

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 18, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB22-0539, **1690 Collins Avenue – Gale & Regent Hotels**.

An application has been filed requesting a Certificate of Appropriateness for the partial demolition of a portion of an existing rooftop addition, the construction of a 2-story rooftop addition ~~and a variance to reduce the minimum hotel unit size requirements.~~ **[Pursuant to Section 142-337(c) the requested variance is not required for the proposed project]**

RECOMMENDATION

Continuance of the application to a date certain of December 13, 2022.

BACKGROUND

On August 8, 2006, the Historic Preservation Board approved a Certificate of Appropriateness (HPB 3858) for the partial demolition, renovation and restoration of the two existing buildings, including the construction of a new roof top addition to each building, as part of a new hotel complex.

On October 11, 2011, the Historic Preservation Board approved modifications to the previous issued Certificate of Appropriateness including more extensive demolition and partial reconstruction and the relocation of the pool from the top of the Regent to the top of the roof-top addition on the Gale Hotel and to construct restrooms on the roof top of the Regent.

On February 12, 2012, the Historic Preservation Board approved additional modifications to the previous issued Certificate of Appropriateness including more extensive demolition and partial reconstruction.

On May 4, 2022, the City Commission approved Ordinance No. 2022-4501, amending the rooftop addition regulations to allow for multistory rooftop additions for CD-3 zoned parcels bounded by Collins Avenue on the east, Drexel Avenue on the west, 16th Street on the south and 17th Street on the north.

EXISTING STRUCTURES

Local Historic District: Museum

Gale Hotel – 1690 Collins Avenue

Classification: Contributing
Construction Date: 1941

Architect: L. Murray Dixon

1-story rooftop addition

Construction Date: 2013

Architect: Adache Group Architects

Regent Hotel – 1685 James Avenue

Classification: Contributing

Construction Date: 1941

Architect: L. Murray Dixon

1-story rooftop addition

Construction Date: 2013

Architect: Adache Group Architects

ZONING / SITE DATA

Folio: 02-3234-019-0640

Legal Description: North ½ of Lot 9 & all of Lot 10, Block 30, of the Alton Beach 1st Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

Zoning: CD-3, commercial, high intensity

Future Land Use: CD-3, commercial, high intensity

Lot Size: 18,766 sq. ft. / 2.75 Max FAR

Existing FAR: 43,927 sq. ft. / 2.34 FAR

Proposed FAR: 50,295 sq. ft. / 2.68 FAR

Existing Height: 52'-6"

Proposed Height: 62'-6"

Existing Use/Condition: Hotel and restaurant

Proposed Use: No change

THE PROJECT

The applicant has submitted plans entitled "Gale South Beach", as prepared by Studio McG Architecture, dated August 8, 2022.

COMPLIANCE WITH ZONING CODE

The application for Certificate of Appropriateness as submitted appears to be consistent with the requirements of the City Code.

This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

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 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 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.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

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

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

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

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
The scope of demolition is minimal.
- (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
The land elevation of the site is consistent with the surrounding properties.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Not Applicable
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Not Applicable
- (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.
Not Applicable
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied
Additional information shall be provided at the time of building permit review.
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied

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 Satisfied

The project is not consistent with Standard 9. As currently designed, the proposed addition is not compatible with the massing, size and scale of the existing Contributing buildings on the site.

- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.

Satisfied

II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. Exterior architectural features.

Satisfied

- b. General design, scale, massing and arrangement.

Not Satisfied

The 2-story rooftop addition as currently designed is incompatible and overwhelms the Contributing structure.

- 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.

Not Satisfied

The 2-story rooftop addition as currently designed is incompatible and overwhelms the Contributing structure.

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

Satisfied

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Satisfied

- h. The original architectural design or any subsequent modifications that have acquired significance.

Not Satisfied

The 2-story rooftop addition as currently designed is incompatible and overwhelms the Contributing structure.

III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied

b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Satisfied

c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Not Satisfied

The design of the rooftop addition has not been adequately developed in a manner that is compatible with the Contributing building.

Inadequate details have been provided for the proposed rooftop mechanical equipment screening which will be visible from Collins Avenue.

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 2-story rooftop addition as currently designed is incompatible and overwhelms the Contributing structure.

Inadequate details have been provided for the proposed rooftop mechanical equipment screening which will be visible from Collins Avenue.

e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district,

contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Not Satisfied

The 2-story rooftop addition as proposed is incompatible and overwhelms the Contributing structure.

Inadequate details have been provided for the proposed rooftop mechanical equipment screening which will be visible from Collins Avenue.

- 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).

Not Satisfied

The 2-story rooftop addition as currently designed is incompatible and overwhelms the Contributing structure.

Inadequate details have been provided for the proposed rooftop mechanical equipment screening which will be visible from Collins Avenue.

- 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.

Not Satisfied

Inadequate details have been provided for the proposed rooftop mechanical equipment screening which will be visible from Collins Avenue.

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

Not Satisfied

The 2-story rooftop addition as proposed is incompatible and overwhelms the Contributing structure.

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

Satisfied

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

Not Applicable

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing buildings are designated as part of the Museum Local Historic District.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The existing Contributing buildings are of such design, craftsmanship, or material that they could be reproduced only with great difficulty and/or expense.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The existing Contributing buildings are a distinctive example of an architectural or design style that contributes to the character of the district.

