

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: HPB22-0541 a.k.a. HPB18-0208, **1685 Washington Avenue.**

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the total demolition of the existing building and the construction of a new hotel including variances to reduce the required tower front setback for residential uses, to exceed the maximum allowed projection into required yards, to exceed the maximum number of stories and maximum building height, to reduce the required width of a drive aisle and to eliminate the distance separation required from structural columns to a drive aisle. Specifically, the applicant is requesting approval for design modifications to the roof deck/8th level of the building and modifications to the previously approved variance for the maximum building height.

RECOMMENDATION

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

BACKGROUND

On September 17, 2018, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the total demolition of the existing building and the construction of a new hotel including variances to reduce the required tower front setback for residential uses, to exceed the maximum allowed projection into required yards and maximum building height.

EXISTING SITE

Local Historic District: Museum

ZONING / SITE DATA

Folio: 02-3234-019-0730

Legal Description: Lots 14 thru 17, Block 31, 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: 29,978 S.F. (Max FAR = 2.75)

Proposed FAR: 82,439 S.F. / 2.75 FAR, as represented by the applicant
Proposed Height: **83'-0"**
Proposed Use: Mixed-use hotel and commercial

THE PROJECT

The applicant has submitted plans entitled "Symphony Park Hotel", as prepared by Studio McG Architecture, dated August 18, 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 modified variance 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 hotel use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

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

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

reduce the levels of service as set forth in the plan.

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

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

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

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (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.
Not Applicable
- (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 Applicable
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied
The applicant is requesting to modify a previously granted variance.
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
 - d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied
 - e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district,

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

Satisfied

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Satisfied

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

ANALYSIS

As noted in the Background section of this report, on September 17, 2018, the Board approved a Certificate of Appropriateness for a new multi-story hotel building on the subject site. Earlier this year, a full building permit for the approved project was issued and construction is well underway.

Since that time, the applicant has been in discussion with staff regarding modifications to the roof deck area. After review of the approved building permit plans, staff determined that are two rooftop elements shown in the permit plans that will require the review of the Board, as they were not included in the plans approved under the original certificate of appropriateness issued by the Board in 2018. These elements include the introduction of a small fitness room at the north end of the roof deck and the introduction of bar counter at the south side of the pool deck. The applicant has agreed not to begin construction of these elements unless and until they are approved by the HPB.

The introduction of a second outdoor bar counter with a retractable canopy located within the western portion of the roof deck, is also being requested. For ease of understanding, the applicant has provided comparison drawings of the roof deck level including the HPB approved plan, the approved building permit plan and the currently proposed plan.

Fitness Room

A small fitness room is proposed at the northernmost extent of the roof deck. As part of the currently proposed plan, the applicant has shifted the rooftop fitness room approximately 5'-0' to the south. Staff is appreciative of this relocation which will reduce its visibility from surrounding rights-of-way.

Pool Bar Counter

An outdoor bar counter is proposed at the southeastern portion of the elevated pool deck. Staff has only one minor concern regarding this structure and recommends that the bar area be shifted to the western side of the pool deck away from the deck edge, to significantly reduce visibility from James Avenue.

Western Bar Counter and Retractable Canopy

A second outdoor bar counter and canopy structure are proposed to be introduced along the western portion of the roof deck as part of the rooftop restaurant. Staff would note that this area has been setback approximately 25'-0" from the western roof deck edge and will be minimally if at all visible from Washington Avenue.

In summary, staff is generally supportive of the proposed modifications as they have been designed in a simple manner that should not detract from the design of the new building, nor have any adverse impact on the surrounding Contributing buildings.

VARIANCE ANALYSIS

The applicant is requesting to modify following variance:

1. A variance to exceed by 3'-0" the maximum building height allowed of 80'-0" for a property fronting on 17th Street in order to construct a mixed-use building up to 83'-0" in height. Variance requested from:

Sec. 142-337. – Development regulations and area requirements.

(c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Maximum Building height (feet): Lots fronting on 17th Street: 80 feet.

As part of the initial 2018 Board approval, the applicant was granted a variance to exceed the maximum building height by 3'-0" for the restaurant and kitchen located at the south end of the roof deck level. The applicant is currently requesting to expand the area subject to the 3'-0" increase in height to include the rooftop fitness room and the pool bar counter. As noted in the preceding analysis, both elements were shown as part of the approved building permit.

Fitness Room

As shown in the approved building permit plans, the fitness room exceeds the maximum permitted height by 3'-0". The applicant is requesting to modify the previously granted variance to include this structure. Staff believes that a reduction of 1'-0" of the requested 3'-0" height variance will help to mitigate adverse visual impacts while allowing for reasonable floor to ceiling height of approximately 9'-0" (10'-0" floor to top of roof slab minus 1'-0" for structure and lighting). To further reduce any potential adverse impact of this structure, staff recommends that no mechanical or similar equipment be placed on the roof of the fitness room and that the proposed 1'-6" parapet be reduced to a 6" curb.

