

MIAMI BEACH

PLANNING DEPARTMENT

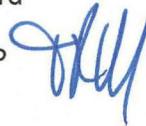
Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: November 10, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **HPB File No. 7585, Lincoln Road Master Plan.**

The applicant, City of Miami Beach, is requesting a Certificate of Appropriateness for the design of the Lincoln Road Master plan. The area for the proposed master plan is located within the public right-of-way generally bounded by Lincoln Lane North to the north, Lincoln Lane South to the south, Collins Avenue to the east, and West Avenue to the west.

STAFF RECOMMENDATION

Approval with conditions

EXISTING SITE

Local Historic District: Flamingo Park

ZONING / SITE DATA

Legal Description: A portion of the public-right-of-ways bounded by Lincoln Lane North to the north, Lincoln Lane South to the south, Collins Avenue to the east, and West Avenue to the west, all lying and being in the City of Miami Beach, Florida.

BACKGROUND

On September 10, 2014, pursuant to RFQ 2014-050-SR, City Commission approved James Corner Field Operations, LLC, to prepare a Master Plan for Lincoln Road.

On February 9, 2015, James Corner Field Operations, a City consultant commenced work in the development of the "Lincoln Road District Master Plan", a design project that will serve as the basis for future improvements on Lincoln Road, from Lincoln Lane North to Lincoln Lane South, and from West Avenue to Collins Avenue, as well as connecting side streets.

On June 24, 2015, the preliminary master plan concept was presented at a public workshop where input from the community was obtained.

On September 8, 2015, the Lincoln Road Master Plan was presented to the Historic Preservation Board members. Comments from the Board were incorporated into the final design.

On September 30, 2015, the City Commission held a public workshop at which time the Lincoln Road Master Plan was presented.

On October 14, 2015, the City Commission adopted a resolution (no. 2015-29183) approving, in concept, the Master Plan for Lincoln Road, for the refurbishment of the Lincoln Road pedestrian mall, from Washington Avenue to Lenox Avenue, as well as connecting roads from the convention center complex to Lincoln Road (17th street from Pennsylvania Avenue to Washington Avenue; Drexel Avenue; Pennsylvania Avenue; and Meridian Avenue) (collectively, the project); which project was designed by James Corner Field Operations, and includes improvements to the hardscape, landscape, street lighting, and street furnishings.

THE PROJECT

The applicant has submitted plans entitled “Lincoln Road District Master Plan”, as prepared by James Corner Field Operations, dated August 28, 2015.

The Master Plan for Lincoln Road encompasses the Lincoln Road pedestrian mall, from Washington Avenue to Lenox Avenue, as well as connecting roads from the convention center complex to Lincoln Road (17th street from Pennsylvania Avenue to Washington Avenue; Drexel Avenue; Pennsylvania Avenue; and Meridian Avenue). The project was designed by James Corner Field Operations, and includes improvements to the hardscape, landscape, street lighting, and street furnishings.

The stated strategies for the Master Plan include the following:

- Emphasize gateways
- Organize the line
- Create three civic anchors
- Develop a cohesive design vocabulary

The four strategic approaches are the following:

- Transform from mall to district
- Showcase historic Lapidus work
- Enhance the shopping and dining experience
- Reorganize to prioritize public space and program

Additionally, the applicant has submitted a phasing schedule for the completion of work.

COMPLIANCE WITH ZONING CODE

The application appears to be consistent with the requirements of the City Code; this shall not be considered final zoning review or approval.

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.

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.
Not Satisfied
The proposed colors for the street and directory signage are not consistent with the historic district, and the proposed wood deck located within the Euclid Oval is not consistent with the historic district.
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Not Satisfied
The proposed colors for the street and directory signage are not consistent with the historic district, and the proposed wood deck located within the Euclid Oval is not consistent with the historic district.
 - e. The purpose for which the district was created.
Not Satisfied
The size of the proposed directory structures overwhelms the historic resources and pedestrian scale of Lincoln Road.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Satisfied

The size of the proposed directory structures overwhelms the historic resources and pedestrian scale of Lincoln Road.

- 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.

Satisfied

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

Partially Satisfied

While the proposed landscape material restores the balance of the original Lapidus plan, the proposed colors for the street and directory signage are not consistent with the historic district, and the proposed wood deck located within the Euclid Oval is not consistent with the historic district.

- 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

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 site is located within the Flamingo Park Local Historic District, and is individually listed as an historic site on the National Register of Historic Places.

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

Satisfied

The existing ‘Contributing’ structures would be difficult and inordinately expensive to reproduce.

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

Satisfied

The existing ‘Contributing’ structures are several of the last remaining examples of their kind and are distinctive examples of an architectural or design style which 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 noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1,

or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The structures are designated as ‘Contributing’ in the Miami Beach Historic Properties Database.

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

Satisfied

The retention of the ‘Contributing’ structures is critical to developing an understanding of an important Miami Beach architectural style.

