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## **VIA ELECTRONIC SUBMITTAL**

April 11, 2022

Debbie Tackett, Chief of Historic Preservation  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: **HPB22-0513** - Request for Certificate of  
Appropriateness for the Property located at 251  
Washington Avenue, Miami Beach

Dear Ms. Tackett:

This firm represents 251 Washington, LLC (the "Applicant"), the owner of the property located at 251 Washington Avenue (the "Property") in the City of Miami Beach ("City"). Please allow this letter to serve as the Letter of Intent supporting a request to the Historic Preservation Board ("HPB") for a Certificate of Appropriateness and variances for a new private school at the Property.

Property Description. The Property is currently an undeveloped, vacant lot located on the east side of the Washington Avenue, and south of 3rd Street. The Miami-Dade County Property Appraiser identifies the Property with two Folio Nos. 02-4203-003-1090 and 02-4203-003-1080. See Exhibit A, Property Appraiser Summary Reports. The total lot area is approximately 13,000 square feet (0.29 acres) in size, and surrounded by a variety of uses. The Property is zoned "Medium-High Density Residential Performance Standard" District ("R-PS3"), and is also located within the Ocean Beach Local Historic District.

Prior Approvals. In 2019, the HPB approved an after the fact Certificate of Appropriates for demolition of the structures previously located on the Property. See Exhibit B, Final Order Final No. HPB19-0336. The same day, the HPB approved a Certificate of Appropriates for the construction of a temporary structure to be used as a private school and variances to reduce the required school setbacks. See Exhibit C, Final Order Final No. HPB19-0316.

Applicant Proposal. It was always the Applicant's intent to develop the Property with a beautiful, state-of-the-art private school south of Fifth Street to complement the school for lower grades at 224 2<sup>nd</sup> Street. As such, the Applicant is proposing to develop the idle land with a four-story permanent structure to house elementary and middle school grades (the "Project"). The Applicant will be seeking a Conditional Use Permit from the Planning Board, and a Certificate of Appropriateness for the design of the new building from the Historic Preservation Board. The Conditional Use Permit application provides that the maximum capacity will not exceed forty (40) students.

The Property has functional dual-frontages from Washington Avenue on the west and Collins Court on the east. It is essential to the well-being of the future students to provide as much outdoor functional leaning space as possible. The strategic placement and circulation of the urban building will separate pedestrian and vehicular conflicts. All parking will be under the structure and accessible from separate ingress and egress from Collins Court. The front of the building will contain active, non-air conditioned porches for students and stairs to the main lobby. The lower level provides eighteen (18) parking spaces and ten (10) bicycle racks, as well as stairs and elevators to access the first floor. The first floor contains the main lobby, administration offices, flex space, kitchen, and access to the exterior raised play area. The play area is elevated over the parking level, open on three-sides, and is lined with plantings for safety and greenery. The second level has classrooms and a projecting balcony fronting Washington Avenue. The third level has additional classrooms and a vegetable garden for educational purposes. The top floor will have another projecting balcony fronting Washington Avenue and cafeteria space, and the rooftop will be accessible for additional plantings and mechanical equipment.

The new structure will be centrally located within the Property. The structure will be setback five (5) feet from Washington Avenue, and seven and a half (7.5) feet from the interior side setbacks. From the rear, the structure is setback thirteen (13) feet and the lower level parking is setback five (5) feet. Although there is an abundance of open space provided at each level of this urban school, the Applicant will comply with the remaining required open space through payment in lieu, pursuant to Section 142-704(b)(4) of the City's Code of Ordinances (the "Code"). The Project also complies with the City Code

permitted height of fifty (50) feet, at fifty (50) feet NGVD with the finished floor at thirteen (13) feet NGVD. Pursuant to Section 142-1161 of the Code, the height of all allowable projections, unless otherwise specified, cannot exceed twenty-five (25) feet above the height of the roofline of the main structure. In this case, the mechanical equipment, elevator and stair bulkheads, and restrooms are within twenty-five (25) feet above the height of the roofline of the main structure, and therefore, the design of the rooftop is consistent with the Code.

