

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: March 8, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: File No. 7619, **6747 - 6757 Collins Avenue.**

The applicant, CCCC Miami Beach LLC., is requesting Certificate of Appropriateness for the construction of a new 18-story residential building on a vacant lot including variances to exceed the maximum height for a fence facing the ocean and to reduce the required width for a two-way driveway.

### STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness and Variances with conditions

### EXISTING STRUCTURES/SITE

Local Historic District: North Beach Resort

### ZONING / SITE DATA

Legal Description: North 37.5 feet of Lot 45 and South 25 feet of Lot 46, Block 1 and South 62.5 feet of Lot 45, Block 1, Amended Plat of the Second Ocean Front Subdivision as recorded in Plat Book 28 at page 28 of the public records of Miami-Dade County, Florida.

Zoning: RM-3 (Residential Multifamily, Medium Intensity)  
Future Land Use: RM-3 (Residential Multifamily, Medium Intensity)

Lot Size: 41,625 S.F. (Max FAR = 2.25)  
Existing FAR: N/A  
Proposed FAR: 93,656 S.F. / 2.25 (Max FAR = 2.25), as represented by the applicant  
Proposed Height: 18-stories / 200'-0"  
Existing Use/Condition: Vacant Lot  
Proposed Use: Multi-Family Residential / 42 units

## **BACKGROUND**

In 2005, the Historic Preservation Board approved a new 19-story, 64 unit residential building on the subject vacant lot. The previously approved project included three (3) full levels of parking above grade, with an additional partial parking level below grade. A Building Permit however, was not obtained within the required eighteen (18) months of the approval, resulting in the expiration of the Historic Preservation Board Order.

On September 10, 2013, the Board reviewed and approved a Certificate of Appropriateness for the construction of a new 16-story, 13-unit multi-family residential structure on the subject vacant lot (HPB 7378).

Subsequently, the property was sold to a new owner who has submitted plans for a new 18-story, 42-unit multi-family residential structure.

## **THE PROJECT**

The applicant has submitted plans entitled “6747 Collins Avenue, Miami Beach, FL”, as prepared by Arquitectonica, dated January 25, 2016.

**The proposed project consists of a new, 18-story, 42-unit multi-family residential building with 87 parking spaces, a rooftop amenity deck at the fourth level and a ground level amenity deck.**

The applicant is requesting the following variance(s):

1. A variance to exceed by 1'-11" the maximum height of 5'-0" for a fence facing the waterway in order to construct a fence with a height of 6'-11" as measured from grade (6.13 NGVD) facing the ocean.

- Variance requested from:

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

**(h) Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:**

**(1) All districts except I-1:**

**b. Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, as measured from grade, except when such yard abuts a public right-of-way, waterway or golf course, the maximum height shall not exceed five feet.**

A new picket fence is proposed at the rear of the property facing the ocean. The maximum height of a fence is measured from grade, the elevation of the sidewalk at the center of the property. As the grade on site naturally slopes up from the front toward the rear, the height of a fence permitted would be approximately 4 feet as visualized from the adjacent grade at the rear. The existing grade elevation along the rear is approximately 1 to 2 feet higher than the elevation of the sidewalk at the center of the property. The proposed fence is approximately 5 feet in height measured from the adjacent grade, but exceeds by 1'-11" the maximum height permitted as measured from the sidewalk elevation. This condition is common in many oceanfront properties and variances to exceed the maximum fence height permitted have been previously granted based on the practical difficulties created by the difference between the grade elevation, as defined in the city Code and the grade elevation at the fence location. Staff finds that the

existing site conditions, in this case justify the request for this variance.

2. A variance to reduce 1'-0" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to construct parking spaces at the third floor with an interior drive aisle of 21'-0".

- Variance requested from:

**Sec. 130-63. Interior aisles.**

*Interior aisles shall meet or exceed the following minimum dimensions permitted:  
90° parking—22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.*

The parking for the project has been designed in three levels at the front portion of the site and the residential tower is located at the rear. The third floor parking area does not comply with the required back-up space of 22 feet for parking located perpendicular to the drive aisle. A reduction of 1 foot occurs at intervals where structural columns are located on the north and south sides. Parking design is one of the most challenging aspects of a project in order to comply with the zoning code. Staff finds that practical difficulties exist in order to construct the residential development on a site with an irregular shape. The width of the site in reference to the depth creates practical difficulties to comply with the parking required. Staff would note that this variance is the minimum required to accomplish the project and because it is self-contained would not have a negative impact on the adjacent properties.

**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, 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.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, 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**

The application, as submitted, appears to be consistent with the applicable requirements of the City Code, with the exception of the variance(s) requests herein. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

#### **CONSISTENCY WITH 2025 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **multi-family residential 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.  
**Not Applicable**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Applicable**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**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**  
**Variations have been requested to exceed the maximum height for a fence facing the ocean and to reduce the required width for a two-way driveway.**
  - 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.  
**Not Satisfied**  
**A lighting plan has not been submitted**
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.  
**Satisfied**
- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Satisfied**
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Satisfied**
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion

of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

**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**

**ANALYSIS**

Staff would preface this analysis by noting that the existing lot located within the North Beach Resort Historic District has remained vacant for well over a decade, notwithstanding the two separate approved development projects noted in the 'Background' section of this report, which never obtained building permits.