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

Not Applicable

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

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

Not Applicable

The applicant is not proposing total demolition.

- 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 any part of the subject building.

ANALYSIS

The project encompasses the Lincoln Road pedestrian mall inclusive of Lincoln Lane North and Lincoln Lane South from Lenox Avenue to Collins Avenue. The project extends to 16th Street along Drexel Avenue. The Lincoln Road Master Plan is intended to serve as the basis for future improvements to Lincoln Road. The proposed Master Plan provides a conceptual land use plan, design guidelines, and illustrative details that incorporate key elements and features. This includes refurbishments and enhancements to lighting, pedestrian surfaces, street furnishings, healthy tree fertilization systems, and crosswalks.

Since it was first mapped in 1912 and designed by Carl Fischer in 1914, Lincoln Road has served as a social center for the City of Miami Beach. Running east to west between 16th and 17th Streets, six blocks of the road were closed to vehicles and converted to a pedestrian mall in 1960. Designed by architect Morris Lapidus, the key elements of the 1960 plan include:

- A central spine marked by the distinctive ‘piano key’ paving
- A series of geometrically distinctive planted gardens, water features and seat-walls
- Sculptural follies situated on the central spine
- A wide pedestrian promenade along the storefronts
- A lush vegetation composed of low understory and high canopy trees

Through the 1980s, the original Lapidus plan fell into disrepair; plantings and hardscape slowly deteriorated. In mid-1990s several modifications were made to the design of Lincoln Road. Additional landscape, round bollards and lighting fixtures were added, fountains were renovated, and a new paving pattern was installed along the pedestrian promenades.

In reviewing the proposed Lincoln Road District Master Plan together with the original 1960 Lapidus plan, staff has found that the proposed Master Plan restores much of the original balance of active shopping and dining area with civic and public space. The proposed landscape plan should restore vistas through and across Lincoln Road that have been lost over a decade. Further, the proposed Master Plan pays respect to the original pedestrian flow and significantly improves north-south pedestrian connectivity.

Proposed design modifications include the following:

- **Paving**

The proposed plan includes modifications to the existing paving in an attempt to reduce the required maintenance and better organize the different uses that occur along the road. First, the existing black and white ‘piano key’ paving will be reconstructed using tinted cast-in-place concrete. Staff is highly supportive of this proposal as the tinted concrete will retain its color without the need for repainting, significantly reducing current maintenance challenges.

Second, in attempt to better organize the various uses that occur along the road, the consultant is proposing to divide the road into three distinctive zones distinguished by different paving patterns. The first zone is the central spine which contains the Lapidus follies and piano key paving. The piano key paving which currently extends several feet on past the planter edges, is proposed to be reduced in width terminated at the planter walls. A 15’-0” café zone is proposed to be located on either side of the central spine, and a 15’-0” pedestrian zone is proposed to be located adjacent to the storefronts on the north and south. The pedestrian and café zones will be re-paved using a cast-in-place concrete with exposed seashell aggregate. The pedestrian zone will be distinguished by a combination of alternating light grey tints recalling the piano key pattern, while the café zone will consist of a single solid color concrete.

The reduction of the central spine to a consistent width of 35’-0”, allows for the café zones inclusive of all associated furnishes, to be shifted away from the Lapidus structures. Removing these elements from the central spine will significantly improve pedestrian circulation and allow for greater interaction with the Lapidus follies, water features and gardens. Staff believes that reclaiming the central spine for public enjoyment is consistent with Morris Lapidus’ vision for this space.

- **Planter Features**

The consultant is proposing to reconstruct the existing planter walls using a white pre-cast concrete, significantly improving the current maintenance challenges of the painted concrete planters. Further, at limited locations the planters walls are proposed to be modified in order to better accommodate comfortable seating. Staff is highly supportive of this proposal as historical documentation reveals that Lapidus originally intended to have these geometric planter walls serve as areas where shoppers could sit and relax.

- **Euclid Oval**

The consultant is proposing to redesign the existing raised planter feature currently surfaced with artificial turf. The new design has been inspired by the uses and programs currently occurring in this space. Staff believes that the proposed sculpted feature with a cascading planter facing west and a small amphitheater space with steps facing east creates a unique space for performance under the canopy of the existing winged folly. Staff's only concern is with regard to the proposed wood deck material and would recommend the use of a paving material more consistent with the historic district.

- **New Gateway at 400 Block**

The 400 block of Lincoln Road was significantly altered as part of the renovations that occurred in the mid-1990s. The original Lapidus kiosk structure and flag masts were replaced with new landscape and a contemporary structure designed by architect Carlos Zapata, completed in 1999. The Master Plan includes a proposal to remove the Zapata structure and introduce a new distinctive gateway structure. A louvered trellis is proposed to extend from Washington Avenue to the centerline of Euclid Avenue, creating a visual connection with the New World Symphony building to the north. The trellis structure has been designed in a manner which will allow the existing canopy trees to be retained as the structure incorporates irregular shapes inspired by the geometry of the Lapidus structures. Staff is supportive of the concept a new monumental gateway structure at this important intersection, and would note that the scope of work for the Master Plan does not include final design drawings. Due to the magnitude of the structure and highly visible location, staff would recommend that this element be further developed and that the final design and details be reviewed by the Board prior to the approval of a building permit for this structure.

