

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: March 8, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB21-0490, **333, 337, 343 and 345 Jefferson Avenue.**

An application has been filed requesting an after-the-fact Certificate of Appropriateness for partial demolition of the buildings located at 333 and 343 Jefferson Avenue and modifications to the west (front) façade of 343 Jefferson Avenue.

RECOMMENDATION

Approval of the after-the-fact Certificate of Appropriateness with conditions.

BACKGROUND

On January 11, 2022, the Board reviewed the application, approved the reconstruction of the roof structure located at 343 Jefferson Avenue and continued the remainder of the application to the March 8, 2022, meeting.

EXISTING STRUCTURES

Local Historic District: Ocean Beach

333 Jefferson Avenue (front of lot 13)

Classification: Contributing
Construction Date: 1939
Architect: H. George Fink

337 Jefferson Avenue (rear of lot 13)*

Classification: Not Classified
Construction Date: 1956
Architect: T. Hunter Henderson

343 Jefferson Avenue (front of lot 14)

Classification: Contributing
Construction Date: 1922
Architect: Rowan & Schaffer

345 Jefferson Avenue (rear of lot 14)*

Classification: Not Classified
Construction Date: 1922
Architect: Not listed

*The classification of the rear structures is not recorded within the City’s Historic Properties Database, which was often the case with buildings located on the rear of the lots in early database surveys.

ZONING / SITE DATA

Legal Description: Lots 13 & 14, Block 76, of the Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

Zoning: RPS-2, Residential performance standard, medium density
Future Land Use Designation: RPS-2, Residential performance standard, medium density

THE PROJECT

The applicant has submitted plans entitled “Jefferson Apartments/Hotel”, as prepared by keytech design group, corp., dated November 8, 2021.

COMPLIANCE WITH ZONING CODE

The application for Certificate of Appropriateness, as submitted, appears to be consistent with the requirements of the City Code. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

The apartment hotel use proposed by the applicant, which is currently legal-nonconforming, was authorized pursuant to the issuance of building permit BC1704595 on September 30, 2020. This occurred prior to the adoption of an Ordinance amendment in 2021 that prohibited any future apartment hotels within the R-PS2 zoning district.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

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

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

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

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
The demolition work has already occurred.
- (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.
Not Applicable

- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
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.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
It would not be reasonably feasible or economically appropriate to require the elevation of the existing buildings given the scope of the current request. Additionally, a full building permit has been issued for the renovation of existing structures.
- (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.
Satisfied
A full building permit was reviewed and approved in accordance with Chapter 54 of the City Code for the renovation of the existing structures.
- (10) In all new projects, water retention systems shall be provided.
Not Applicable
New construction is not proposed. A full building permit has been issued for the renovation of existing structures.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied
A full building permit has been issued for the renovation of existing structures in accordance with the cool/porous pavement requirements.
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied
A full building permit has been issued for the renovation of existing structures in accordance with the heat island requirements.

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.
Not Satisfied
The after-the-fact modification to the primary façade of 343 Jefferson Avenue is not consistent with the likely original architectural design.
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Satisfied

The after-the-fact modification to the primary façade of 343 Jefferson Avenue is not consistent with the likely original architectural 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.
Satisfied
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
 - d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
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.

Not Applicable

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Not Applicable

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Not Applicable

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Not Applicable

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Not Applicable

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Not Applicable

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Not Applicable

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not Applicable

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Not Applicable

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Not Applicable

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 Beach 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.

Partially Satisfied

The existing building located at 333 Jefferson Avenue 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.

Partially Satisfied

The existing building located at 333 Jefferson Avenue 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.

Partially Satisfied

The front buildings located at 333 and 343 Jefferson Avenue are classified as Contributing buildings in the Miami Beach Historic Properties Database; the rear buildings located at 337 and 345 Jefferson Avenue are not classified.

- 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 buildings promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design; the retention of the rear accessory building does not.

