

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: November 10, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 7584, 1444 Drexel Avenue.**

The applicant, 1444 Drexel LLC, is requesting a Certificate of Appropriateness for the construction of two, 1-story ground level, detached additions to accommodate additional hotel units, including variances to reduce the minimum pedestal front, rear and sum of the side setbacks, and to exceed the maximum projection into the front setback for a deck facing Espanola Way.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions
Approval of the Variances with conditions

EXISTING STRUCTURE

Local Historic District:	Espanola Way
Status:	Contributing
Original Construction Date:	1925
Original Architect:	Robert A. Taylor

ZONING / SITE DATA

Legal Description:	Lots 1 and 2, less the south 3 feet, Block 4A of First Addition to Whitman's Subdivision of Espanola Villas, according to the plat thereof recorded in Plat Book 9, Page 147 of the public records of Miami Dade County, Florida.
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Zoning:	CD-2, Commercial medium intensity
Future Land Use Designation:	CD-2, Commercial medium intensity
Lot Size:	8,580 S.F. (Max FAR 2.0)
Existing FAR:	16,452.95 S.F. / 1.91
Proposed FAR:	17,154.43 S.F. / 1.99 FAR, as represented by the architect
Proposed Height:	13'-0" for the new construction
Existing Use/Condition:	22 room hotel with ground level commercial
Proposed Use:	24 room hotel with ground level commercial

THE PROJECT

The applicant has submitted plans entitled "Suite Addition" as prepared by 3Design Architecture, dated September 21, 2015.

The applicant is requesting a Certificate of Appropriateness for the construction of two, 1-story ground level, detached additions to accommodate additional hotel units, including variances to reduce the minimum pedestal front, rear and sum of the side setbacks, and to exceed the maximum projection into the front setback for a deck facing Espanola Way.

The applicant is requesting the following variance(s):

1. A variance to reduce by 2'-8" the minimum required front pedestal setback of 20'-0" in order to construct a one-story detached addition at 17'-4" from the front property line facing Espanola Way.

- Variance requested from:

Sec. 142-307. Setback requirements.

The setback requirements for the CD-2 commercial, medium intensity district are as follows:

Pedestal and Tower (non-oceanfront): Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247.

Sec. 142-156, 142-218, 142-247 Setback requirements.

(a) The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:

Pedestal, front: 20 feet

The project includes two-detached hotel room structures on the unimproved area at the west side of the property. The structure closest to the front is setback 17'-4" from the front property line where 20 feet is required. The size of each hotel units is 300 s.f. approximately which is the minimum area required for a hotel room. The buildings are setback to the rear of the site to match the rear setback of the existing building and to the west side to clearly separate the new construction from the contributing building. This request is the minimum variance required in order to construct up to the maximum FAR permitted, satisfy the certificate of appropriateness criteria and provide a reasonable use of the land. Adding new area attached to the existing building would negatively affect the existing structure. Most buildings along Espanola Way have no setback to the front property line and the required 20 feet is actually an anomaly in the area, not compatible with the surrounding properties. The existing building on site constructed in 1925 is not the result of the actions of the applicant. This site condition restricts the available area for the allowable development. The historic structure creates the practical difficulty requiring the variance. Staff is supportive of this variance as requested.

2. A variance to reduce by 14'-0" the minimum required sum of the side setbacks of 17'-8" in order to construct two one-story detached addition with a sum of the side setbacks of 3'-8".

- Variance requested from:

Sec. 142-307. Setback requirements.

The setback requirements for the CD-2 commercial, medium intensity district are as follows:

Pedestal and Tower (non-oceanfront): Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247.

Sec. 142-156, 142-218, 142-247 Setback requirements.

(a) The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:

Pedestal, side interior — Sum of the side yards shall equal 16% of lot width, Minimum: 7.5 feet or 8% of lot width, whichever is greater.