- d. The building, structure, improvement, or site is a Contributing building, structure, improvement, site or landscape feature rather than a Non-Contributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or Contributing building.

Satisfied

The Gale and Regent hotel buildings are classified as Contributing in the Miami Beach Historic Properties Database.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

Retention of the Contributing buildings promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed in the subject application is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a Contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

Total demolition of a Contributing building is not proposed.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

ANALYSIS

The subject site contains two Contributing buildings; the Gale Hotel located at 1690 Collins Avenue and the Regent Hotel located at 1685 Collins Avenue. Both buildings were constructed in 1941 and were designed by L. Murray Dixon in the Streamline Moderne style of architecture.

In 2006, the Historic Preservation Board approved the redevelopment of the site including the introduction of a 1-story rooftop addition on each building. Additionally, in 2011 and 2012, the Board approved modifications to the project and in 2013 construction was completed and hotel re-opened to the public.

The scope of the currently proposed project is generally limited to the western (Regent Hotel) portion of the site. The applicant is proposing to construct a 2-story rooftop addition on top of the existing 3-story building (original 2-story hotel building and 1-story rooftop addition). The new addition consists of 12 hotel units at the fourth level and meeting rooms at the fifth level. In order to accommodate the new addition, the applicant is proposing minor demolition of the existing amenity deck at the roof level of the existing 1-story rooftop addition. Staff does not believe that this portion of the project, constructed in 2013, contributes to the historic or architectural character of the district and has no objection to the requested demolition.

The first floor of the proposed 2-story rooftop addition (fourth level) follows the footprint of the existing 2013 rooftop addition (third level) which has been setback from the north and west sides of the Contributing building. The second floor of the new rooftop addition (fifth level) is proposed to be setback from sides of the fourth level approximately 5'-0" on the west side and 5'-6" at the closest point on the north side.

Staff has concerns relative to the magnitude that the highly visible multilevel rooftop addition will have on the existing Contributing building. The introduction of a new 2-story addition on top of the existing 1-story rooftop addition essentially equates to a 3-story addition on top of the original 2-story Regent Hotel building. In order to address compatibility concerns, staff recommends that the applicant explore ways to reduce the overall impact of the new addition. At a minimum, staff recommends the following:

- The portion of the addition containing the conference room and bathrooms proposed at the western end of the fifth level be eliminated or relocated to the fourth level in place of hotel units.
- The proposed 16'-0" floor to floor heights be reduced to no less than 12' floor to floor, which is consistent with the maximum floor to floor heights for roof top additions in all historic districts.
- Further development of the design of the rooftop addition, including a reduction in the large expanses of blank stucco wall.
- The applicant develops a paint scheme for the project that better highlights the architectural features of the Contributing buildings and helps to differentiate the Contributing buildings from the rooftop additions.

Additionally, as part of the project, the applicant is proposing to construct a 1-story rooftop addition on top of the existing 1-story rooftop addition of the Gale Hotel building in order to introduce an additional meeting room. This room will be located within the Collins Avenue line of sight. As such, staff recommends that the new addition be setback a minimum of 5'-0" from the existing eastern wall. Further, the applicant is proposing to relocate the existing mechanical equipment for the entire hotel, including the chiller from the roof of the existing 1-story rooftop addition of the Regent Hotel to the roof of the new fifth level. This mechanical equipment will be visible from Collins Avenue. Staff would note that inadequate information regarding the rooftop mechanical

equipment and screening has been submitted.



Existing condition



Proposed rendering

In summary, the intent of the recent legislation allowing multi-level roof-top additions within the subject site was intended to provide more flexibility and latitude regarding appropriate expansions of existing buildings. However, it was always clear that these additions would be subject to the certificate of appropriateness review process, during which the details of a proposed addition(s) would be carefully evaluated. Staff believes that significantly more refinement and study is needed before the proposal can comply with the certificate of appropriateness criteria, as noted more specifically herein. As such, it is recommended that the Board provide comments and feedback regarding the proposal, and continue the item to the December HPB meeting, in order to allow the project design team adequate time to further refine the proposal.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **continued to a date certain of December 13, 2022** in order to address the concerns noted herein. In the event the Board should approve the application, staff recommends that the conditions in the attached draft order be included, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and/or Practical Difficulty and Hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 18, 2022

PROPERTY/FOLIO: 1690 Collins Avenue / 02-3234-019-0640

FILE NO: HPB22-0539

APPLICANTS: Collins Hotel Associates LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the partial demolition of a portion of an existing rooftop addition, the construction of a 2-story rooftop addition and a variance to reduce the minimum hotel unit size requirements. [Pursuant to Section 142-337(c) the requested variance is not required for the proposed project]

LEGAL: North ½ of Lot 9 & all of Lot 10, Block 30, of the Alton Beach 1st Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 77, 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 Museum 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 'a' in Section 118-564(a)(1) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 4. Is not consistent with Certificate of Appropriateness Criteria 'c', 'd', 'e', 'j', 'l' & 'm' in Section 118-564(a)(3) of the Miami Beach Code.
 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.

- C. The project would 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. A paint scheme for the project that better highlights the architectural features of the Contributing buildings and helps to differentiate the Contributing buildings from the rooftop additions 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. 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.
 - c. 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, if applicable.

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 request for variances was filed as a 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 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 “**Gale South Beach**”, as prepared by Studio McG Architecture, dated August 8, 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 _____ ())