

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: HPB22-0509, **280 South Shore Drive.**

An application has been filed requesting a Certificate of Appropriateness for the construction of a multi-family residential structure on a vacant site, including variances from the minimum required setbacks.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.
Approval of the variance with conditions.

ZONING / SITE DATA

Legal Description:

Parcel 1

All of Lot 3 & a portion of Lot 4 beginning at the most southerly corner of lot 3 northeasterly 89.81 feet northwesterly 170 feet southwesterly 90.02 feet southeasterly 170 feet to the point of beginning, Block 55, of the Normandy Golf Course Subdivision, according to the plat thereof, recorded in Plat Book 44, Page 62 of the public records of Miami Dade County, Florida.

Parcel 2

A portion of Lot 4 & all of lot 5 beginning at the most northerly corner of Lot 5 southwesterly 89.98 feet southeasterly 170 feet northeasterly 90.19 feet northwesterly 170 to the point of beginning, Block 55, of the Normandy Golf Course Subdivision, according to the plat thereof, recorded in Plat Book 44, Page 62 of the public records of Miami Dade County, Florida.

Zoning: RM-1, Residential multifamily, low intensity
Future Land Use Designation: RM-1, Residential multifamily, low intensity

Lot Size: 30,600 sq. ft. / 1.25 Max FAR
Proposed FAR: 38,192 sq. ft. / 1.24 FAR
Proposed Height: 41'-0"
Existing Use: Vacant
Proposed Use: Affordable elderly multi-family housing

THE PROJECT

The applicant has submitted plans entitled “Breeze”, as prepared by Brooks + Scarpa, 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, with the exception of the variances requested herein. 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 affordable elderly multi-family housing use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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 the variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

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

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

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
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (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
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
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
- (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
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.
Not Applicable
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable
- h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable
- 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
Variances have been requested.
- 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

ANALYSIS

The applicant, the Housing Authority of the City of Miami Beach, is proposing to construct a 4-story, 69-unit, multifamily residential building for elderly affordable workforce housing on two vacant parcels on the south side of South Shore Drive backing up to the Normandy Waterway. The new structure includes a lobby, community room, business center and 31 parking spaces at the ground level, an open courtyard and 26 residential units at the second level, 23 residential units and a communal roof deck at the third level and 20 residential units and an additional communal deck at the fourth level.

Staff is highly supportive of the application and would commend the applicant for proposing to construct a high-quality structure on the existing vacant lots. Over time, this undeveloped site has had an increasing negative impact on the residential context and character of South Shore Drive, as well as the surrounding neighborhood. The highly developed design successfully relates to and complements the predominately Post-War Modern architecture of the Normandy Isles Local Historic District. Further, the distribution of architectural forms has resulted in a new building that is compatible with the neighboring buildings and the surrounding historic district. In this regard, the building has been designed with 2 and 3-story volumes fronting South Shore Drive and the 4-story portion has been setback an additional approximately 20'-0" from the primary façade. This plan responds well to the historic development pattern of the neighborhood that consists mostly of independently developed, approximately fifty-foot-wide lots.

Additionally, staff would note that a companion application (HPB22-0508) for a new 4-story elderly affordable workforce housing project on three vacant parcels on the north side of South Shore Drive fronting the Normandy Shores Golf Course is also scheduled to be considered by the Board. While the design of these two buildings are similar, staff would note that the unique architectural identity of the Normandy Isles Historic District is a result of repetitive building typologies.

Finally, the proposed project is below the maximum permitted height of 45'-0" within North Beach National Register Conservation District Overlay. However, within the first 25'-0" of building depth, the overlay district limits the height to 32'-0". Notwithstanding the above, the Board may allow up to 45'-0" in height within the first 20'-0" of building depth. The applicant is proposing to construct the northernmost ends of the east and west wings of the building at the 4th level (the portions above 32'-0" in height) within the first 20'-0" of building depth. Staff believes that as currently designed, the building is consistent with the Certificate of Appropriateness criteria and the overlay district's intent to ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods. As such, staff has no objection to the request.

VARIANCE ANALYSIS

The applicant is requesting the following variances:

1. A variance to reduce by 3'-0" the minimum required front setback of 25'-0" in order to construction portions of the second and third levels at a setback of 22'-0" from the north side property line. Variance requested from:

Sec. 142-870.15. – Development regulations and area requirements.