The new hotel additions are proposed at 6'-1" from the existing contributing building and at 3'-8" from the west property line. Because the existing building was constructed with zero setback from the east side, the total sum of the side yards provided is 3'-8" where 17'-8" is required. By complying with this requirement the new addition would have to be relocated closer to the existing building and modifications to the original architecture may be necessary in order to accommodate the new addition. The detached structures would not negatively affect the neighboring properties as they are one-story in height and the proposed setback is compatible with the setbacks of other properties in the area. The requested variance is necessary in order to accommodate the additional space and reasonably setback the structures from the existing building. Again, the historic structure, within a historic district creates the practical difficulty. Staff finds the practical difficulty standard has been met for this variance request.

3. A variance to reduce by 2'-9" the minimum required rear setback of 7'-10" in order to construct two one-story detached additions at 5'-1" from the rear property line.

- Variance requested from:

Sec. 142-307. Setback requirements.

The setback requirements for the CD-2 commercial, medium intensity district are as follows:

Pedestal and Tower (non-oceanfront): Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247.

Sec. 142-156, 142-218, 142-247 Setback requirements.

(a) The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:

Pedestal, rear, Non-oceanfront lots—Minimum: 10% of lot depth

The rear setback of the existing structure is non-conforming and the new hotel additions will follow the existing building line at the rear. Although the current Code requires a setback of 7'-10", the proposed 5'-1" setback is more compatible with the setbacks of other properties along the rear of the site. This variance request will not be injurious to the neighboring properties as it is consistent with the rear setback of most buildings in the same block. The low-scale additions are shifted to the rear of the site in order to be more recessive with respect to the existing building and comply with the certificate of appropriateness criteria. The sizes of the hotel units are the minimum possible in order to make a reasonable use of the land. The compliance with today's setbacks would impose an undue hardship on the applicant who would not be able to develop the site up to the maximum FAR available as other properties in the same district while keeping the contributing building unaltered. This variance request would allow the existing building to maintain its original architectural integrity. The historic structure, within a historic district creates the practical difficulty. Staff finds the practical difficulty standard has been met

for this variance request.

4. A variance to exceed by 58.6% (10'-2") the maximum allowable projection of 25% (4'-4") of the proposed front yard of 17'-4" in order to construct a paved area with 83.6% (14'-6") of encroachment into the proposed front yard.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

(6) Porches, platforms and terraces (up to 30 inches above the elevation of the lot).

The front setback of the new building is reduced to 17'-4" as part of variance request number 1. The proposed deck is allowed to encroach up to 25% of such proposed front yard for a maximum of 4'-4". A setback of 2'-10" is proposed from the front property line, facing Espanola Way. Although staff is not opposed to this variance request, we recommend that the plaza be reduced in size to have at least 6 feet of setback from the front property line, or create a centered landscape area for canopy trees, provide only one paved access to the plaza and allow a setback of 5 feet from the west property line. With this modifications, staff is supportive of the variance requested. The historic structure, within a historic district creates the practical difficulty. Staff finds the practical difficulty standard has been met for this variance request.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts. **In this case the requested variances are necessary in order to satisfy the Certificate of Appropriateness criteria and to not adversely impact the existing contributing building.**

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.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. A fee in lieu of providing parking on site will be required for 1 parking space at \$40,000 per space.
2. Paved area at the rear of the property exceeds the maximum 44" permitted for a walkway.

The above noted comments 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 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **hotel/commercial use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

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.
Satisfied
 - 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.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Satisfied
- 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
See compliance with zoning code.

- 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.
Not Applicable

STAFF ANALYSIS

The subject site contains one 'Contributing' structure, constructed in 1925 and designed by Robert A. Taylor in the Mediterranean Revival style of architecture. The existing building is situated at the northwest corner of Espanola Way and Drexel Avenue leaving a 25'-8" western side setback.

The applicant is proposing to construct two 1-story structures within the western portion of the site. The two proposed buildings, mirror images of each other, are connected by a raised platform providing access to the hotel units. The street facing building is proposed to be set back 17'-4" from the front property line allowing for the introduction of a small paved plaza along Espanola Way. Staff is pleased with the design which incorporates several architectural elements of the adjacent 'Contributing' buildings creating a compatible architectural vocabulary that will not have any adverse impact on the surrounding historic district.