The operational goal is that many of the teachers and students live in the south of Fifth Street neighborhood and can walk and bike to school. This minimizes the need for extensive drop-off and pick-up coordination and prioritizes a safe pedestrian experience from Washington Avenue.

The design of the new building is built around the needs of the school and incorporates certain elements that pull from the Miami Beach Ocean Beach character. This idyllic urban school will be of a modern design with Streamline Moderne moments, common in the Ocean Beach Local Historic District. Similar elements include continuous eyebrows, which are provided with concrete bands with white stucco finishes. The bandings and use of metal details is provided with colored, aluminum fins. To play into the typical nautical themes the front façade also features two pockets of a digital murals in the blue and green shades. Additionally, to soften the lower level massing, the design includes vertical planted walls along the north and south facades.

Variance Request. The Applicant's proposal substantially complies with the R-PS3 land development regulations. The variances requested are necessary for the use of the Property as a private school to provide necessary parking, open space, and security.

1. A Variance of Code Section 142-1131(d), to permit the north and south side setbacks at 7'-6" when 50' is the minimum depth required of interior side yards for schools in residential districts that is not adjacent to a business district or a public street ("Variance 1"); and
2. A Variance of Code Section 130-101, to permit on-street loading when two off-street loading spaces are required for new construction over 10,000, but not over 100,000 ("Variance 2").
3. A Variance of Code Section 142-697(a), to permit a 3'-10" stair projection into the north, interior side setback, where 7'-6" is the required interior side setback in R-PS3 ("Variance 3").

Satisfaction of Hardship Criteria. The Applicant's variance request satisfies the hardship criteria pursuant to Section 118-353(d) of the City Code, as follows:

**1) 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;**

There are special conditions and circumstances that exist which are peculiar to the land and use, and application of land development regulations. The Property is comprised of two (2) separately platted lots, each fifty (50) feet in width. Strict compliance with Section 142-1131(d) of the City Code would eliminate the entire developable area of the Property as a private school. This special condition is peculiar because it requires a modestly-sized, privately owned school to satisfy the requirements of a much larger use that is typically open to the public. This requirement was incorporated into the Zoning Code in 1989, prior to the concept of and need for urban, modestly sized private schools.

The loading requirement is based on office buildings and hospitals, which require much more frequent deliveries in large trucks. The proposed private school use will not require very large or frequent deliveries. Most of deliveries will occur via regular mail, and trash collection is only a couple times a week from the alley for all the existing uses. Companies making frequent deliveries will be identified prior to operation and will be directed to seek alley permits. Large, non-frequent deliveries will be directed to park in freight and commercial loading zones in the area. Also, in order to provide sufficient and safe vehicular maneuverability the Applicant is placing all parking under the active uses and focusing on an uninterrupted pedestrian experience from Washington Avenue. This limits availability to accommodate large loading spaces and are special conditions and circumstances that exist, which are peculiar to the land and use.

Due to the proposed raised first floor an additional exterior staircase is needed. This is a special condition and circumstance that is peculiar to the proposed use and safety requirements. The Code allows a number of encroachments within required yards for access and shade, but not stairs to a raised first level, although the proposed stair is minimal.

The circumstances that require Variances 1, 2, and 3 are not applicable to other lands, structures, or buildings in the same zoning district. They are directly related to the proposed unique Property, Project and urban location.

**2) The special conditions and circumstances do not result from the action of the applicant;**

The special circumstances, in this case, do not result from the actions of the Applicant. The Applicant chose to invest and use this property as a location for a private school because of its location south of Fifth Street in close proximity to residences, businesses, and City-owned parks. The intent of the Code is to protect residential neighborhoods from large places of public assembly and provide ample space for the loading customarily associated with large places of assembly. The Performance Standard districts are distinct from the purely residential districts in that they allow for modification of requirements affecting certain individual lots and greater flexibility to encourage more innovative design and development. This is true for this Property that has sat idle for almost sixteen years. A new school will beautify Washington Avenue, adding to the variety of uses, that are more family and residential friendly, than other commercial interests. The provided setbacks would be permitted for any other use, the provision of large loading spaces is not necessary for the proposed private school, and the additional stair case is needed for life safety purposes.

