

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: December 13, 2021

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB21-0457, **1 Lincoln Road and 1671 Collins Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition and renovation of two buildings on the site, the total demolition of one building, the construction of an attached ground level addition at the northeast corner of the site and the construction of an attached addition and modifications to the rear yard site plan.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

BACKGROUND

On November 9, 2021, the Board continued the subject application to a date Certain of December 13, 2021 at the applicant's request and on November 12, 2021, a complete set of revised plans were submitted.

EXISTING STRUCTURES

Local Historic District: Ocean Drive/Collins Avenue

1 Lincoln Road (Ritz-Carlton Hotel)

Classification: Contributing
Construction Date: 1953
Architect: Melvin Grossman & Morris Lapidus

1 Lincoln Road (Retail & Office Building)

Classification: Contributing
Construction Date: 1949
Architect: Igor Polevitsky

1671 Collins Avenue (Sagamore Hotel)

Classification: Contributing
Construction Date: 1948
Architect: Albert Anis

ZONING / SITE DATA

Legal Description:

Parcel 1 (1 Lincoln Road)

Lots 1 thru 4, Lot 17 & South ½ of Lots 5 & 16, Block 29 and a strip of land described in DB 3781-543 and Lots 18-19 & 20, Block 29 and a portion of land being a being a part of the platted Lincoln Road right-of-way, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Parcel 2 (1671 Collins Avenue)

Lot 6 and Lot 15 and the north 25 feet of lot 5 and lot 16, Block 29 of Fisher’s First Subdivision of Alton Beach, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida, together with a portion of the 30 foot wide right-of-way as shown on said Fisher’s First Subdivision of Alton Beach, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

Zoning: RM-3, Residential Multi-family, high intensity
Future Land Use Designation: RM-3, Residential Multi-family, high intensity

Lot Size (1 Lincoln Rd): 163,813 S.F. / 3.00 Max FAR
Hotel Amenity Additional FAR 20,000 S.F.
Lot Size (1671 Collins Av): 44,848 S.F. / 2.00 Max FAR

Maximum FAR (1 Lincoln Rd): 511,439 S.F.
Maximum FAR (1671 Collins Av): 89,696 S.F.
Maximum Aggregate FAR: 601,135 S.F.

Existing FAR (1 Lincoln Rd): 417,874 S.F.
Existing FAR (1671 Collins Av): 62,548 S.F.

Proposed Aggregate FAR: 601,135 S.F.

Existing Height Not provided
Proposed Height: 200’-0”
Existing Use: Hotel
Proposed Use: Hotel & multi-family residential

THE PROJECT

The applicant has submitted plans entitled “Ritz-Sagamore”, as prepared by Kobi Karp Architecture, dated November 12, 2021.

COMPLIANCE WITH ZONING CODE

The application as proposed, appears to be inconsistent with the following section of the City Code:

1. Section 142-802(3): The pool deck does not comply the minimum required 10'-0" rear setback from the bulkhead line or the minimum required 15'-0" side setback with the Oceanfront Overlay.
2. Section 142-1109: Accessory outdoor bar counters shall not be visible from any point along the property line adjacent to a public-right-of way including the public Beachwalk.
3. A unity of title or covenant in lieu thereof shall be required prior to the issuance of a building permit for the proposed project.

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 Planning Department prior to the issuance of a Building Permit.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **hotel and multi-family residential** 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 Satisfied
A plan for salvage and recycling will be reviewed at time of building permit.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
Operable windows have been provided.
- (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
In response to projected sea level rise, the first finished floor of the residential addition is proposed to be located at 13.0' NGVD. The land elevation of the property is consistent with the surround properties.

- (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.
Satisfied
It would not be reasonably feasible or economically appropriate to raise the existing buildings to base flood elevation, plus City of Miami Beach Freeboard.
- (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
Additional information shall be provided at the time of building permit review.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied
Additional information shall be provided at the time of building permit review.
- (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.
Satisfied
- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.

Satisfied

II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. Exterior architectural features.

Satisfied

b. General design, scale, massing and arrangement.

Satisfied

c. Texture and material and color.

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.

Satisfied

The 1953 modifications to the 1948 Anis façade design have not acquired significance and staff believes it is most appropriate to restore the façade to original design.

