

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: June 14, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB22-0504 a.k.a. HPB20-0444, **1501 Collins Avenue.**

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing building, including the reconstruction of original interior floor plates and a variance to reduce the required side facing a street setback. Specifically, the applicant is requesting exterior design modifications and modifications to the original public lobby.

RECOMMENDATION

Approval of the modifications to a previously issued Certificate of Appropriateness with conditions.

BACKGROUND

On May 11, 2021, the Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing building, including the reconstruction of original interior floor plates and a variance to reduce the required side facing a street setback.

On May 25, 2021, the Planning Board reviewed and approved a Conditional Use Permit for a Neighborhood Impact Establishment.

EXISTING STRUCTURES

Local Historic District: Ocean Drive/Collins Avenue
Classification: Contributing

Original Building (Bancroft Hotel)

Construction Date: 1939
Architect: Albert Anis

Addition (Ocean Steps)

Construction Date: 1999
Design Architect: Michael Graves

ZONING / SITE DATA

Legal Description: A portion of Lots 1, 2, 3, 4, 17, 18, 19, & 20, Block 56 of Fishers 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: MXE, Mixed use entertainment
Future Land Use Designation: MXE, Mixed use entertainment

Existing Use/Condition: Commercial
Proposed Use: Office and commercial

THE PROJECT

The applicant has submitted plans entitled “Bancroft Executive Office Suites”, as prepared by Studio McG Architecture, dated April 11, 2022.

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.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed mixed-use office and commercial uses are **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 scope of demolition proposed as part of the modification is minimal.
- (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 majority of the first finished floor is located at approximately 12.00’ NGVD. The original lobby of the Bancroft Hotel is located at approximately 8.50’ NGVD. The elevation of the subject property 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
- (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
No habitable space is located below base flood elevation plus City of Miami Beach Freeboard.
- (10) In all new projects, water retention systems shall be provided.
Not Applicable
- (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
Additional information shall be provided at the time of building permit review.

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 placement of the bar structures within the central portion of the lobby has an adverse impact on the open character of the original lobby design and obscures significant portions of the original patterned terrazzo flooring.

Insufficient information has been provided in order for staff to fully evaluate the proposed ground level canopy proposed to be located at the southwest corner of the site.
 - 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 placement of the bar structures within the central portion of the lobby has an adverse impact on the open character of the original lobby design and obscures significant portions of the original patterned terrazzo flooring.
- 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.
Not Satisfied
The placement of the bar structures within the central portion of the lobby has an adverse impact on the open character of the original lobby design and obscures significant portions of the original patterned terrazzo flooring.
The proposed 10'-0" hedging has an adverse impact on the quality of the pedestrian experience, public safety and obscures significant ground level architectural details.
- 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.
Not Satisfied
The proposed 10'-0" hedging has an adverse impact on the quality of the pedestrian experience and the historic character of the Contributing building and surrounding historic district. Further, the tall hedge material is contrary to accepted CPTED (Crime Prevention Through Environmental Design) design standards.
- 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.

Not Satisfied

The proposed 10'-0" hedging has an adverse impact on the quality of the pedestrian experience, public safety and obscures significant ground level architectural details.

- 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.

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 structures are designated as Contributing within the North Shore 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 buildings are of such design, craftsmanship, or material that they 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 buildings are distinctive examples of the Post War Modern style of architecture which contributes to the district.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing 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 subject buildings are classified as Contributing buildings 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 buildings is 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.

Satisfied

The applicant has presented plans as part of this application for the replacement of the Contributing building to be demolished.

- 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 Bancroft Hotel, located at the northeast corner of the intersection of Collins Avenue and 15th Street, was constructed in 1938 and designed by architect Albert Anis in the Streamline Moderne style of architecture. On August 2, 1994, the Joint Historic Preservation Board/Design Review Board reviewed and approved a Certificate of Appropriateness and Design Review approval for the partial demolition and renovation of the existing Bancroft Hotel and the construction of the existing courtyard retail plaza (Ocean Steps) and 16-story multifamily residential building (1500 Ocean).

On May 11, 2021, the Historic Preservation Board approved a Certificate of Appropriateness (HPB20-0444) for the renovation of the Bancroft Hotel and Ocean Steps portions of the site including the conversion of the majority of these spaces into a new Class A office use. The applicant is currently requesting additional modifications as part of the renovation of these two portions of the site.

Ground level modifications

The original public lobby of the Bancroft Hotel remains substantially intact including an intricate patterned terrazzo floor featuring a central compass rose medallion. The terrazzo floor also includes a decorative pattern at the perimeter of the center of the lobby that corresponds to a lighting cove in the ceiling. The applicant is proposing to introduce a bar counter and back bar shelving structure within the central area of the original lobby. The bar counter is proposed to be faced in walnut with marble counter tops. The back bar includes symmetrical shelving that extends the to lobby ceiling within the center portion and is proposed to be faced in the same walnut material with glass shelving.



Photographs of the Bancroft Hotel lobby

Staff's first preference would be to relocate the bar area out of the central portion of the lobby, perhaps to the private dining room area at the southwest corner of the lobby. Staff believes that the placement of the bar structures within the central portion of the lobby has an adverse impact on the character of the original lobby design and obscures significant portions of the original patterned terrazzo flooring. If the Board is supportive of the proposed location, at a minimum staff recommends that the height of the back bar shelving be reduced so that it is separated from the lobby ceiling by a minimum of 3'-0". Further, staff recommends that the view of the compass rose terrazzo floor pattern be unobstructed with the exception of traditional movable tables and chairs.