**3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

Schools are a necessary public service that are conditionally permitted in the R-PS3 District. The Code allows other similarly situated property owners to seek similar variances to accommodate development and allow for the construction of certain uses, such as private schools, on lots less than 100' wide without accommodating unnecessary large loading areas when there is plenty of alley space and commercial freight loading spaces in close proximity. With regards to Variance 2, the Applicant is working with the Parking Department to confirm use of the existing commercial freight loading spaces on the infrequent occasion that it is needed. These same spaces are available for other businesses and uses, and is therefore, not a special privilege, but a common necessity. Also, granting Variance 3 will not confer any special privilege because the Code allows certain encroachments that do not add massing to the buildings and are needed for function and safety purposes. The minimum stair encroachment to the first level satisfies the same Code intent and is not a special privilege.

**4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in**

**the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the provisions of the land development regulations would deprive this particular Applicant rights enjoyed by other properties in the same zoning district to develop private schools, and would result in an unnecessary and undue hardship. Specifically, strict application of the large required setbacks and denial of Variance 1 would render this Property undevelopable for the proposed use as a school.

If the property contained historic buildings, the Applicant could seek a waiver of off-street loading requirements from the HPB and work with the Parking Department to locate some or all of the required loading on-street. Also, the abutting alley is a wide enough to allow vehicles to pass. In this case, requiring the provision of unnecessary and cumbersome off-street loading would deprive the applicant of rights commonly enjoyed by other properties in the City's historic districts.

The narrow stairs in the north interior side yard does not occur for the full side yard length or depth, and does not exceed the first level. Variance 3 is necessary for the function and safety of students in case of emergency. A literal interpretation of the Code would deprive the Applicant of certain safety necessities and encroachments enjoyed by other properties.

**5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

The proposed side setbacks are the minimum necessary to accommodate parking, classroom spaces, circulation, and outdoor spaces on this dual frontage lot. The Project complies with the required seven and a half (7.5) feet required for interior side setbacks in the Residential Performance Standard District for all other uses. Providing two (2) loading spaces would eliminate parking spaces, require a taller lower level, and will be an unproductive use of the Property for the majority of the time. This urban school will not require frequent, large loading trucks. Therefore, Variances 1, 2, and 3 do not result in a large structure than would be permitted and are the minimum variances that will make possible the reasonable use of the Property.

**6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and**

Granting of the Variances will be in harmony with the general intent and purpose of these land development regulations. As stated, the Project satisfies the required setbacks of the Residential Performance Standard District and is located within a Local Historic District. The stair encroachment is needed for life safety circulation. The increased required setbacks are intended for places of public assembly that would otherwise impact residence and require much larger and frequent loading. However, while this Property falls into the definition of school, it is privately owned, and will have a modestly sized student capacity. The school will not have large public assembly that require additional parking and may disrupt neighboring uses.

The Variances will not be injurious to the area involved or detrimental to the public welfare, in fact it will serve a need in this community for families with young children. The Project has dual frontages for access, Washington Avenue and Collins Court. This will divide impact on either roadway, concentrate pedestrianism on Washington Avenue, and therefore, minimize any potential impact the abutting neighbors.

**7) 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 planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.**

The Variances are consistent with the City's Comprehensive Plan, which permits the conditional uses specifically authorized in the land use category R-PS3, such as schools. In fact, strict application of Code would be inconsistent with the Comprehensive Plan because it would prohibit a school at this particular Property. Additionally, the Project will not reduce the levels of service as set forth in the plan.

Practical Difficulty. Strict compliance with the land development regulations for public assembly uses would render this Property undevelopable as a school. Also, the proposed use as an urban school does not require inefficient loading spaces and requires additional points of entry and exit in case of emergencies. As stated, Section 142-1131(d) of the Code would require 100 feet of setbacks on a 100 foot wide lot. Section 142-697(a) of the Code requires seven and a half (7.5) feet setbacks for all other uses. The massing of the new building complies with the seven and a half (7.5) feet of setbacks on the north and south interior sides. The large setbacks were incorporated into the Zoning Code in 1989, prior to the concept of and need for urban, modestly sized private schools.