(e) The setback requirements for all buildings located in the RM-1 district within the North Beach National Register Overlay district are as follows:

Normandy Isle and Normandy Shores: Waterfront: 25 feet

2. A variance to reduce by up to 9'-2 ½" the minimum required setback within the first 20'-0" of building depth in order construct portions of the fourth level that exceeds 32'-0" in height within the first 10'-9 ½" of building depth. Variance requested from:

Sec. 142-870.15. – Development regulations and area requirements.

(c) The height requirements for RM-1 properties within the North Beach National Register Overlay district are as follows:

(1) The maximum building height for new construction shall be 32 feet for the first 25 feet of building depth, as measured from the minimum required front setback and a maximum of 45 feet for the remainder of the building depth. the design review or historic preservation board, as applicable, may allow for up to the first 32 feet in height to be located within the first 20 feet of building depth, as measured from the minimum required front setback.

Variance No. 1 is related to the construction of the northernmost portion of the second level of the west wing and the northernmost portion of the second and third levels of the east wing, 3'-0" into the required 25'-0" front setback. Staff would note that within the North Beach National Register Overlay district the front setback is generally 20'-0"; however, waterfront properties are required to have a 25'-0" front setback. Staff has examined building permit historic for the adjacent properties and has determined that the buildings to either side have an existing approximately 15'-0" front setback.

Variance No. 2 is related to the construction of portions of the fourth level within the required front setback. As outlined in the preceding analysis section, the applicant is requesting that the Board approve the northernmost ends of the east and west wings of the building at the 4th level (the portions above 32'-0" in height) to be located within the first 20'-0" of building depth. This request can be approved by the Board without a variance request. Additionally, the applicant is requesting a variance for the location of a trash chute room and maintenance closet at the eastern wing of the fourth level and a portion of a residential unit at the western wing of the fourth level (above 35'-0" in height) within the first 10'-9 ½" of building depth.

Staff would note that the areas of the subject variances are limited and will allow for efficient operation of the proposed 69-unit affordable elderly housing project. Staff finds that the special circumstances exist in which the need to facilitate the servicing of the elderly residents creates the practical difficulties that justify the variance requested. Additionally, staff finds that compliance with the stringent requirements of the U.S. Department of Housing Urban Development (HUD) including the minimum required number of units for this elderly affordable housing project create special circumstances that justify the variance requested. This unique and important program along with the additional requirements of the overlay result in a variance request that is the minimum required in order to achieve compliance with all governmental regulations. Further, the proposed project will be in harmony with the general intent and purpose of district and the project will be beneficial to the public welfare of the City.

In summary, staff is highly supportive of the creation of additional elderly affordable workforce housing within the City and recommends approval as noted below.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the request for a Certificate of Appropriateness and variance 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: 280 South Shore Drive / 02-3203-007-1160
02-3203-007-1170

FILE NO: HPB22-0509

APPLICANT: Housing Authority of the City of Miami Beach

IN RE: An application has been filed requesting a Certificate of Appropriateness for the construction of a multi-family residential structure on a vacant site, including variances from the minimum required setbacks.

LEGAL: Parcel 1
All of Lot 3 & a portion of Lot 4 beginning at the most southerly corner of lot 3 northeasterly 89.81 feet northwesterly 170 feet southwesterly 90.02 feet southeasterly 170 feet to the point of beginning, Block 55, of the Normandy Golf Course Subdivision, according to the plat thereof, recorded in Plat Book 44, Page 62 of the public records of Miami Dade County, Florida.

Parcel 2
A portion of Lot 4 & all of lot 5 beginning at the most northerly corner of Lot 5 southwesterly 89.98 feet southeasterly 170 feet northeasterly 90.19 feet northwesterly 170 to the point of beginning, Block 55, of the Normandy Golf Course Subdivision, according to the plat thereof, recorded in Plat Book 44, Page 62 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 Normandy Isles 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' in Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 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. 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.
 - b. 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.
 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. 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.
 - b. The project design shall minimize the potential for a project causing a heat island effect on site.
 - c. 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:

The following variance(s) was **approved** by the Board:

1. A variance to reduce by 3'-0" the minimum required front setback of 25'-0" in order to

construction portions of the second and third levels at a setback of 22'-0" from the north side property line.

2. A variance to reduce by up to 9'-2 1/2" the minimum required setback within the first 20'-0" of building depth in order to construct portions of the fourth level that exceeds 32'-0" in height within the first 10'-9 1/2" of building depth.
- 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 variance and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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 "**Breeze**", **as prepared by Brooks + Scarpa, dated 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 _____ ())