- 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 subject site is comprised of two platted lots containing four structures. The two primary buildings fronting Jefferson Avenue are classified as Contributing and the two buildings located along the alley are not classified. In 2017, an application was submitted for a building permit (BC1704595) that included the renovation of all of the existing structures on the site, as well as the conversion of an existing residential apartment building to an apartment hotel. The application was reviewed by staff for a certificate of appropriateness (COA) pursuant to Section 118-563(d) of the LDR's. The building permit, inclusive of the COA, was issued on September 30, 2020, and construction work commenced.

On September 23, 2021, Planning Department staff inspected the site and observed that the scope of demolition exceeded that which was approved in the building permit plans. Subsequently, the Building Official issued a stop work notice to the applicant. Consequently, the applicant has submitted an after-the-fact Certificate of Appropriateness request for partial demolition of the buildings located at 333 and 343 Jefferson Avenue, and modifications to the west (front) façade of 343 Jefferson Avenue.

On January 11, 2022, the Board reviewed the application, approved the reconstruction of the roof structure located a 343 Jefferson Avenue and continued the remainder of the application to the March 8, 2022, meeting. Since the January meeting, the applicant has submitted the following additional documentation:

- A revised Letter of Intent with exhibits outlining the permitting history and inspection logs, dated February 2, 2022.
- A copy of a Letter to Commission issued by the City Manager on September 14, 2021, outlining the history of the approved building permit (BC1704595).

- An Historic Resources Report prepared by Heritage Architectural Associates, dated February 7, 2022.

333 Jefferson Avenue

The building located at 333 Jefferson Avenue was constructed in 1939 and designed by H. George Fink in the Mediterranean Revival/Art Deco Transitional style of architecture. The building was originally constructed with four apartment units and four hotel units. Over time, the hotel units were combined to create additional apartments and currently the building contains six units. Renovations to this building noted in the building permit issued in 2020 include the replacement of non-original windows with new casement windows with an historically accurate muntin configuration, removal of the through-the-wall air conditioning units, interior renovation, and structural repairs. Staff would note that the existing and proposed elevation drawings in the approved permit plans lack detail with regard to existing exterior architectural features. As such, staff recommends that revised drawings be submitted that clearly identify all significant exterior architectural features are to be retained and restored including but not limited to the shallow angled canopies at the entrance doors, raised horizontal banding, vertical and horizontal stucco score lines, octagonal window openings and decorative curved built-in planters.



1955 Photograph, 333 Jefferson Avenue, Office of the Property Appraiser, Miami-Dade County

Regarding the after-the-fact increase in scope of demolition, the applicant has verbally indicated that during the course of demolition the existing structural conditions of the first-floor wood joists and interior bearing walls were such that they warranted replacement rather than repair,

exceeding the scope of demolition of the approved building permit. Temporary shoring has been installed to support the second floor during reconstruction. Staff recommends that the after-the-fact certificate of appropriateness be approved, allowing for the retention and restoration of this Contributing building.

337 Jefferson Avenue

The building located at 337 Jefferson Avenue (within the rear portion of the property containing the 333 Jefferson building) was constructed in 1955 as a 2-story apartment building containing 6 efficiency units. This building was designed by T. Hunter Henderson and is not classified within the City's Historic Properties Database. The approved building permit includes window replacement, interior renovation and roof replacement.

343 Jefferson Avenue

The building located at 343 Jefferson Avenue was constructed in 1922 and designed by architects Rowan & Schaffer in what appears to be the Masonry Vernacular style of architecture. The building was originally constructed as two apartment units, one per floor. Over time, the apartment units were divided, and the building currently contains four apartment units. The building permit issued for this structure includes the replacement of doors and windows, structural repairs and a change of use from apartment units to hotel units.



1955 Photograph, 343 Jefferson Avenue, Office of the Property Appraiser, Miami-Dade County

As noted in the Background section of this report, the Board approved applicant's request for the reconstruction of the roof structure at the January 11, 2022, meeting. The applicant is currently requesting approval for an after-the-fact modification to the front (west) façade. Specifically, the

applicant is proposing to relocate the entry door and modify one window opening which will require the demolition of a portion of blank stucco wall.