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 section of this report.
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Satisfied
- 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
The orientation of the addition, perpendicular to the ocean, is compatible with the building site and surrounding area. Additionally, the placement of the additions will not impact any important view corridors from Collins Avenue.
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing buildings are designated as part of the Ocean Drive/Collins Avenue Local Historic District.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The Contributing buildings on the site are of such design, craftsmanship, or material that they could be reproduced only with great difficulty and/or expense. The existing 4-story cabana building located at the rear of the Sagamore Hotel site proposed for total demolition is not of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The Contributing buildings on the site are one of the last remaining examples of their kind. The existing 4-story cabana building located at the rear of the Sagamore Hotel site proposed for total demolition is not one of the last remaining examples of its kind.

- d. The building, structure, improvement, or site is a Contributing building, structure, improvement, site or landscape feature rather than a Non-Contributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or Contributing building.

Satisfied

The three primary buildings on the site are classified as Contributing. The existing 4-story cabana building located at the rear of the Sagamore Hotel site proposed for total demolition is classified as Non-Contributing.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of the three Contributing buildings is critical to developing an understanding of an important Miami Beach architectural style. The retention of the 4-story cabana building located at the rear of the Sagamore Hotel site proposed for total demolition is not critical to developing an understanding of an important Miami Beach architectural style.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed in the subject application is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a Contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

The applicant is not proposing the total demolition of a Contributing Building.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami Dade County Unsafe Structures Board has not ordered the demolition of any structure on the site.

STAFF ANALYSIS

The subject site contains three Contributing buildings; the Ritz-Carlton Hotel (originally known as the DiLido Hotel) located at 1 Lincoln Road, the One Lincoln Road Building located at the intersection of Lincoln Road and Collins Avenue and the Sagamore Hotel located at 1671 Collins Avenue. The currently proposed scope of work is generally limited to the Sagamore Hotel site and also includes minor modifications to the northern rear cabana building of the Ritz-Carlton Hotel and a new rear yard design for entire site.



Photograph, Miami Daily News, 1949



Photograph, 2016

Sagamore Hotel

The Sagamore Hotel was constructed in 1948 and designed by Albert Anis in the Post War Modern style of architecture. The original hotel consisted of 113 hotel units and 1 apartment unit. In 1953, the Collins Avenue elevation was modified including the addition of hotel units at the fifth level and the vertical extension of the parapet wall as shown in the two images on the following page. In 1998, the hotel property was substantially renovated (HPB 1050A), including the construction of an attached 6-story rear addition and a detached 4-story building at the rear of the site.

The applicant is currently proposing to renovate the existing hotel building including, but not limited to, the substantial restoration of the original 1948 Albert Anis designed Collins Avenue façade, original hotel lobby, the reconfiguration of ground level amenity spaces, the renovation and enlargement of the hotel rooms and modifications to the rear facade.



Lobby Photograph, ca. 1950s

Staff commends the applicant for the proposed restoration of the original Collins Avenue façade design that will include the removal of a portion of the insensitive 1953 rooftop addition. Staff believes that this will have an extremely positive impact on the architectural integrity of the building and the historic and architectural character of the district. Within the lobby, however, staff recommends that the existing cove ceiling and sawtooth west wall be retained and restored as they are likely part of the original lobby design. Staff has located a ca. 1950s photograph of the lobby (above) from a promotional brochure which appears to show these two features.

New 16-story residential tower

The applicant is proposing to construct a new 200'-0" tall residential tower addition at the northeast corner of the development site. In order to construct the addition, the applicant is proposing the

total demolition of the rear 1998 4-story bungalow building located on the Sagamore Hotel site. The base of the residential tower will be constructed immediately adjacent to the north of the existing parking garage/cabana structure of the Ritz-Carlton Hotel and the upper twelve levels of the tower are proposed to cantilever over this building. The proposed addition includes a double height ground level lobby, residential amenities at the fifth level, a rooftop pool deck and twelve levels of residential units.

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. To this end, the strong horizontal emphasis of the balcony slabs successfully relates to and complements the Post-War Modern architecture of all three Contributing buildings on the site. Further, the addition is proposed to be setback approximately 340'-0" from Collins Avenue, greatly minimizing its visibility from a pedestrian perspective along Colling Avenue and its impact on the existing Contributing buildings on the site and the surrounding historic district. Further, the proposed tower, located behind the 6-story 1998 eastern addition and perpendicular to the ocean, will not obscure any original architectural features of the Sagamore Hotel. Staff would, however, recommend that the rooftop mechanical equipment and associated screening be minimized to the greatest extent possible, including the removal of the decorative projecting horizontal fin, in order to reduce the perceived height of the addition.