Pool Bar Counter

The pool deck is located approximately 6'-3" above the main roof deck. As part of the approved building permit, an outdoor bar counter was shown at the south side of the pool deck with a height that exceeds the maximum permitted height of 80'-0". The applicant is requesting to modify the previously approved variance to include this outdoor bar counter. Due to the height of the elevated pool deck, it would be exceedingly difficult for the proposed outdoor bar counter at this level to meet the maximum height limits; this creates practical difficulties to construct a bar counter in a practical and code compliant manner.

As part of the Certificate of Appropriateness analysis, staff is recommending that the bar counter area be shifted to the western side of the pool deck away from the eastern deck edge. This modification will eliminate the bar counter from view from James Avenue.

Staff would also note that while the structure of the building is substantially complete, the elements noted above have not yet been built. Staff finds that the variance modifications requested by the applicant, inclusive of the staff recommendations, will allow for the reasonable use of the rooftop while reducing visibility of these elements, and recommends approval subject to additional modifications, as noted in the attached draft Order.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the request for modifications to a previously issued Certificate of Appropriateness and variances be **approved**, subject to the conditions enumerated in the attached draft Consolidated 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: October 18, 2022

FILE NO: HPB22-0541 a.k.a. HPB18-0208

PROPERTY: 1685 Washington Avenue

APPLICANT: Sobe Center, LLC

LEGAL: Lots 14, 15, 16 and 17 in Block 31 of Fisher's First Subdivision of Alton Beach, according to the Plat thereof as recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

IN RE: An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the total demolition of the existing building and the construction of a new hotel including variances to reduce the required tower front setback for residential uses, to exceed the maximum allowed projection into required yards, to exceed the maximum number of stories and maximum building height, to reduce the required width of a drive aisle and to eliminate the distance separation required from structural columns to a drive aisle. Specifically, the applicant is requesting approval for design modifications to the roof deck/8th level of the building and modifications to the previously approved variance for the maximum building height.

CONSOLIDATED ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

- A. The subject site is located within the 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 not consistent with Sea Level Rise and Resiliency Review Criteria (1) 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 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.
 5. ~~Is not consistent with Certificate of Appropriateness Criteria 'a-e' 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. All interior fixtures located within the ground floor commercial space, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from glazed portion of an exterior wall fronting Washington Avenue and 17th Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or substantially transparent fixtures for display purposes only.
 - b. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the commercial space, 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. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.
 - 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 building signage shall require a separate permit. A uniform sign plan for the new ground level commercial spaces shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by the Board.
 - f. 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.
 - g. The outdoor bar counter area located at the pool deck level shall be shifted to the western side of the pool deck, 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. The landscape plan for the interior courtyard atrium shall include the introduction of the following plant species: Pond Apple, Green Buttonwood and Bald Cypress, or similar native species, 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 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.
 - c. A Silva Cell Rooting system or approved equivalent shall be provided with the required canopy shade trees in the public ROW facing Washington Av and 16th St subject to the review and approval of the City's Urban Forester. In the event that existing underground utilities prevent the installation of any of the required trees, a contribution to the Tree Trust Fund should be submitted equivalent to cost of material and installation inclusive of irrigation, landscape uplighting (two fixtures per tree), silva cell or approved equivalent, planting soil, trees, and bound aggregate.

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 exceed by 3'-0" the maximum building height allowed of 80'-0" for a property fronting on 17th Street in order to construct a mixed-use building up to 83'-0" in height.
 2. A variance to reduce by 17'-5" the required tower front setback of 50'-0" to construct a new mixed-use building at 32'-7" from the front property line facing Washington Avenue.
 3. A variance to exceed by 2'-4" the maximum allowed projection of 6'-0" in required yards for balconies and roof overhang in order to construct a new building with a projection of 8'-4" into the front yard facing Washington Avenue.

- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance(s) 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.

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

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

2. The rooftop fitness room shall not exceed 2'-0" above the maximum permitted height, in a manner to be reviewed and approved by staff.

3. The parapet of the fitness room shall be reduced to a maximum of a 6" curb and no equipment shall be placed on the roof, in a manner to be reviewed and approved by staff.

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

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

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness and variance approval as same as are contained herein, in the Order dated September 17, 2018 (HPB18-0208). Accordingly, this Order shall serve as the Final Order for the proposed project. In the event of a conflict between the provisions hereof and those of the previous Orders, the provisions hereof shall control.
- B. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- C. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- D. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- ~~A.~~ E. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- ~~B.~~ F. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- ~~C.~~ G. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

- D. H. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. J. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. K. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. M. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- J. N. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled **“Symphony Park Hotel”**, as prepared by **MCG Architecture + Planning, dated July 30, 2018** and the plans entitled **“Symphony Park Hotel”, as prepared by Studio McG Architecture, dated August 18, 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: _____ ()

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~~Strike-Thru~~ denotes deleted language
Underscore denotes new language

DRAFT