Compliance is an extreme practical difficulty in that it leaves no developable area for the Applicant.

The Applicant is proposing a small, private school that will not have large amounts of deliveries or collections outside of school hours. Section 130-101(D) of the Code provides a waiver for properties located within a locally designated historic district that have a contributing structure provided from providing off-street loading. Many of the properties in the surrounding area have worked with the Parking Department to coordinate efficient commercial freight loading spaces that the Applicant can utilize if a large delivery is anticipated. Also, for the smaller delivery trucks that cannot enter the parking level, the abutting alley is wide enough to allow vehicles to pass. Therefore, it is practically difficult due to the confining characteristics of the Property to utilize areas for loading spaces, and any operational concerns are properly mitigated.

The proposed design provides sufficient parking, access, classrooms, and outdoor space. The design also strategically anticipates the safety and operational needs of the students and faculty. The stair encroachment in the north side yard is needed for life safety purposes, is limited to the first floor, and does not add massing to the proposed structure. Section 142-1132 of the Code allows certain encroachments within required yards, and the proposed stair is similar in character and need to the allowable encroachments. Due to the dual frontages, separation of pedestrians and vehicles, it would be practically difficult and unsafe to operate the school without this additional means of egress.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

**(1) A recycling or salvage plan for partial or total demolition shall be provided.**

A recycling or salvage plan for demolition, if any, will be provided at permit.

**(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.**

All new windows will be hurricane proof impact windows.

**(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**



Where feasible, passive cooling systems will be provided.

**(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.**

Resilient, Florida-friendly landscaping will be provided.

**(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.**

The Applicant has considered the adopted sea level rise projections and the land elevations of the subject property and 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 up to three (3) additional feet in height.**

The proposed design, including ground floor, driveways, and garage ramping will be adaptable to the raising of public rights-of-ways and adjacent land, and will provide sufficient height and space to ensure that entry ways and exits can be modified.

**(7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.**

Critical mechanical and electrical systems are located above base flood elevation.

**(8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.**

Where feasible, new construction will be elevated up to base floor elevation, plus Freeboard. The Applicant is proposing the finish floor at thirteen (13) feet NGVD with the full five (5) feet of freeboard.

**(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

Habitable space will be located above base flood elevation plus Freeboard.

**(10) As applicable to all new construction, stormwater retention systems shall be provided.**

Stormwater retention systems will be provided where feasible.

**(11) Cool pavement material or porous pavement materials shall be utilized.**

Cool pavement material and porous pavement materials will be utilized.

**(12) The design of each project shall minimize the potential for heat island effects on-site.**

The Project design will minimize the potential for heat island effects on site with ample and lush greenspace and landscaping, and opportunities for non-air conditioned educational spaces. The proposed metal fins on the facades also serve to shade some of the glazing throughout the day and keep the internal temperature of the building cooler.

Conclusion. Approval of the Certificate of Appropriateness for design, and variances relating to the school setbacks, off-street loading, and exterior stair will permit a better use of the Property for future generations of Miami Beach residents. The Project is an innovative design that significantly complies with the Land Development Regulations and has inspiration from the Ocean Beach Local Historic District.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application. If you have any questions or comments with regard to the application, please give me a call at (305) 377-6231.

Sincerely,



Michael W. Larkin

Enclosures

cc: John Marshall  
Emily K. Balter



# EXHIBIT A

# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 3/21/2022

Property Information	
Folio:	02-4203-003-1090
Property Address:	251 WASHINGTON AVE Miami Beach, FL 33139-7115
Owner	251 WASHINGTON LLC
Mailing Address	120 OCEAN DR 1000 MIAMI BEACH, FL 33139 USA
PA Primary Zone	3003 MULTI-FAMILY
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	6,500 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value	\$2,603,125	\$3,062,500	\$2,925,000
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$2,603,125	\$3,062,500	\$2,925,000
Assessed Value	\$2,603,125	\$3,062,500	\$2,860,000

