

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: HPB22-0513, **245 & 251 Washington Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the construction of new educational facility on a vacant site and variances from the minimum required interior side yard setbacks for a school and loading space requirements.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.
Approval of variance Nos. 1 & 2 with conditions.
Denial of variance No. 3.

BACKGROUND

On September 24, 2019, the Planning Board approved a Conditional Use Permit for a temporary educational institution. On June 21, 2022, the Planning Board is scheduled to review a request for a Modified Conditional Use permit for a permanent educational institution.

ZONING / SITE DATA

Legal Description:

Parcel 1 (245 Washington Avenue)

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.

Parcel 2 (251 Washington Avenue)

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.

Zoning: RPS-3 (Residential Performance Standard, medium-high density)

Future Land Use Designation: RPS-3 (Residential Performance Standard, medium-high density)

Lot Size: 13,000 sq. ft. / 1.75 Max FAR

Proposed FAR: 22,497 sq. ft. / 1.73 FAR

Proposed Height: 50'-0"

Existing Use/Condition: Vacant lot

Proposed Use: Private school

THE PROJECT

The applicant has submitted plans entitled “Base Camp 305”, as prepared by Arquitectonica, 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 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 for variance Nos. 1 & 2 only.

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.
Not Satisfied
The height and extent of the proposed rooftop exceptions adds perceived height and mass to the proposed building resulting in an adverse impact to the adjacent Contributing buildings and the surrounding historic district.
- b. General design, scale, massing and arrangement.
Not Satisfied
The height and extent of the proposed rooftop exceptions adds perceived height and mass to the proposed building resulting in an adverse impact to the adjacent Contributing buildings and the surrounding historic district.
- c. Texture and material and color.
Satisfied
- d. The relationship of a, b, c, above, to other structures and features of the district.
Not Satisfied
The height and extent of the proposed rooftop exceptions adds perceived height and mass to the proposed building resulting in an adverse impact to the adjacent Contributing buildings and the surrounding historic district.

- e. The purpose for which the district was created.
Not Satisfied
The height and extent of the proposed rooftop exceptions adds perceived height and mass to the proposed building resulting in an adverse impact to the adjacent Contributing buildings and the surrounding historic district.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Satisfied
The height and extent of the proposed rooftop exceptions adds perceived height and mass to the proposed building resulting in an adverse impact to the adjacent Contributing buildings and the surrounding historic district.
 - 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
Variations 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.
Not Satisfied
The height and extent of the proposed structures located above the main roofline adds to the perceived height and mass of the building resulting in an adverse impact to the adjacent Contributing buildings and the surrounding historic district.

- 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.

Not Satisfied

The height and extent of the proposed structures located above the main roofline adds to the perceived height and mass of the building resulting in an adverse impact to the adjacent Contributing buildings and the surrounding historic district.

- 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 subject site is located mid-block on Washington Avenue between 2nd and 3rd Streets. The applicant is proposing the construction of a 4-story private school for elementary and middle school aged children. The proposed school will contain 6 classrooms, 4 multi-purpose rooms, a cafeteria, several outdoor spaces including a recreational area and a rooftop garden, and a partially below grade parking garage with 18 parking spaces.

Staff would commend the applicant for proposing to construct a high-quality structure on the vacant lots. Over time, the vacant property has had an increasing adverse impact on the urban context of Washington Avenue as well as the surrounding historic district.

Staff is supportive of the overall contemporary design language for the school; however, staff has some concern regarding the mass and scale of the structure. Staff would note that the RPS-3 zoning district permits a maximum height of 50'-0". Additionally, the City Code permits height exceptions, not to exceed 25'-0" above the 50'-0" maximum height. The applicant is proposing to construct several mechanical rooms, restrooms and stair and elevator bulkheads at a height of 20'-0" above the main roof line. This, in combination with the location of the primary stair structure along the front setback line and rooftop the trellis structure that projects to the front setback line, results in a building that appears to be 70'-0" tall. Staff believes that the proposed height of the structures above the main roof line is excessive and not compatible with the scale and context of the surrounding historic district. Consequently, staff recommends that all height exceptions not exceed 10'-0", except for the elevator override structures. Additionally, staff recommends that the

rooftop trellis be setback in line with the equipment room located at the northwest corner of the roof. For comparison, staff has provided the currently proposed rendering and an approximation of staff's recommendations below.



Rendering of currently proposed project



Rendering of currently proposed project incorporating staff recommendations

Finally, it is important to note that the proposed project is scheduled to be reviewed by the Planning Board on June 21, 2022, with regard to important issues related to the operations of the project, including parking, traffic, deliveries, sanitation and security.

