

MIAMI BEACH


PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: February 8, 2022

FROM: Thomas R. Mooney, AICP 
Planning Director

SUBJECT: HPB17-0176, **1685 Collins Avenue – Delano Hotel.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing building, including the reconstruction of original interior floor plates, modifications to the rear cabana building and site improvements.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

EXISTING STRUCTURES

Local Historic District:	Ocean Drive/Collins Avenue
Classification:	Contributing
Construction Date:	1947
Architect:	B. Robert Swartburg

ZONING / SITE DATA

Legal Description:	Lots 9 to 12 inclusive & tract of land as described in DB 2746-335, Block 29, of the Alton Beach 1 st Subdivision, According to the Plat Thereof & portion lying east and adjacent west of the erosion control line, as Recorded in Plat Book 105, Page 81, of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-3, Residential multifamily, high intensity
Future Land Use Designation:	RM-3, Residential multifamily, high intensity

Lot Size:	60,244 S.F. / 2.0 Max FAR
Existing FAR:	137,511 S.F. / 2.28 FAR , as represented by the applicant
Proposed FAR:	138,206* S.F. / 2.29 FAR , as represented by the applicant
Existing Use/Condition:	Hotel
Proposed Use:	No change

THE PROJECT

The applicant has submitted plans entitled "1685 Collins Hotel", as prepared by Studio McG Architecture, dated December 5, 2021.

COMPLIANCE WITH ZONING CODE

The application for Certificate of Appropriateness, as submitted, appears to be inconsistent with the requirements of the City Code:

1. The cabanas and associated paving located along the south property line do not comply with the required setbacks.

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

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

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

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
A recycling or salvage plan for partial demolition has not been provided.
- (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
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Satisfied
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
The land elevation of the site is consistent with the surrounding 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.
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
The lobby level is located at 13.65' NGVD, 4.65' above base flood elevation plus the minimum 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.
Not Satisfied
The applicant is proposing to remove the likely original planter feature located at the front porch and replace this feature with a water feature inconsistent with the geometry of the architecture.
 - 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
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied
See Compliance with the Zoning Code

- 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

- 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 building is 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 existing building is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

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

Satisfied

The existing building is a distinctive example of an architectural or design style that contributes to the character of the district.

- d. The building, structure, improvement, or site is a Contributing building, structure, improvement, site or landscape feature rather than a 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 building is classified as Contributing in the Miami Beach Historic Properties Database.

- 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 building promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design.

- 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 the 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 the structure.

ANALYSIS

The Delano Hotel, constructed in 1947 and designed by architect B. Robert Swartburg, is an outstanding example of Art Deco architecture with Post War Modern influences. Notable features include, a sawtooth building form, multi-finned tower and numerous octagonal motifs including portholes and columns. The applicant is proposing the substantial renovation of the building and is currently requesting approval for several modifications including interior and exterior design modifications, the re-introduction of portions of the original mezzanine and rear dining room walls, modifications to the cabana building and site improvements.

Front yard and porch modifications

Within the front yard, the applicant is proposing to introduce a new driveway configuration that includes a reduction in the amount of paving and narrower curb cuts. Additionally, the dense hedges are proposed to be removed and replaced with low landscape material. These modifications are a welcome improvement over the current conditions and will open views to the historic front façade and will enhance the pedestrian experience along this portion of Collins Avenue.

Within the front porch area, the existing terrazzo steps and porch floor are proposed to be retained and restored. Additionally, a new accessible ramp is proposed to be introduced that will connect Collins Avenue to the front stair landing up to the porch level. Staff would note that this will require the removal of a portion of the porch railing. An additional ramp and step/landing are proposed to be introduced within the left side of the porch area to make the final connection from the porch to the lobby level. A matching step/landing is proposed to be introduced on the right side that maintain the original symmetrical design. These new ramps, steps and landings are proposed to be finished with terrazzo to match the existing.

Additionally, at the ground level of the front façade, the applicant is proposing to modify two existing windows openings in order to convert them into doors. The windows are located next to the entry doors and will provide access to the luggage room and café. Staff has no objection to the modifications which will allow for more efficient operations and could be easily reversed in the future.

Finally, the applicant is proposing to introduce a new water feature in place of the existing planter at the center of the porch. Staff would note that no microfilm plans have been located within the Building Department records. However, based on the terrazzo design that includes a border around this element, staff believes that this planter was an original design feature. Consequently, staff recommends that the shape of the planter be maintained if it is to be incorporated into a new water feature.

Lobby and mezzanine modifications

The applicant is proposing the renovation and partial restoration of the original hotel lobby in a manner that is compatible with the building's architecture. Staff would note that the previous renovation by the industrial architect/designer Philippe Stark in 1994 obscured much of the original lobby design through the introduction of dark wood flooring, wall paneling and column shrouds.

