

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 11, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB16-0057, **2301-2399 Collins Avenue & 102 24th Street.**

The applicant, SB Hotel Owner, L.P., is requesting a Certificate of Appropriateness for the improvements to the rear yard, including the installation of an outdoor bar counter and variances from the required setback from the City's bulkhead line and from the maximum elevation for structures in the Oceanfront Overlay District, from the required distance separation for structures and from the required construction materials within the Dune Preservation Overlay District.

STAFF RECOMMENDATION

Continuance of the Certificate of Appropriateness.
Continuance of the variances.

EXISTING STRUCTURE:

Local Historic District: Collins Waterfront
Status: Non-Contributing
Original Architect: Melvin Grossman
Construction Date: 1968

ZONING / SITE DATA

Legal Description: Parts of Area above Lot lying North of Atlantic Avenue and East of Collins Avenue known as Hotel Site and Northern 1/2 of Strip known as 23rd Street lying South and Adjacent, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida. A lengthy legal description is on file with the Planning Department.

Zoning: RM-3 (Multifamily, High Intensity)
Future Zoning: RM-3 (Multifamily, High Intensity)
Existing Use/Condition: Hotel/ Mixed Use/Multifamily Residential

THE PROJECT

The applicant has submitted plans entitled "1HOTEL BEACH CLUB" as prepared by Kobi Karp Architect, dated August 22, 2016.

The applicant is requesting a Certificate of Appropriateness for the improvements to the rear yard, including the installation of an outdoor bar counter and variances from the

required setback from the City's bulkhead line and from the maximum elevation for structures in the Oceanfront Overlay District, from the required distance separation for structures and from the required construction materials within the Dune Preservation Overlay District.

The applicant is requesting the following variances:

1. A variance to reduce to zero (0'-0") all required 10'-0" setback from the Bulkhead Line in order to construct a new bar structure and multiple deck areas with zero setback from the Bulkhead Line.

- Variance requested from:

Sec. 142-802. - Additional regulations for oceanfront lots.

These regulations apply to buildings and structures located west of the bulkhead line. Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:

(3) There shall be a minimum required 15-foot setback from a side lot line and a minimum required ten-foot setback from the bulkhead line.

2. A variance to exceed by 0.6' the maximum elevation of 13.9' NGVD for structures located within the Oceanfront Overlay District in order to construct a stair up to 14.5' NGVD.

- Variance requested from:

Sec. 142-802. - Additional regulations for oceanfront lots.

These regulations apply to buildings and structures located west of the bulkhead line. Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:

5) The finished floor elevation of decks, patios, platforms, shall have a maximum height of 2½ feet above the top of the dune.

The applicant is proposing several deck areas, a new stair and an outdoor bar counter within the Oceanfront Overlay District. The existing building has a non-conforming rear setback of 66' where 110' is required, and encroaches into the Oceanfront Overlay district. The proposed decks and bar structure reduce further the landscape in this area. Because, the open space calculations and diagram submitted do not include the portion of the existing building structure, these diagrams need to be revised and submitted for further evaluation. Although most of the proposed structures have been placed only partially within the Overlay district, it appears that with the addition of the new impervious outdoor areas, the property may not comply with the minimum 50% open space required. Portable beach furniture, as indicated in the Code can be added without counting in the lot coverage.

Provided the project complies with the minimum required open space within both the Dune Preservation Overlay District, and the Oceanfront Overlay district, staff does not object to

Variance No. 1, as the variance is limited to the northern half of the site, and mitigated by the southern portion which contains relatively few structures.

In order to help mitigate the negative impact of the existing blank wall of the ~600 foot long multi-level parking garage facing the ocean, staff believes the minor additional height requested is warranted (Variance No. 2). Creating an appropriate design solution to screen the existing garage is a practical difficulty due to the existing site conditions which are a result of the building's original construction. Because the building exceeds the maximum square footage allowed for the site, other solutions, such as repurposing part of the garage along the ocean for active uses, would not be allowed.

3. A variance to reduce by 8'-2" the minimum distance separation of 10'-0" between structures located within the Dune Preservation Overlay District in order to construct multiple deck areas with a minimum separation of 1'-10".

- Variance requested from:

Sec. 142-775. - Development regulations

(b) Size and spacing of chickees, shade structures and outdoor cafes. As the dune overlay regulations are intended to provide a natural beach environment, it is required that individual structures/decks be less than 400 square feet in floor area and that structures be separated by a distance of ten to 25 feet and that this area be landscaped.

4. A variance to construct a 6-foot wide walkway with concrete pavers where only wood materials are allowed for structures located within the Dune Preservation Overlay District.

- Variance requested from:

Sec. 142-774. - Uses and structures permitted.

(2) Decks and patios constructed of wood materials with or without built-in tables, chairs, lighting, and benches.

Multiple deck areas are proposed within the Dune Overlay District with less than 10 feet of separation. The area is currently open and unencumbered with permanent structures. Although the proposed deck areas can be easily accommodated to comply with the required separation, the applicant is proposing to consolidate the structures in the north central portion of the rear yard. The Code also requires that the new walkway also shall be of wood material to be more compatible with the intent of the Dune Preservation Overlay District.

As per section 142-772 of the City Code, the purpose of the Dune Preservation Overlay district is to "promote recreational, open space and related uses. Detailed review of all uses and structures is required because this area functions as a transitional zone between the intensely developed uplands and the dune and beach. It accommodates uses and structures which are compatible and supportive of the beachfront park system and the natural beach environment".