Benefits Information				
Benefit	Type	2021	2020	2019
Non-Homestead Cap	Assessment Reduction			\$65,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
OCEAN BEACH FLA SUB PB 2-38 LOT 15 BLK 8 LOT SIZE 50 X 130 OR 18469-4345 0798 5 COC 22848-3487 11 2004 1

Taxable Value Information			
	2021	2020	2019
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,925,000
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/12/2019	\$6,125,000	31483-2015	Qual on DOS, multi-parcel sale
03/04/2015	\$8,250,000	29526-2117	Non-market financing or assumption of lease
02/28/2014	\$3,950,000	29055-4929	Qual on DOS, multi-parcel sale
11/01/2004	\$925,000	22848-3487	Sales which are qualified

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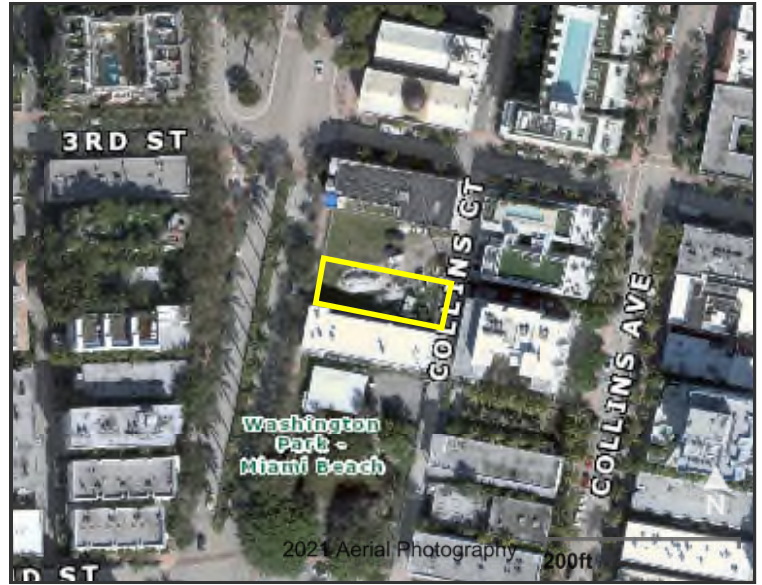


# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 3/21/2022

Property Information	
Folio:	02-4203-003-1080
Property Address:	
Owner	251 WASHINGTON LLC
Mailing Address	120 OCEAN DR 1000 MIAMI BEACH, FL 33139 USA
PA Primary Zone	3003 MULTI-FAMILY
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	6,500 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value	\$2,603,125	\$3,062,500	\$2,925,000
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$2,603,125	\$3,062,500	\$2,925,000
Assessed Value	\$2,603,125	\$3,062,500	\$2,860,000

Benefits Information				
Benefit	Type	2021	2020	2019
Non-Homestead Cap	Assessment Reduction			\$65,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
3 54 42 OCEAN BEACH FLA SUB PB 2-38 LOT 14 BLK 8 LOT SIZE 50,000 X 130 COC 25494-1959 03 2007 6

Taxable Value Information			
	2021	2020	2019
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,925,000
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/12/2019	\$6,125,000	31483-2015	Qual on DOS, multi-parcel sale
03/04/2015	\$8,250,000	29526-2117	Non-market financing or assumption of lease
02/28/2014	\$3,950,000	29055-4929	Qual on DOS, multi-parcel sale
03/01/2007	\$1,950,000	25494-1959	Other disqualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

**HISTORIC PRESERVATION BOARD  
City of Miami Beach, Florida**

MEETING DATE: September 9, 2019  
FILE NO: HPB19-0336  
PROPERTY: 245 Washington Avenue  
APPLICANT: 251 Washington, LLC  
LEGAL: Lot 14, Block 8, Ocean Beach Fla Subdivision, According to the Plat Thereof as Recorded in Plat Book 2, Page 38 of the Public Records of Miami-Dade County, Florida.  
IN RE: An application has been filed requesting a Certificate of Appropriateness for the after-the-fact total demolition of the previously existing structure located at 245 Washington Avenue.

