

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: December 8, 2015

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB File No. 7576, **927 Jefferson Avenue.**

The applicant, Emotions AP LLC, is requesting Certificate of Appropriateness for the total demolition of the existing 1-story, rear accessory structure and the construction of a new 3-story ground level addition at the rear of the site, including variances to reduce the rear yard setback and interior side yard setback.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness and variances with conditions

BACKGROUND

At the December 8, 2015 HPB meeting, the Board will consider an application (HPB 7591) to classify the existing 1-story rear structure as 'Non-Contributing' in the Miami Beach Historic Properties Database. Staff is recommending that Board classify the structure as a Non-Contributing building in the City's Historic Properties Database.

EXISTING STRUCTURES

Local Historic District: Flamingo Park

Front 2-story structure

Status: Contributing
Original Architect: Unknown
Construction Date: circa 1920

Rear 1-story structure

Status: Not Classified
Original Architect: Unknown
Construction Date: circa 1920

ZONING / SITE DATA

Legal Description: Lot 12, Block 70, Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

Zoning: RM-1 Residential Multi-Family, Low Intensity

Future Land Use Designation:	RM-1 Residential Multi-Family, Low Intensity
Lot Size:	7,000 S.F.
Existing FAR:	3,388 S.F. / 0.48
Proposed FAR:	5,883 S.F. / 0.84 (Max FAR: 1.25)
Existing Height:	2-stories
Proposed Height:	35'-0" / 3-stories
Existing Use:	5 unit rooming house
Proposed Use:	3 unit rooming house and 3 unit apartment building

THE PROJECT

The applicant has submitted plans entitled "927 Jefferson Ave." as prepared by Castellanos Design Studio, dated October 21st, 2015.

The applicant is requesting Certificate of Appropriateness for the total demolition of the existing 1-story, rear accessory structure and the construction of a new 3-story ground level addition at the rear of the site, including variances to reduce the rear yard setback and interior side yard setback.

The applicant is requesting the following variance(s):

1. A variance to reduce by 9'-0" the minimum required rear yard pedestal setback of 14'-0", to permit the construction of a 3-story ground level addition with a rear yard pedestal setback of 5'-0".

- Variance requested from:

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows: Rear Pedestal - Non-oceanfront lots—10% of lot depth

The existing 'Contributing' structure is setback approximately 24'-8" from Jefferson Avenue, which is greater than the minimum front yard setback required by Code. The Code requires any new detached addition to be separated from the existing building a minimum of 10'-0". This requirement restricts the developable area for new construction to the rear of the lot, creating a practical difficulty for the site. Staff finds that the variance was not self-created, and the historic nature of the structure and existing site conditions satisfy the practical difficulty and hardship criteria. Further, the proposed 5'-0" rear yard setback is consistent with the neighboring building located along the alley.

2. A variance to reduce by 5'-0" the minimum required rear yard at-grade parking setback of 5'-0", to permit the construction of 5 parking spaces located at the rear property line adjacent to the alley).

- Variance requested from:

Sec. 142-156. - Setback requirements.

(b) The setback requirements for the RM-1 residential multifamily, low density district are as follows: Rear At-grade parking lot on the same lot - Non-oceanfront lots—5 feet

3. A variance to reduce by 2'-10" the minimum required north interior at-grade parking setback of 5'-0", to permit the construction of a parking space location 2'-2" from the north interior property line.

- Variance requested from:

Sec. 142-156. - Setback requirements.

(c) The setback requirements for the RM-1 residential multifamily, low density district are as follows: Side, Interior At-grade parking lot on the same lot - 5 feet, or 5% of lot width, whichever is greater

Variances nos.2 and 3 are similar to variance request no.1. Again the site conditions, including the significant front yard setback of the existing 'Contributing' building and the 10'-0" separation requirement, creates practical difficulty for the placement of parking spaces. The requested variance will allow the site to accommodate the 5 additional parking spaces required for the detached addition. Further, the placement of the parking is consistent with the neighboring buildings which have parking at the ground level along the alley.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of 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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the variances requested herein.

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.
Not Satisfied
If the Board should determine that the existing 1-story accessory structure is Contributing, the project as proposed would not be consistent with the RM-1 Flamingo Park Historic District development regulations.
- 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
Material Samples have not been provided.

Staff was unable to locate any permit for the existing, inappropriate paint colors on the ‘Contributing’ building.

- d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
The overall massing, siting and distribution of volume proposed for the new structure is consistent with the scale and design of the site, the existing structures and the built context of the immediate area.
- 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 variance analysis in ‘The Project’ description.
- 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
Material Samples have not been provided.

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Satisfied
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied
- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a

residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

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

Satisfied

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied

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 structures are located within the Flamingo Park 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.

Satisfied

The 'Contributing' structure proposed to be retained is 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.

Satisfied

The 'Contributing' structure proposed to be retained is one of the last remaining examples of its kind and contribute to the defining 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.

Partially Satisfied

The existing 2-story residential structure is classified as 'Contributing' in the Miami Beach Historic Properties Database. The 1-story rear accessory structure is not classified.

- 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' structure is critical to developing an understanding of an important early 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 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

No 'Contributing' structures are proposed to be demolished.

- 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.