Staff has one minor concern relative to the proposed horizontal picket railings located between the buildings. Staff would recommend that the railings consist of metal vertical pickets which would be more consistent with the Mediterranean Revival style of architecture and the design of

the fence proposed to be installed at the front property line. Staff is confident this minor change can be addressed administratively and recommends approval as stated below.

VARIANCE ANALYSIS

The building on site has non-conforming front, side and rear setbacks as the building were constructed up to the south and east property lines. The site is not developed up to the maximum FAR and the applicant is proposing two detached one-story hotel additions on the west side with setbacks that are consistent with the setbacks in the historic District and along Espanola Way. The setback variances requested are the minimum necessary to make a reasonable use of the land while complying with the certificate of appropriateness criteria. Staff recommends approval of the variances number 1, 2, and number 3 as proposed and modifications to variance number 4 to increase the front and side setback for the pavement or to provide a centered open space to plant canopy trees, in a manner to be reviewed and approved by staff. In addition, the pavement at the rear of the property shall be reduced to only a 3'-6" walkway to increase the pervious area on site. The historic structure, within a historic district creates the practical difficulty. Staff finds the practical difficulty standard has been met for this variance request.

RECOMMENDATION

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

TRM:DJT:JS:IV

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: November 10, 2015

FILE NO: 7584

PROPERTY: 1444 Drexel Avenue

APPLICANT: 1444 Drexel LLC

LEGAL: Lots 1 and 2, less the south 3 feet, Block 4A of First Addition to Whitman's Subdivision of Espanola Villas, according to the plat thereof recorded in Plat Book 9, Page 147 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the construction of two, 1-story ground level, detached additions to accommodate additional hotel units, including variances to reduce the minimum pedestal front, rear and sum of the side setbacks, and to exceed the maximum projection into the front setback for a deck facing Espanola Way.

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 Espanola Way 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 the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.

2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 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. 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.
 - b. Final details of all proposed exterior railings 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. The railings shall be vertical picket and the handrails shall have a flat profile which does not loop back to the post.
 - c. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The frames shall be a clear anodized aluminum or a light grey or silver powder coated finish. The glass shall not be colored and any tinting shall be the minimum required by Energy Codes.
 - d. 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. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
 - e. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- b. 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. Right-of-way areas shall also be incorporated as part of the irrigation system.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to reduce by 2'-8" the minimum required front pedestal setback of 20'-0" in order to construct a one-story detached addition at 17'-4" from the front property line facing Espanola Way.
 2. A variance to reduce by 14'-0" the minimum required sum of the side setbacks of 17'-8" in order to construct two one-story detached addition with a sum of the side setbacks of 3'-8".
 3. A variance to reduce by 2'-9" the minimum required rear setback of 7'-10" in order to construct two one-story detached additions at 5'-1" from the rear property line.
 4. A variance to exceed by 58.6% (10'-2") the maximum allowable projection of 25% (4'-4") of the proposed front yard of 17'-4" in order to construct a paved area with 83.6% (14'-6") of encroachment into the proposed front yard.
- 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.

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.

3. Revised site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

a. The front yard pavement shall be modified to provide additional landscape area and incorporate shade canopy trees in a manner to be reviewed and approved by staff. Only one paved access to the plaza shall be provided.

b. The pavement at the rear of the site shall be reduced to a 3'-6" wide maximum walkway. Pavement at the rear of the new additions shall be removed.

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 a Building Permit.

B. Where one or more parcels are unified for a single development, the property owner shall execute and record an 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. 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.
- D. 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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 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 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 conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 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 "Suite Addition" as prepared by 3Design Architecture, dated September 21, 2015, 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
PRESERVATION AND DESIGN MANAGER
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, 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: _____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Historic Preservation Board on _____ ()

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