The currently proposed project consists of a new 18-story, 42-unit multi-family residential building with an 87 space parking garage located at the second and third levels and two amenity decks located at the fourth level roof fronting on Collins Avenue and at grade level within the eastern portion of the property, respectively.

Staff commends the applicant and the design team on the sophisticated and forward thinking approach to the project. The scale, massing, height and building orientation are all consistent with the built context of the east side of Collins Avenue within the North Beach Resort Local Historic District. The overall design concept and its execution represent the direction of new contemporary architecture that has come to define Miami Beach over the last decade.

Staff is highly supportive of the application and looks forward to the construction of a high quality residential structure on the existing vacant lot. If this vacant lot was retained over the long term, it would have an increasingly negative impact on the developing urban context of the surrounding historic district. Staff is very pleased with the overall design language of the proposed structure, as it has been well developed and when evaluated within the entirety of its surrounding context, it achieves a very high level of compatibility with its immediate neighbors in terms of its overall design aesthetic. The strong horizontal proportions along with the dynamic

wave-like curved projecting balconies and rooftop elements of this new contemporary design successfully relate to and complement the exuberant Post-War Modern architecture of the 'Contributing' Deauville Hotel.

Staff has only minor concerns with regard to the detailing of the proposed spandrel glass mural feature located at the pedestal portion of the structure along Collins Avenue. Staff would note that plans contain inconsistencies with regard to the number and size of the individual glass panels that will be required to create the mural. Additionally, the detail section drawing on sheet A 5.11 shows what appears to be a horizontal mullion located in front of the glass, while the section is noted that the structural mullions will be placed behind the glass. Further, the majority of the renderings provided show vertical panels with a single horizontal division, while the rendering on sheet A 5.11 does not reflect a horizontal division of the glass panels. As the proposed artistic glass mural is nearly 20'-0" in height, it is likely that the glass panels will be required to have at least one horizontal break. Staff would however, recommend that all vertical and horizontal mullions be located behind the glass panels. Finally, the applicant has noted that the final image has yet to be selected for this decorative mural. As the mural is a highly visible and a significant feature of the primary façade, staff would strongly recommend that the final image selected be substantially consistent with the image shown in the rendered elevation drawings.

Staff is confident that the above noted concerns can be addressed administratively, and recommends approval of the application.

#### **VARIANCE ANALYSIS**

Staff has concluded that the variances requested for the project are the minimum necessary in order to make a reasonable use of the land. These variances have been previously approved for projects with similar site conditions and staff finds that in this case practical difficulties exist that justify the requested variances, as noted previously in the variance description part of this report. These variances if granted would not be injurious to the adjacent properties as they are consistent with other projects in the area. In summary, staff is supportive of the overall project which comply with other important aspects of the Code such as, FAR, setbacks, building height, number of parking spaces, etc.

#### **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: March 8, 2016

FILE NO: 7619

PROPERTY: 6747-6757 Collins Avenue

APPLICANT: CCCC Miami Beach LLC

LEGAL: North 37.5 feet of Lot 45 and South 25 feet of Lot 46, Block 1 and South 62.5 feet of Lot 45, Block 1, Amended Plat of the Second Ocean Front Subdivision as recorded in Plat Book 28 at page 28 of the public records of Miami-Dade County, Florida.

IN RE: The applicant is requesting a Certificate of Appropriateness for the construction of a new 18-story residential building on a vacant lot including variances to exceed the maximum height for a fence facing the ocean and to reduce the required width for a two-way driveway.

**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 North Beach Resort 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 'g' 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. The photographic image for the glass mural located at the pedestal level along Collins Avenue shall be substantially consistent with the image depicted in the plans and all structural mullions shall be placed behind the glass, 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 exterior surface finishes and materials, including the proposed glass balconies, including samples, 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 internal garage lighting shall be shielded to inhibit direct views of all internal light sources from either the street or adjacent properties, 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 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. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district.
    - e. Kitchen and other cooking odors will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors, 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. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required, located within the envelope of the building, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - g. 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. Street trees shall be required along Collins Avenue, placed with a minimum 36" clear space between the tree trunk and the back of curb, 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. Structural soils in tree pits with dimensions approved by Planning and Parks Department staff, including irrigation, and two (2) up-lights per City standards, shall be required for all street and shade trees, 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 utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - d. 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.
3. The Applicant agrees to the following operational conditions for any and all permitted residential and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.

a. ROOFTOP CONDITIONS

- i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
- ii. Rooftop facilities, inclusive of any pool or spa and pool or spa deck, shall be for the exclusive use of residents and their invitees. No bar counter shall be placed on the roof or on any terraces, private decks or balconies at any time.
- iii. Rooftop lighting fixtures shall be designed to deflect light from spilling over to adjacent and nearby properties.

b. NOISE CONDITIONS

- i. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- ii. No speakers, except as may be required for fire or building code/Life Safety Code purposes and those associated with the distributed sound system for the within the landscape areas or at floor level, may be permitted on the ground floor and rooftops.

**II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1. A variance to exceed by 1'-11" the maximum height of 5'-0" for a fence facing the waterway in order to construct a fence with a height of 6'-11" as measured from grade (6.13 NGVD) facing the ocean.
  2. A variance to reduce 1'-0" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to construct parking spaces at the third floor with an interior drive aisle of 21'-0".

**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. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a

proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.

- D. 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.
- E. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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 "6747 Collins Avenue, Miami Beach, FL", as prepared by Arquitectonica, dated January 25, 2016, 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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