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DATE:07/22/2015 03:59:59 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 14, 2015

FILE NO: 7434

PROPERTY: 801 Lincoln Road

APPLICANT: PPF MBL Portfolio, LLC

LEGAL: East ½ of Lot 1, Block 36 of Golf Course Subdivision, according to the plat thereof recorded in Plat Book 6, Page 26 of the public records of Dade County, Florida.

IN RE: The Application for modifications to a previously issued Certificate of Appropriateness for the partial demolition and renovation of the existing 1-story commercial building and the construction of a new 3-story ground level addition. Specifically, the applicant is requesting to modify condition C.1.f. of the Final Order, including new variances to reduce the required rear setback and to not provide the required number of parking spaces for off-street loading.

SUPPLEMENTAL 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. A Certificate of Appropriateness is not part of this application.

II. Variance(s)

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A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to reduce all minimum required rear setback of 5'-0" from the property line in order to construct an addition to the existing building up to the property line facing North Lincoln Lane.

2. A variance from the requirement to provide three (3) off street loading spaces for a building with an aggregate area more than 20,000 s.f. and less than 40,000 s.f.

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

The applicant has submitted plans and documents with the application that 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.

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C. The Board hereby GRANTS variances II.A.1 and II.A.2. as noted above~~, and CONTINUES the request for a variance II.A.3. as noted above, to a date certain of July 14, 2016~~ and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

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

2. The Board shall maintain jurisdiction of this file. Within ninety (90) days after obtaining the Occupational License for at least 50% of the tenants, the owner shall make a progress report to the Board including a traffic study showing delivery schedules and details of the loading operation for the entire building. The Board reserves the right to modify the conditions of this approval at the time of a progress report, in a non-substantive manner, including modifications to the delivery schedule, trash pickups, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.

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. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of the Board Order.

B. The Applicant agrees that a project manager will be retained to ensure that all aspects of the development permitting and licensing processes are coordinated and consistent with the approved plans. The applicant agrees to submit the name and contact information for the project manager to the Planning Department within 90 days of the June 9, 2015 meeting. Failure to comply with this condition within the specified time shall result in notice and a hearing before the Board to extend the timeframe.

C. A copy of all pages of the recorded Supplemental 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.

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D. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

E. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, 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. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

G. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

H. The previous Final Orders dated July 8, 2014, and June 9, 2015 shall remain in full force and effect, except to the extent modified herein.

I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

J. 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.

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.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 Certificate of Appropriateness and Variances are 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 approved by the Historic Preservation Board, as determined by staff, entitled "801 Lincoln Road" as prepared by Shulman + Associates, dated 4.27.2015.

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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 a Certificate of Appropriateness and Variances 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 this project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness and Variances were granted, the Certificate of Appropriateness will expire and become null and void. 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 Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 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 Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 21st day of July, 2015.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

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

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The foregoing instrument was acknowledged before me this 21st day of July 2015 by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: July 26, 2017

Approved As To Form:
City Attorney's Office: (7/21/2015)

Filed with the Clerk of the Historic Preservation Board on (7-21-15)

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

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DESIGN ARCHITECT

Shulman + Associates
Design · architecture urban interior graphic

801 LINCOLN ROAD- PHASE 2
801 LINCOLN ROAD
MIAMI BEACH, FL 33139

SEAL

DEC 07 2015

MARCEL R. MORLOTE, A.I.A.
FL. ARCHITECT
FL. ARCH. REG. NO. 9584

WA PROJECT NO.: 21506.00

ISSUE DATE
09/15/2015

NO.	REVISION DATE
2	12-07-15

DRAWING TITLE
FINAL ORDER

SHEET NUMBER
A0.00B

APPROVED
MIAMI BEACH
FIRE DEPARTMENT

REVIEWED
CITY OF MIAMI BEACH
FIRE DEPARTMENT

To the best of the Architect's or Engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with F.B.C. 2014 Section 110.8.4.4 and Chapter 633, Florida Statutes.