ANALYSIS

As noted in the 'Background' section of this report, on October 13, 2015, the Board reviewed and approved a Certificate of Appropriateness for the partial demolition, restoration and renovation of the existing Contributing structure on the site, the construction of a new 1-story rooftop addition and the construction of a new 3-story ground level addition.

In late 2018, construction of the approved project neared completion, and a restaurant tenant was identified to occupy the third level inclusive of the roof terrace. Subsequently, on March 11, 2019, the Board reviewed and approved a Certificate of Appropriateness for improvements at the restaurant outdoor terrace including the introduction of an outdoor bar counter, a landscape plan for the outdoor terrace, two cabana type canopies and additional rooftop mechanical equipment.

As part of the 2019 approval, the Board imposed the following condition:

There shall be no overhead covering such as a canopy or awning above the rooftop outdoor bar counter.

The applicant is currently requesting that this condition be eliminated from the order in order to introduce a canopy structure above the approved bar counter. Further, the applicant is requesting approval for the introduction of several additional canopy structures at the roof level dining terrace.

According to the plans provided, the existing outdoor dining terrace contains 112 seats; 78 of which are covered by the concrete roof overhang and the two previously approved canopy structures; the remaining 34 seats are uncovered. The four proposed additional canopy structures will cover the remainder of the accessible areas of the roof deck including, 6 dining tables (25 seats), the outdoor bar counter (9 seats) and all uncovered walkways.

The extent and magnitude of the currently proposed canopy structures at the rooftop will have an adverse impact on the character of the Contributing building and detract from the design integrity of the rooftop addition. At a minimum, staff would recommend that the proposed corridor pavilion be eliminated and the proposed east and west pavilions be reduced in size to cover only the existing circular dining areas and shall not exceed 8'-6" in height as measured from the deck. Additionally, staff recommends that structure of the canopies be reduced to the greatest extent possible, this will likely require the elimination of the operable louvered canopies.

Staff is confident that the above noted recommendations can be addressed administratively, as indicated in the recommendation for approval below.

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 Hardship and Practical Difficulties criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 13, 2020

PROPERTY/FOLIO: 800 Lincoln Road / 02-3234-002-0320

FILE NO: HPB20-0421 a.k.a. HPB18-0264

IN RE: An application by Mila Florida, LLC for modifications to a previously issued Certificate of Appropriateness for improvements at the roof levels and the introduction of a rooftop outdoor bar counter, landscape features and mechanical equipment including variances to exceed the allowable hours of operation for an accessory outdoor bar counter, to exceed the maximum sign area and for the installation of a sign along a frontage that does not provide direct access from the street. Specifically, the applicant is requesting approval for the installation of additional canopy structures at the rooftop outdoor dining area including the deletion of condition I.C.1.d. of the Final Order.

LEGAL: Lots 7 and 8, Block 49 of Lincoln Subdivision, according to the plat thereof recorded in Plat Book 9, Page 69 of the public records of Miami Dade County, Florida.

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 in 'a' Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b' & 'h' in Section 118-564(a)(3) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'd', 'e', 'j' & 'm' in Section 118-564(f)(4) of the Miami Beach Code.

C. The project would remain consistent with the criteria and requirements of section 118-564 if the following conditions are met:

1. Revised elevation, site plan and floor and roof plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The matte dark graphite color shall not be permitted to be painted on the storefront frames. The frames for any new storefront system shall be a clear anodized aluminum or a light grey or silver powder coated finish, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The glass shall not be colored and any tinting shall be the minimum required by Energy Codes.
 - b. The proposed rooftop mechanical equipment for the kitchen shall be consolidated in order to minimize the footprint of the mechanical area and shall be shifted to the west to the greatest extent possible through the incorporation of chases within the kitchen ceiling or low profile roof chases that would not require screening, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The wood-look material proposed for the rooftop mechanical screen shall not be permitted. Any rooftop mechanical screen shall consist of a natural aluminum, light grey or white finish, 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 proposed corridor canopy (pavilion) shall not be permitted. There shall be no overhead covering such as a canopy or awning above the rooftop outdoor bar counter.
 - 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.
 - f. Final design and details of the proposed rooftop canopies (pavilions), including 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.
 - g. The east and west canopies (pavilions) shall be reduced in size to cover only the existing circular dining areas and shall have a maximum height of 8'-6" to the top of structure, as measured from the existing deck.
 - h. The structure of the east, west and bar canopies (pavilions) shall be reduced to the greatest extent possible including the elimination of the operable louvered canopies.

- i. All exterior lighting elements, electrical components, sprinkler lines, and sprinkler heads shall be integrated within the canopy (pavilion) structures and shall not be surface mounted where they may have an adverse aesthetic impact upon the design integrity of the building, in a manner to be 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. Understory planting shall be provided along the perimeter of the rooftop planter and shall include native plant species that do not exceed 36" in height at maturity and taller plant material inclusive of small shade trees provided as an accent provided that such shade tree is setback a minimum of 4'-0" from the edge of the roof deck, 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 Coconut Palms shall not be permitted and may be replaced with additional small shade canopy trees, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. A permanent tree bracing/support system shall be provided for any substantially large plant material proposed for the roof deck, 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 A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.

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

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s) which were approved by the Board:

The following variances were **approved** by the Board:

1. A variance from the requirement of having direct access to the street for a restaurant located at the third floor of the building to install a projecting sign and a menu board facing Meridian Avenue.

2. A variance to exceed by 19 sf the maximum of zero (0 square feet) square feet of sign allow in association with a commercial space located at the third floor of the building in order to allow the installation of a projecting sign with 15 sf and a menu board sign with 4 sf facing Meridian Avenue.
 3. A variance to exceed the allowable hours of operation of an accessory outdoor bar counter until 2:00 am.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as it relates to variances #1 and #2 and #3, 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 it relates to variances #1 and #2 and #3, 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 **Approves** the requested variance(s) #1 and #2 and #3, 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 total aggregate sign area including any future signs shall not exceed the maximum area allowed based on the length of the building facing Meridian Avenue.

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 comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

- I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- J. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- K. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval set forth, in the original Order dated March 11, 2019 and as modified herein. Accordingly, this Order shall serve as the Final Order for the proposed project a conflict between the provisions herein and those in the March 11, 2019 Order, the provisions herein shall control.
- L. 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.
- M. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. 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. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.

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 **“MILA” as prepared by STA Architectural Group, dated January 7, 2019 and “MILA 800 Lincoln Rd.”, prepared by STA Architectural Group, dated August 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)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida

My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Historic Preservation Board on _____ ()

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

DRAFT