

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: HPB22-0515, **1665 & 1667 Washington Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the total demolition of a Non-Contributing structure and the construction of a new office building.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

BACKGROUND

On May 4, 2022, the City Commission approved Ordinance No. 2022-4500, amending the CD-3 district to authorize an increase in allowable building height for office buildings fronting Washington Avenue between Lincoln Road and 17th Street.

On September 20, 2022. The Planning Board reviewed and approved a Conditional Use Permit for a new 6-story office development exceeding 50,000 square feet, inclusive of mechanical parking.

EXISTING STRUCTURE

Local Historic District:	Museum
Classification:	Non-Contributing
Construction Date:	1997
Architect:	Lane Pettigrew Karp

ZONING / SITE DATA

Parcel 1:

Folio:	1665 Washington Avenue 02-3234-019-0770
Legal Description:	Lot 20, Block 31, of the Alton Beach 1 st Subdivision, according to the plat thereof, as recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

Parcel 2:

Folio:	1667 Washington Avenue 02-3234-019-0760
Legal Description:	Lot 19, Block 31, of the Alton Beach 1 st 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:	12,000 sq. ft. / 2.75 Max FAR
Existing FAR:	10,111 sq. ft. / 0.84 FAR
Proposed FAR:	32,998 sq. ft. / 2.74 FAR
Existing Height:	~49'-0"
Proposed Height:	80'-0"
Existing Use/Condition:	Office building and surface parking lot
Proposed Use:	Office building with mechanical parking

THE PROJECT

The applicant has submitted plans entitled "1665-1667 Washington Ave, Miami Beach, FL 33139", as prepared by Kobi Karp Architecture and Interior Design, Inc., dated August 5, 2022.

COMPLIANCE WITH ZONING CODE

The application for Certificate of Appropriateness, as submitted, appears to be inconsistent with the following requirements of the City Code:

1. Section 142-339(1) of the City Code: All floors of a building containing parking spaces shall provide residential or commercial uses at the first level along every façade facing a street.

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 office 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 Satisfied
A recycling or salvage plans has not been provided.
- (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.
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
Additional information shall be provided at the time of building permit review.
- (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

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.
Not Satisfied
The absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.
 - c. Texture and material and color.
Not Satisfied
The primarily black materials and finishes proposed for ground level along Washington Avenue are not compatible with the established character of the historic district and exacerbate the driveway void area.
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Not Satisfied
The absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.
 - 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.

Satisfied

- 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.

Not Satisfied

The absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.

- 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

See Compliance with Zoning Code section of this report.

- 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 primarily black materials and finishes proposed for ground level along Washington Avenue are not compatible with the established character of the historic district and accentuates the driveway void area.

- 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 absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.

- 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 absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.
- 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.
Not Satisfied
The absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.
- 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.
Not Satisfied
A lighting plan has not been submitted.
- 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.

Not Satisfied

The absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.

- 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).

Not Satisfied

The absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.

- 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 Satisfied

The absence of active use screening in front of the loading spaces at the ground level along Washington Avenue is inconsistent with character of the historic district and has an adverse impact on the pedestrian experience within the dense urban environment.

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 building 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.

Not Satisfied

The existing building is not of such design, craftsmanship, or material that it 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.

Not Satisfied

The existing building is not 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.

Not Satisfied

The building is classified as Non-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.

Not Satisfied

The retention of the building does not promote 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.

Satisfied

The applicant has presented plans for the reuse of the site as part of this application.

- 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 development site is comprised of two parcels located midblock on the east side of Washington Avenue between Lincoln Road and 17th Street. The first parcel (located along the alley) contains a 4-story office building constructed in 1997 and the second parcel consists of a surface parking lot.

The applicant is proposing to construct a new 6-story office building on the site, consisting of approximately 21,000 sq. ft. of office, a ground level lobby and coffee shop, a 58-space mechanical parking garage and a rooftop amenity deck. In order to accommodate the new structure, the applicant is proposing the total demolition of the Non-Contributing office building and surface parking lot. Staff does not believe that this building, constructed in 1997, contributes to the historic or architectural character of the district and has no objection to the requested demolition.