- **Street Furniture and Wayfinding Signage**

In order to create a consistent design vocabulary distinct to Lincoln Road, the consultant is proposing to introduce new fixed, free standing urban furniture, trash receptacles, bike racks and signage throughout. Staff's only concern is with proposed design for the new street signs and directory structures. Staff would recommend that these elements be further developed and incorporate materials, colors and design elements that are consistent with the character and quality of the surrounding 'Contributing' buildings and historic district. Further, although staff is supportive of the use of advanced technologies for the interactive directories, staff is concerned that the proposed size of these directory structures may overwhelm the historic resources along the road. Consequently, staff would recommend that the directory structures be significantly reduced in size.

- **Landscape**

As part of the Master Plan, the consultant is proposing to retain all of the healthy existing canopy trees and introduce additional canopy trees. New understory planting is

proposed to replace the existing overgrown landscape which currently overwhelms the Lapidus follies and impedes north-south views across the road. The proposed understory planting includes a mix of grasses and ornamental plants such as agaves and bromeliads which are low in height and will result in a significantly improved visual corridor between the understory and the canopy of the trees, increasing visibility to the storefronts on either side.

- **Lighting**

The original Lapidus plan prioritized a brightly lit central spine with accent lights that emphasized the architectural follies, water features and landscaped planters. The master plan includes a proposal to install a set of dual masts with LED lights flanking the edges of the 'piano key' central spine. Inspired by the original lighting scheme, the top of the mast will illuminate the central space while a second, lower light will illuminate the adjacent café and pedestrian zones. Further, modern technology will allow for the use of different colors to mark holidays and special events. Staff believes that the proposed lighting is consistent with Morris Lapidus' vision for Lincoln Road and does not believe that the proposed light masts will not have any adverse impact on the historic resources or surrounding historic district.

In summary, staff believes that the proposed Master Plan successfully preserves the character of the original 1960 Morris Lapidus plan while proceeding even further with pedestrian amenities, new infrastructure, fountains, and landscaping well beyond what Lapidus was able to do with his very limited budget.

Finally, it is important to note that the staff of various City departments has worked extensively with the various Lincoln Road stakeholders, including property owners, retail tenants, restaurant operators, and neighborhood residents, whose feedback over the course of several months was incorporated into the final plan.

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.

TRM:DJT:JS

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HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: November 10, 2015

FILE NO: 7585

PROPERTY: Lincoln Road Pedestrian Mall

APPLICANT: City of Miami Beach

LEGAL: A portion of the public-right-of-ways bounded by Lincoln Lane North to the north, Lincoln Lane South to the south, Collins Avenue to the east, and West Avenue to the west, all lying and being in the City of Miami Beach, Florida.

IN RE: The Application for Certificate of Appropriateness for the design of the Lincoln Road Master plan. The area for the proposed master plan is located within the public right-of-way generally bounded by Lincoln Lane North to the north, Lincoln Lane South to the south, Collins Avenue to the east, and West Avenue to the west.

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 Flamingo Park 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 not consistent with Certificate of Appropriateness Criteria 'c-f' in Section 118-564(a)(2) of the Miami Beach Code.

3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
 4. Is consistent with Certificate of Appropriateness Criteria for Demolition 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 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 gateway structure located at the 400 block of Lincoln Road shall be further developed. The final design and details, including materials, dimensions and finishes shall be provided, in a manner to be reviewed and approved by the Board, prior to the issuance of a building permit for this structure.
 - b. The new street and directory signage shall be of a design, material and color(s) more consistent with the character and quality of the 'Contributing' structures within historic district, 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 digital directory sign structure shall be significantly reduced in size, 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. There shall be no general advertising permitted to be displayed on the digital directory signage.
 - e. The wood deck proposed to be located at the Euclid oval shall not be permitted. Instead, the surface shall consist of a material more consistent with the historic district, including but not limited to terrazzo, pavers or decorative concrete, 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. The final design and details of all exterior paving, including materials, dimensions and finishes 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.
 2. The phased development schedule shall be approved in accordance with the timeframe set forth for Phase 1 through Phase 3, as submitted by the applicant.
 3. 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. All existing, healthy canopy trees shall be retained to the greatest extent possible, subject to the review and approval of the City's Greenspace Management Department.
- b. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- c. 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.

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 variances have been requested as part of the application.

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

- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 "Lincoln Road District Master Plan", as prepared by James Corner Field Operations, dated August 28, 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 _____ ())