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

Additionally, staff has concluded that the plans and documents submitted with the application

DO NOT comply 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;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

COMPLIANCE WITH ZONING CODE

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

1. Section 142-802 (7). Minimum open space required of 50% in the Oceanfront Overlay District. The diagram and calculations submitted shall be revised to include the existing parking structure.
2. Section 142-802 (8). A view corridor shall be created by maintaining a minimum of 50% of the required rear yard setback open. A diagram showing compliance with this requirement shall be submitted.
3. As the building already exceeds the maximum F.A.R. for the site, any addition or alteration of the building which results in a floor area increase may not be permitted.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **hotel use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

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.
Not Satisfied
The proposed improvements do not comply with the regulations for the Dune Preservation Overlay.
- 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.
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.
Not Applicable
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable
An historic resources report was not required.

- 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
The applicant has applied for variances.
- 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 Applicable

- 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.

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).

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.

Not Applicable

ANALYSIS

The applicant is proposing several improvements within the rear yard behind the hotel tower including the introduction of new landscape and hardscape material and the construction of a new outdoor bar structure. Although staff does not find the design of the proposed improvements to be an inappropriate addition to this casual beachfront area, staff is concerned with regard to the variances requested from the setback and material regulations within the highly sensitive ecological environment of the Dune Preservation Overlay.

If the Board finds that the applicant has not satisfied the hardship criteria and does not grant the requested variances, staff would recommend that the outdoor bar structure and deck areas be redesigned in a manner that satisfies the requirements set forth in Chapter 142, Article III, Division 2 (Dune Preservation Overlay) of the City Code.

VARIANCE ANALYSIS

Multiple projects have been approved by the Historic Preservation Board, Planning Board and Board of Adjustment for renovations to the site, including replacement of windows and doors, a new porte-cochere, modifications to the front façade, mechanical parking system, increase of the occupancy load at different levels with a new redesigned pool area, and other outdoor uses and new signs throughout the property. Variances were approved on February 7, 2014, under File 3692, to reduce the required rear and both side yards for the construction of 4 stairs on required yards. A variance was also approved on July 14, 2015 by the Board to allow the enclosure of the loading area on the north side of the property.

These past approvals have enabled a dramatic positive transformation of almost the entire property, with the quite notable exception of the oceanfront area eastward of the existing parking garage and pool deck. It is unfortunate that when the building was completed in 1968, an expansive multi-level parking garage was constructed along the oceanfront. This blank wall has been an eyesore since it was constructed, and the applicant is now proposing an extensive improvement to this beachfront area, which will further enhance the property. Because the building is over the maximum square footage that can be constructed on the property, additions which constitute floor area cannot be approved. The variances requested, in part, are needed in order to help mitigate the negative impact of the ~600 foot long garage elevation facing the oceanfront.

The applicant is proposing new outdoor areas within the Oceanfront Overlay District and the Dune preservation Overlay District including the construction of permanent structures that require multiple variances. As previously noted, staff believes that the existing conditions of the site present practical difficulties mitigating the negative impact of the existing parking garage structure along the oceanfront. However, because the open space diagram and calculations provided for the Oceanfront Overlay District are incorrect and do not include the existing building structure located in this area, staff recommends that the application be continued to a future date. Staff believes that there are practical difficulties associated with the variances. However, at this time, staff does not believe that the applicant has presented sufficient argument for the granting of the variances, primarily due to the incorrect diagrams and area calculations.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the Certificate of Appropriateness and all variance be continued to a future date. However, should the Board find that the variance(s) requested 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, staff recommends that any approval be 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: October 11, 2016

FILE NO: HPB16-0057

PROPERTY: 2301-2399 Collins Ave & 102 24th Street

APPLICANT: SB Hotel Owner, L.P

LEGAL: Parts of Area above Lot lying North of Atlantic Avenue and East of Collins Avenue known as Hotel Site and Northern 1/2 of Strip known as 23rd Street lying South and Adjacent, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida. A lengthy legal description is on file with the Planning Department.

IN RE: The application for a Certificate of Appropriateness for the improvements to the rear yard, including the installation of an outdoor bar counter and variances from the required setback from the City's bulkhead line and from the maximum elevation for structures in the Oceanfront Overlay District, from the required distance separation for structures and from the required construction materials within the Dune Preservation Overlay District.

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 Collins Waterfront Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 1. Is not consistent with the Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(1) of the Miami Beach Code.
 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'b' 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 if the following conditions are met:

Meeting Date: October 11, 2016

1. Revised elevations, 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.
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 proposed wood screening of the perimeter fence shall not be permitted. Any perimeter fencing shall be composed of an open picket-type fence, subject to the review and approval of staff.
 - 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):
 1. A variance to reduce to zero (0'-0") all required 10'-0" setback from the Bulkhead Line in order to construct a new bar structure and multiple deck areas with zero setback from the Bulkhead Line.
 2. A variance to exceed by 0.6' the maximum elevation of 13.9' NGVD for structures located within the Oceanfront Overlay District in order to construct a stair up to 14.5' NGVD.
 3. A variance to reduce by 8'-2" the minimum distance separation of 10'-0" between structures located within the Dune Preservation Overlay District in order to construct multiple deck areas with a minimum separation of 1'-10".
 4. A variance to construct a 6-foot wide walkway with concrete pavers where only

wood materials are allowed for structures located within the Dune Preservation Overlay District.

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

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

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

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

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

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

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby **Approves** the requested variance(s) and imposes the following 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. Revised open space calculations and diagrams shall be submitted to show compliance with the minimum required 50% open space and 50% required view

corridor within the Oceanfront Overlay District, subject to the review and approval of staff.

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

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

- A. A 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.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, within 30 days of the Board approval.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "HOTEL BEACH CLUB" as prepared by Kobi Karp Architect, dated August 22, 2016, and as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all

conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20__.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf

of the corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

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

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

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