The renovation plans include the introduction of a new terrazzo floor, substantial restoration of the octagonal lobby columns, ceiling light coves and the extension of a new water feature within the lobby. Staff has no major objections to the proposed interior design, but recommends that further investigation occur relative to existence of any original terrazzo flooring underneath the

wood floors. If original terrazzo flooring exists, staff recommends that it be retained, preserved and restored. If the condition of the terrazzo is such that it is beyond repair, staff recommends that a new terrazzo floor be introduced in a pattern and color to match the original. If no terrazzo flooring is present, staff has no objection to the terrazzo floor design as proposed.

The most notable modification to the lobby space is the re-introduction of the original mezzanine bridge. Staff would note that the bridge was demolished as part of the 1994 renovations. In 2020, the City Code, pursuant to voter approval, was amended to allow for the Historic Preservation Board to approve the reconstruction of original interior floor plates even if the site is non-conforming as to floor area ratio (FAR). Prior to these amendments, the reintroduction of the original floor plates could not be approved, because the site exceeds the maximum permitted FAR. Staff is extremely supportive of reintroduction of the mezzanine bridge and recommends that the Board approve the reintroduction of this original floor plate area.

Rear dining room and 4th level roof terrace

As part of the 1994 renovations, the angled portion of the rear dining room at the ground level was removed except for the wall parallel to 18th Street. The applicant is proposing to reconstruct portions of the original exterior wall and the entire roof to expand the outdoor covered dining area. Staff is supportive of the reintroduction of this area as it will contribute to a better understanding of the original building design. The roof of the expanded dining area will connect to the existing 4th level roof terrace and is proposed to contain a shallow pool, cabanas and dining area.

Modifications to the rear cabana structure and rear yard

The 2-story rear cabana structure is proposed to be renovated including the replacement of doors and windows and the extension of the northern parapet by 4'-0" in height to conceal existing mechanical equipment. Additionally, portions of the rear yard area are proposed to be renovated including landscape and hardscape enhancements. 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 that the cabanas located along the south property line do not appear to comply with the required setbacks. Finally, the applicant is proposing to introduce several outdoor bar counters within the site. Staff has no objection to the modifications proposed as they will not have any adverse impact on the Contributing building and do not require the demolition of any significant architectural features. In summary, staff is supportive of the proposed project and is recommending approval as noted 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.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: February 8, 2022

PROPERTY/FOLIO: 1685 Collins Avenue / 02-3234-019-0550

FILE NO: HPB17-0176

IN RE: An application has been filed by Beach Hotel Associates LLC requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing building, including the reconstruction of original interior floor plates, modifications to the rear cabana building and site improvements.

LEGAL: Lots 9 to 12 inclusive & tract of land as described in DB 2746-335, Block 29, of the Alton Beach 1st Subdivision, According to the Plat Thereof & portion lying east and adjacent west of the erosion control line, as Recorded in Plat Book 105, Page 81, 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 consistent with Certificate of Appropriateness Criteria 'a' 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 exterior of the building shall be restored to the greatest extent possible with the exception of the modifications approved herein, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. All exterior windows and doors shall have clear anodized aluminum frames except for the three center ground level openings at the front porch which may be permitted to be impact wood or aluminum in a dark brown color, 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 proposed water feature within the front porch shall maintain the geometry planter, 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. Further investigation shall occur relative to existence of any original terrazzo flooring underneath the existing wood floors within the lobby. If original terrazzo flooring exists, it shall be retained and restored. If the condition of the terrazzo is such that it is beyond repair, as determined by staff, a new terrazzo floor may be introduced in a pattern and color to match the original. If no terrazzo flooring is present, the terrazzo floor design as proposed may be introduced, 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. All outdoor bar counters shall comply with Section 142-1109 of the City Code.
 - f. Within the Dune Preservation Overlay District, all improvements, existing and proposed, shall comply with Sections 142-771 thru 142-775 of the City Code and any unpermitted work within the Oceanfront Overlay District shall be corrected to comply with Section 142-802 of the City Code.
 - g. Cabanas and associated paving shall comply with the minimum required setbacks.
 - h. 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.
 - i. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- j. A plaque or historic display describing the history and evolution of the original building shall be placed on the site in a manner visible from the right of way, prior to the issuance of a Certificate of Occupancy for the building, 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. All hedge and ground cover plantings within the front yard shall not exceed 36" in height at maturity.
 - b. A minimum of 50% of the rear yard along the rear property line shall be transparent with plant materials that would naturally not exceed 36" at maturity and would not require periodic pruning in order to maintain such height in order to create view corridors. Such view corridors shall be graphically identified and dimensioned on the landscape plans and shall not including trees.
 - c. Prior to issuance of a Building Permit, the applicant shall provide a Tree Report prepared by a Certified Arborist for any existing canopy shade trees with a DBH of 3" or greater located in public or private property, which may be scheduled for removal or relocation for the review and approval of the City of Miami Beach Urban Forester.
 - d. 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.
 - e. The project design shall minimize the potential for a project causing a heat island effect on site.
 - f. Cool pavement materials or porous pavement materials shall be utilized.

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. 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 “**1685 Collins Hotel**”, as prepared by **Studio McG Architecture**, dated **December 5, 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 _____ ())