In summary, staff is highly supportive of the proposed project and believes that with incorporation of the modifications outlined above the project will be a more compatible with the adjacent contributing buildings and surrounding historic district.

VARIANCE ANALYSIS

The applicant is requesting the following variances:

1. A variance to exceed by 46'-2" the minimum required side interior setback for a school of 50'-0" in order construct the school building at a setback of 7'-6" from the north side property line and stairs at the ground level at a setback of 3'-10" from the north side property line.
2. A variance to exceed by 42'-6" the minimum required side interior setback for a school of 50'-0" in order construct the school building at a setback of 7'-6" from the south side property line. Variances requested from:

Sec. 142-1131. - Generally.

(d) Minimum side yards, public and semi-public buildings. The minimum depth of interior side yards for schools, libraries, religious institutions, and other public buildings and private structures which are publicly used for meetings in residential districts shall be 50 feet, except where a side yard is adjacent to a business district, a public street, bay, erosion control line or golf course, and except for properties that have received conditional use approval as a religious institution located in the 40th Street Overlay, in which cases the depth of that yard shall be as required for the district in which the building is located. In all other cases, the side yard facing a street shall be the same as that which is required for the district in which the lot is located.

In general, the required side setbacks for a main use building within the RPS-3 zoning district (with a lot width of more than 50'-0") is 7'-6" on both sides. However, for schools and institutions, the City Code requires side setbacks of 50'-0". In this case, the lot width of the property is 100'-0" and, if the required 50'-0" setback on both sides is applied, the construction of any structure on the site for use as a school would not be possible, unless a variance is approved. Based on the width of the lot and the proposed use as a school, staff finds that there are practical difficulties that justify the requested variances.

3. A variance to eliminate the requirement to provide two off-street loading spaces for a new school. Variance requested from:

Sec. 130-101. - Space requirements and location.

When any new building or structure is erected, or an existing building is modified resulting in an increase in FAR, accessory off-street loading spaces shall be provided for the new building, new structure, or increase in floor area in accordance with the following schedule:

(2) For each office building, hospital or similar institutions, places of assembly, or similar use, which has an aggregate floor area in square feet of:

b. Over 10,000 but not over 100,000: Two spaces.

The proposed project requires two loading spaces be provided on site. The applicant is requesting a variance to eliminate the on-site loading space requirement and is proposing loading activity to take place in the alley and nearby commercial on-street loading spaces. Staff would note that the site is currently vacant and believes that minor modifications to either the parking level or the rear yard could be made to allow for the introduction of the required loading spaces on site. As such, staff does not believe that the requested variance satisfies the practical difficulties or hardship criteria and recommends denial.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the request for a Certificate of Appropriateness and variances Nos. 1 & 2 be **approved** and variance No. 3 be **denied**, 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: 245 Washington Avenue / 02-4203-003-1080
251 Washington Avenue / 02-4203-003-1090

FILE NO: HPB22-0513

APPLICANT: 251 Washington LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the construction of new educational facility on a vacant site and variances from the minimum required interior side yard setbacks for a school and loading space requirements.

LEGAL: Parcel 1 (245 Washington Avenue)
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.

Parcel 2 (251 Washington Avenue)
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.

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 not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd', 'e' & 'f' in Section 118-564(a)(2) of the Miami Beach Code.

4. Is consistent with Certificate of Appropriateness Criteria 'b' , 'c' & 'd' 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. The height of all height regulation exceptions outlined in Section 142-1161 of the City Code (with the exception of elevator bulkheads) shall not exceed 10'-0" in height, 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 rooftop trellis structure shall be setback from the west, at a minimum to be in line with the equipment room located at the northwest corner of the roof, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. A plaque or historic display describing the history and evolution of the site shall be placed on the site and shall be located in a manner visible from the right of way, prior to the issuance of a Certificate of Occupancy for the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. 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.
 - e. 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 exceed by 46'-2" the minimum required side interior setback for a school of 50'-0" in order construct the school building at a setback of 7'-6" from the north side property line and stairs at the ground level at a setback of 3'-10" from the north side property line.
2. A variance to exceed by 42'-6" the minimum required side interior setback for a school of 50'-0" in order construct the school building at a setback of 7'-6" from the south side property line. A variance to reduce by 15'-1 1/2", the minimum required pedestal front (27th Street) setback of 20'-0", in order to relocate the contributing building at 230 28th Street to be located along 27th Street at a setback of 4'-10 1/2" from the south side property line.

The following variance was **denied** by the Board:

3. A variance to eliminate the requirement to provide two off-street loading spaces for a new school.
- 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 Nos. 1 & 2 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 "Base Camp 305", as prepared by Arquitectonica, 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 _____ ()