On the exterior of the building, the applicant is proposing to introduce peach colored limestone cladding at the northwest corner of the ground level. Staff has no objection to this modification as it is limited to the 1994 addition and will help to break down the scale of the existing octagonal structure.

Further, the applicant is proposing to introduce a canopy structure at the southwest corner of the porch. The applicant has provided extremely limited information regarding this structure with no dimensions. Staff does have concerns relative to this proposed structure including the obscuring of the relief panel along the west facing wall along Collins Avenue. Consequently, staff cannot recommend approval of the proposed canopy at this time.

Finally, the applicant is proposing to introduce an approximately 10'-0" hedge along a significant portion of the Bancroft site. Staff has serious concerns relative to the adverse impact on the pedestrian experience and safety as well as a significant obscuration of significant original ground level architectural features. Further, staff would note that the Board included the following as a condition as part of the May 11, 2021 approval:

All hedge and ground cover plantings within the street facing yards shall not exceed 42" in height at maturity.

As such, staff recommends that the condition be left in place and that any hedge material along Collins Avenue and adjacent to the Bancroft porch along 15th Street be limited to a species that will not exceed 42” in height at maturity.

Third level exterior modifications

The applicant is proposing several modifications to the western roof area of the Ocean Steps portion of the project and the adjacent western wall of the Bancroft portion of the building. First, the applicant is proposing to introduce a new exterior egress stair from the roof level of the Bancroft portion of the building to the roof level of the Ocean Steps portion of the building. Additionally, the applicant is proposing to modify a number of openings along the west wall of the Bancroft portion of the building. Staff has no objection to the proposed modifications and would note that they are primarily located within the 1994 portion of the building and will be minimally, if at all visible from 15th Street and Ocean Drive.

Bancroft roof level modifications

At the roof level, the applicant is proposing to extend the height of portions of the parapet wall by approximately 8” and introduce a new cable rail on top in order to provide a 42” guardrail as part of the previously approved raised roof deck. Additionally, a series of vertical openings are proposed to be introduced within the rooftop structure located at the southeast corner of the roof. Finally, the applicant is proposing to increase the height of the octagonal tower located at the northwest corner of the site by 3’-0” to accommodate level changes within this structure and the proposed pool deck. Staff has no objection to these relatively minor modifications which do not adversely impact any significant architectural features of the Contributing building.

RECOMMENDATION

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

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: June 14, 2022

PROPERTY/FOLIO: 1501 Collins Avenue / 02-3234-163-0001

FILE NO: HPB22-0504 a.k.a. HPB20-0444

APPLICANT: 1501 Collins LLC

IN RE: An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing building, including the reconstruction of original interior floor plates and a variance to reduce the required side facing a street setback. Specifically, the applicant is requesting exterior design modifications and modifications to the original public lobby.

LEGAL: A portion of Lots 1, 2, 3, 4, 17, 18, 19, & 20, Block 56 of Fishers 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.

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 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 consistent with Sea Level Rise and Resiliency Review Criteria 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 in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'm' 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. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The existing fountain, decorative frieze and “Bancroft” sign located along Collins Avenue shall be retained, restored, and shall be functioning, 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 Board strongly encourages the applicant to work with staff to integrate all or a portion of the existing rooftop checkerboard tower feature of the Michael Grave’s designed Ocean Steps into the design of the new project.
 - c. The rooftop cabana located at the southeast corner shall be modified so that it is not considered FAR or the applicant shall provide evidence that this area was included in the FAR for the site as part of the 1990s renovations, 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 existing Bancroft Hotel structure shall be renovated and restored consistent with the proposed plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall include the removal of the existing non-original windows and doors to be replaced with new impact resistant doors and windows that shall incorporate a muntin configuration that is consistent with available historical documentation.
 - e. All rooftop trellises and cabanas located at the roof deck of the Bancroft Hotel building shall be setback a minimum of 5’-0” from the west and south sides of 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.
 - f. 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.
 - g. 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.
 - h. The bar area shall not be permitted within the central lobby area of the Bancroft Hotel.

- i. The compass rose terrazzo floor pattern within the lobby of the Bancroft Hotel shall be unobstructed from view with the exception of traditional movable tables and chairs only.
2. In accordance with Section 118-395(b)(3) of the City Code, the Board hereby approves the reconstruction of original floor plates within the original Bancroft Hotel building. The applicant shall provide clear diagrams indicating the portions of the floor plates to be reconstructed as well as historical documentation and/or building permit records in the plans submitted for building permit, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
3. 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. There shall be 3 specimen trees introduced within the Ocean Steps raised terrace area long 15th Street, 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 hedge and ground cover plantings within the street facing yards shall not exceed 42" in height at maturity.
 - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.
 - d. The project design shall minimize the potential for a project causing a heat island effect on site.
 - e. 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. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied:
 1. A variance to reduce the existing street side setback to introduce a vertical accessibility lift, wall and planters at 23'-6" from the south street side property line facing 15th Street.

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

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

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

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

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

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

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

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

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

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

- C- The Board hereby **approves** the requested variance, as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. A revised survey shall be submitted at the time of the building permit to verify existing terrace south side setback.

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 and variance approval as same as are contained herein, in the Order dated May 11, 2021 (HPB20-0444). 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.
- C. 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 "**Bancroft Executive Office Suites**", as prepared by **Studio McG Architecture, dated March 8, 2021 and April 11, 2022**, 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