Modifications to the Ritz-Carlton Hotel

The Ritz-Carlton Hotel, originally known as the Di Lido Hotel, was constructed in 1953 and designed by Melvin Grossman and Morris Lapidus in the Post War Modern style of architecture. In 2003, the hotel property was substantially renovated (DRB 10514J), including the construction of a 3-story rooftop addition on top of the 9-story hotel building and the construction of two 3-story cabana wings above a new 2-story parking garage at the rear of the site.

The applicant is currently proposing to construct a new fitness center and pool deck at the roof of the existing 2003 northern 3-story rear cabana. Staff would note that rooftop additions are currently not permitted for oceanfront RM-3 zoned properties located within the Miami Beach Architectural District. Consequently, the applicant is proposing to demolish and rebuild the center portion of the cabana/garage structure in order to construct the fitness center. Staff has no objection to the addition, as proposed, as it is located on top of the 2003 portion of the building and will not have any adverse impact on the existing Continuing buildings on the site. Additionally, staff would note that the addition will not be visible from Collins Avenue or Lincoln Road and will be minimally visible from the public Beachwalk.

New elevator and bridge structure

The applicant is proposing to construct a new elevator and bridge structure between the Sagamore and Ritz-Carlton hotels to increase connectivity between the two buildings. The elevator will be located adjacent to south wall of the Sagamore Hotel and will require the demolition of portions of the south wall at levels one through six. Additionally, a bridge is proposed to connect to the elevator at levels two and three of both buildings and will require the demolition of a small portion of the north wall of the Ritz-Carlton Hotel. The circulation structure is proposed to be setback over 200'-0" from the front property line and will be minimally visible from Collins Avenue. Additionally, the demolition requested does not require the demolition of any significant exterior architectural features. As such, staff has no objection to this request.

Site improvements

The applicant is requesting approval for landscape and hardscape improvements within the northern portion of the site adjacent to the new residential tower and the entire rear yard. Staff has no significant concerns with the modifications proposed and believes that the overall design is appropriate for this causal beachfront area. However staff would note, as outlined in the Compliance with Zoning Code section of this report, there are several portions of the deck that do not comply with the Oceanfront Overlay District regulations which will need to be addressed prior to approval of a building permit.

In summary, staff is supportive of the proposed project and recommends approval as noted below.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the request for a Certificate of Appropriateness be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: December 13, 2021

PROPERTY/FOLIO: 1 Lincoln Road / 02-3234-123-001
1671 Collins Avenue / 02-3234-019-0530

FILE NO: HPB21-0457

IN RE: An application has been filed by Di Lido Beach Hotel Corp, EBJ Sagamore LLC & Sobe Sky Development LLC requesting a Certificate of Appropriateness for the partial demolition and renovation of two buildings on the site, the total demolition of one building, the construction of an attached ground level addition at the northeast corner of the site and the construction of an attached addition and modifications to the rear yard site plan.

LEGAL: Parcel 1 (1 Lincoln Road)
Lots 1 thru 4, Lot 17 & South ½ of Lots 5 & 16, Block 29 and a strip of land described in DB 3781-543 and Lots 18-19 & 20, Block 29 and a portion of land being a being a part of the platted Lincoln Road right-of-way, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Parcel 2 (1671 Collins Avenue)
Lot 6 and Lot 15 and the north 25 feet of lot 5 and lot 16, Block 29 of Fisher's First Subdivision of Alton Beach, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida, together with a portion of the 30 foot wide right-of-way as shown on said Fisher's First Subdivision of Alton Beach, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

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 Ocean Drive/Collins Avenue 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 Sea Level Rise and Resiliency Review Criteria (1) 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 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 4. Is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code.
 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 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. The Sagamore Hotel lobby shall be restored consistent with available historic documentation to greatest extent possible including the terrazzo flooring, reception desk, cove ceiling and sawtooth eastern wall design, 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 western façade of the Sagamore Hotel shall be restored to the original 1948 Albert Anis consistent with available historic documentation design to greatest extent possible, 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 final design and detail of the residential tower addition shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The final design and detail of the elevator and bridge addition 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.
 - 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. The rooftop mechanical equipment and associated screening on the tower addition shall be minimized to the greatest extent possible and the decorative projecting horizontal fin shall be eliminated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- A. No variances have been applied for as part of this application.

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 issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. 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.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- 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. 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.
- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for

approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- L. 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 "**Ritz-Sagamore**", as prepared by **Kobi Karp Architecture**, dated **November 12, 2021**, 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
HISTORIC PRESERVATION & ARCHITECTURE OFFICER
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, Historic Preservation & Architecture Officer, 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 _____ ())