**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 in Section 133-50(a) of the Miami Beach Code.
  - 2. Is not consistent with Certificate of Appropriateness Criteria 'b' for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 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. A museum quality historic analysis and display of the existing structure, inclusive of a photographic and written description of the history and evolution of the original building and its changes of use over time, shall be submitted to and approved by staff, prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy for the new structure constructed on the site; such historic analysis shall be displayed prominently, in a location to be determined by staff.



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HPB19-0366

Meeting Date: September 9, 2019

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. The entire site shall be thoroughly cleaned, evenly leveled, and sodded and an aluminum picket fence shall be required at the front and rear of the property, 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 grass and landscape materials shall remain properly maintained, irrigated, and trimmed at all times, subject to periodic staff review, until such time as the entire site is redeveloped.
  - 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.

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

## **II. Variance(s)**

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

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

## **III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. 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.
- D. 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

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 HPB19-0366  
 Meeting Date: September 9, 2019

plans.

- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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.
- J. 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 '**245 Washington Avenue**', as prepared by **Touzet Studio**, dated **July 8, 2019**, and subject to the additional modifications as approved and required 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



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Meeting Date: September 9, 2019

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.

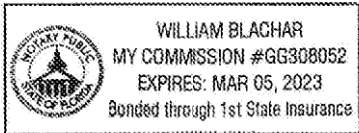
Dated this 10 day of September, 2019

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH TACKETT  
CHIEF OF HISTORIC PRESERVATION  
FOR THE CHAIR

STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of September 2019 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



William Blachar  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: March 5<sup>th</sup>, 2023

Approved As To Form: [Signature]  
City Attorney's Office: [Signature] (9/9/2019)

Filed with the Clerk of the Historic Preservation Board on [Signature] (9/10/19)

[Signature]

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HPB19-0366  
Meeting Date: September 9, 2019



**HISTORIC PRESERVATION BOARD  
City of Miami Beach, Florida**

MEETING DATE: September 9, 2019

FILE NO: HPB19-0316

PROPERTY: 245 & 251 Washington Avenue

APPLICANT: 251 Washington, LLC

LEGAL: Lot 14, Block 8, of the Ocean Beach Fla Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.

and

Lot 15, Block 8, of the Ocean Beach Fla Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the construction of a temporary structure to be used as a private school and variances to reduce the required interior side yard setbacks for a school.

**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 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.

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- 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.
  2. The temporary structure shall be approved for a period not to exceed three (3) years from September 9, 2019; any extension of this timeframe shall be subject to the review and approval of 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. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
    - b. 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. Right-of-way areas shall also be incorporated as part of the irrigation system.

**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):
1. A variance to reduce by 42'-6" the required 50'-0" interior side setback for schools in order construct a new institution at 7'-6" from the north side property line.
  2. A variance to reduce by 42'-6" the required 50'-0" interior side setback for schools in order construct a new institution at 7'-6" from the south side property line.
- 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.

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 Meeting Date: September 9, 2019

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.

**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 relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. Where one or more parcels are unified for a single development, the property owner shall

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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.

- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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.
- J. 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 **"basecamp305" as prepared by Touzet Studio, dated July 8, 2019**, 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.

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HPB19-0316  
Meeting Date: September 9, 2019

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.

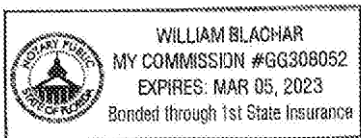
Dated this 17 day of September, 2019.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY:   
DEBORAH TACKETT  
CHIEF OF HISTORIC PRESERVATION  
FOR THE CHAIR

STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of September, 2019 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



William Blachar  
NOTARY PUBLIC

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HPB19-0316  
Meeting Date: September 9, 2019

Miami-Dade County, Florida  
My commission expires: March 5<sup>th</sup>, 2023

Approved As To Form:  
City Attorney's Office: [Signature] ( 9/16/2019 )  
Filed with the Clerk of the Historic Preservation Board on Jessica Gaudin ( 9/17/19 )