Staff has reevaluated this request in light of new information contained within the more comprehensive historic resources report submitted to the City on February 8, 2022. The report includes an excerpt of a Sanborn Map that shows a structure at the center of the front façade; likely the stairs that were removed in 1948. Additionally, the report includes a photograph of the building from 1955 (previous page). Based upon this new evidence, staff has concluded that the original façade design was likely symmetrical. As such, staff recommends that the after-the-fact modification of the door and window opening not be approved and that the front façade remain in a symmetrical design.

345 Jefferson Avenue

The building located at 345 Jefferson Avenue (within the rear portion of the property containing the 343 Jefferson building) was constructed in 1922 as a garage/warehouse. In 1952, the building was renovated and converted into 6 apartment units. No architect is listed on the building card and the structure is not classified within the City's Historic Properties Database. The approved building permit includes interior renovation and window replacement.

SUMMARY

In summary staff recommends approval of the application, including the after-the-fact increase in the scope of demolition of the building located at 333 Jefferson Avenue and the restoration of the previously existing façade configuration of the building located at 343 Jefferson Avenue. Additionally, staff recommends that prior to the lifting of the stop work order at the subject site, revised architectural plans be provided for all 4 buildings within the site, as more specifically noted in the attached draft order.

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: March 8, 2022

PROPERTY: 333 Jefferson Avenue / 02-4203-009-5250

FILE NO: HPB21-0490

IN RE: An application has been filed by Troy 333 LLC requesting an after-the-fact Certificate of Appropriateness for partial demolition of the buildings located at 333 and 343 Jefferson Avenue and modifications to the west (front) façade of 343 Jefferson Avenue.

LEGAL: Lots 13 & 14, Block 76, of the Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

CONSOLIDATED ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

- A. The subject site is located within the Ocean Beach Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with Sea Level Rise and Resiliency Review Criteria (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 'b' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is consistent with Certificate of Appropriateness Criteria 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 remain consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:

1. Prior to the lifting of the stop work order at the subject property, revised elevation, site plan and floor plan drawings shall be submitted; at a minimum, such drawings shall incorporate the following:
 - a. The roof of the building located at 343 Jefferson Avenue, previously demolished, is approved to be reconstructed, 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. ~~With the exception of the roof reconstruction on the 343 Jefferson Avenue building, the remaining after-the-fact demolition and façade modifications shall require the review and approval by the Historic Preservation Board at a future meeting. The plans shall include all 4 buildings on the subject site and shall be processed as a revision to the Building Permit (BC1704595).~~
 - c. The revised plans shall clearly note all after-the-fact work and all work approved by the Board, including, but not limited to all exterior and interior modifications, the demolition of structural elements and the introduction of all new interior structural elements, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or directions from the Board.
 - c. The after-the-fact alterations to the primary façade of the building located at 343 Jefferson Avenue shall not be permitted. The previously existing door and window configuration shall be reintroduced, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or directions from the Board.
 - d. Casement windows with a divided lite configuration, consistent with historical documentation, shall be required for the buildings located at 333 and 343 Jefferson Avenue, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or directions from the Board.

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

II. Variance(s)

- A. 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. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same as are contained herein, in the Order dated January 11, 2022. Accordingly, this Order shall serve as the Final Order for the proposed project. In the event of a conflict between the provisions hereof and those of the previous Orders, the provisions hereof shall control.
- A. B. 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. C. 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.
- G. D. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. E. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code, as applicable.
- E. F. 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.
- F. G. 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.
- G. H. 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.
- H. I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. J. 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.
- J. K. 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.

- ~~K.~~ L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- ~~L.~~ M. 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.
- ~~M.~~ N. 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 **"Jefferson Apartments/Hotel"**, as prepared by **keytech design group, corp., dated November 8, 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 _____ ())

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