Located on one of the most heavily traveled commercial corridors in the City, the upper levels of the proposed building is generally compatible with its neighbors in terms of its overall scale and massing. While the design of the upper façade has been successfully articulated and developed, unfortunately the same cannot be said at the ground level along Washington Avenue. In this regard, as presently configured, the proposed driveway and drop-off area is exceedingly oversized and grossly out of scale with the established character and context of the immediate area. In its current form, the entry driveway, with a vast, gaping depth, would occupy significant urban space, immediately abutting a contributing building. Active building form fronting Washington Avenue, with a much more limited vehicular curb cut entry, would be the most appropriate design option at first level.

While staff continues to have concerns with the design of the first level of the project, and does not endorse the driveway configuration proposed, the Planning Board did have a lengthy discussion regarding this facet of the project and reached a different conclusion. As such, the analysis herein is focused more on improving the compatibility and aesthetics of the first level, to the greatest extent possible.

In order to address these aesthetic and appropriateness issues, staff believes that significant additional refinement of the first level of the project will be required in order to achieve a greater level of compatibility with the historic district. As submitted for the Board's review, approximately 60% of the ground level frontage is defined by a large open driveway and loading spaces. Since the final submittal of the application, the applicant has continued to develop the ground level plan in consultation with staff. The latest plan staff has reviewed incorporates a valet office to the south of the driveway, in line with the lobby, which may provide some semblance of activation, as well as improve the sidewalk urban condition. Staff also believes that further refinements to the material palette are needed.

Staff's other concern is relative to the finishes proposed for the covered plaza area and driveway fronting Washington Avenue. To this end, the primarily black materials and finishes proposed within this area are not compatible with the established character of the historic district and accentuate the driveway void area resulting in an undesirable pedestrian experience. In order to better engage the public realm, at a minimum, staff recommends that the ceiling within the front plaza area match the finish proposed for the upper floors and that appropriately designed lighting be introduced. These modifications should serve to provide a more inviting and desirable pedestrian experience.

Finally, it is important to note that on September 20, 2022, the Planning Board reviewed and approved a Conditional Use Permit for a development project greater than 50,000 gross square feet. The Planning Board reviewed the project with regard to important issues related to the operations, including parking, traffic, noise, deliveries, sanitation and security. Staff has attached the Conditional Use Permit for the Board's reference.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the request for a Certificate of Appropriateness and variance be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Hardship and Practical Difficulties criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 18, 2022

PROPERTY/FOLIO: 1665 Washington Avenue / 02-3234-019-0770
1667 Washington Avenue / 02-3234-019-0760

FILE NO: HPB22-0515

APPLICANTS: KK 1665 Washington LLC & BSD Raleigh Trustee LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the total demolition of a Non-Contributing structure and the construction of a new office building.

LEGAL: Parcel 1 (1665 Washington Avenue):
Lot 20, 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.

Parcel 2 (1667 Washington Avenue):
Lot 19, 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.

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 'b', 'c' & 'd' in Section 118-564(a)(2) of the Miami Beach Code.

4. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'f', 'h', 'k', 'm' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
 5. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'd' 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. The project shall comply with Section 142-339(1) of the City Code, 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 design and details of the vertical fin elements details 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. The ceiling of the ground level plaza area fronting Washington Avenue shall incorporate the same finish as the upper floors of 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. An appropriately designed lighting plan submitted for the covered plaza at the ground level along Washington Avenue, 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. 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.
 - 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. 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.
 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 "**1665-1667 Washington Ave, Miami Beach, FL 33139**", as prepared by **Kobi Karp Architecture and Interior Design, Inc.**, dated **August 5, 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.

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HPB22-0515
Meeting Date: October 18, 2022

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 _____ ()

DRAFT