CERTIFICATE OF APPROPRIATENESS ANALYSIS

The applicant is proposing to construct a new 3-story, 3-unit, multi-family residential structure at the rear of the site. In order to construct the new building, the applicant is proposing the total demolition of the 1-story rear accessory structure. The existing accessory structure is not classified within the Miami Beach Historic Properties Database. Per City of Miami Beach code section 142-155(a)(3)(g):

Only those portions of a contributing building that were not part of the original structure on site, or that have not acquired any type of architectural significance, as determined by staff or the historic preservation board, may be proposed to be demolished.”

As such, the applicant has filed an application (HPB 7591) requesting that the Board classify the accessory structure as ‘Non-Contributing’.

Request for total demolition of the 1-story rear accessory structure

This structure was constructed for utilitarian purposes and was most likely designed with a lack of architectural details. Further, the structure has been altered over time including multiple additions and the conversion of the garage into apartment units. As such, staff has no objection to the applicant’s request for the total demolition of the building.

Existing ‘Contributing’ 2-story multi-family residential structure

The applicant is proposing to renovate the existing structure including the removal of the inappropriate through-the-wall and through-the-window air conditioning units and the installation of a central air conditioning system. Further the applicant is proposing to repaint the structure a color consistent with the “Historic District color intensities” of the City’s exterior color review chart. Finally, staff would note that structure recently completed the 40-year-recertification process including the replacement of all exterior doors.

New 3-story multi-family residential structure

The applicant is proposing to construct a new 3-story, 3-unit, multi-family residential structure with active roof decks at the rear of the site. The new detached addition, which will be minimally visible from Jefferson Avenue, has been designed in a manner consistent with the scale and mass of the adjacent 2 and 4-story buildings and should not overwhelm the existing ‘Contributing’ structure on the site.

While supportive of the design direction, placement and scale of the proposed new structure, staff does have some concern with the absence of a fully developed landscaping plan. As such, staff recommends that additional high quality Florida landscape material be introduced including a minimum of two medium size canopy shade trees within the front yard and enhanced understory plantings. Staff is confident that this minor issue can be addressed administratively, as indicated in the recommendation for approval below.

Finally, staff would note that although the ‘Contributing’ building is currently licensed as a legal non-conforming rooming house, all units located within the new addition will be required to comply with the current use restrictions as outlined in Section 142-152 of the City Code. No unit within the new building will be permitted to be rented for a period of less than six months and one day.

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.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: December 8, 2015

FILE NO: 7576

PROPERTY: 927 Jefferson Avenue

APPLICANT: Emotions AP LLC

LEGAL: Lot 12, Block 70, Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for the total demolition of the existing 1-story, rear accessory structure and the construction of a new 3-story ground level addition at the rear of the site, including variances to reduce the rear yard setback and interior side yard setback.

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 not consistent with the Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(1) of the Miami Beach Code.
 2. Is not consistent with Certificate of Appropriateness Criteria 'c' in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'c' in Section 118-564(a)(3) of the Miami Beach Code.
 4. Is consistent with Certificate of Appropriateness Criteria 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 existing structure on site shall be fully renovated and restored consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
 - i. Impact windows shall be provided and shall incorporate a muntin configuration that is consistent with the with the architectural style 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.
 - ii. Any existing through-the-wall or through-the window air conditioning units shall be removed; a new central system 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.
 - iii. All residential units within the existing and proposed structures shall meet the minimum and average unit size requirements for apartments.
 - b. The exterior paint color(s) for all structures on the site shall be consistent with the "Historic District color intensities" of the City's exterior color review chart.
 - c. 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.
 - d. The final location and details of all exterior ramp and railings systems, 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.
 - 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. A minimum of two medium size canopy shade trees shall be provided within the front yard facing the public ROW. Trees should be specified to be a minimum of 12' o.a. height x 5'-6' spread, Florida #1 at time of installation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The understory plan should be further developed in order to be more cohesive and to include more native plant species, color and layering throughout the entire 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.
 - c. The existing hedge material located within the front yard and/or Public ROW shall be removed, 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. With the exception of individual plants provided for accent, all understory plant material provided within the front yard facing the public ROW shall naturally not exceed 24" in height at maturity and shall not require periodic pruning in order to maintain such height, 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. The area of paving located to north of the existing building to remain shall be reduced and additional landscaping 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.
 - f. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - g. 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. The applicant filed an application with the Planning Department for the following variance(s):
1. A variance to reduce by 9'-0" the minimum required rear yard pedestal setback of 14'-0", to permit the construction of a 3-story ground level addition with a rear yard pedestal setback of 5'-0".
 2. A variance to reduce by 5'-0" the minimum required rear yard at-grade parking setback of 5'-0", to permit the construction of 5 parking spaces located at the rear property line adjacent to the alley).
 3. A variance to reduce by 2'-10" the minimum required north interior at-grade parking setback of 5'-0", to permit the construction of a parking space location 2'-2" from the north interior property line.
- 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.

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

- A. The applicant shall obtain a new Certificate of Use and Business Tax Receipt (if required) for a residential apartment. The short term rental of any units, as well as a 'rooming house' use shall be prohibited.
- B. 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.
- C. 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.
- D. The applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools, prior to the issuance of a Building Permit. 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 prior to the issuance of a Building Permit.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- H. 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.

- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 "927 Jefferson Ave." as prepared by Castellanos Design Studio, dated October 21st, 2015, and 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 _____ ()