

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: December 12, 2023

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB23-0589, **220, 224 & 230 31st Street.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of three existing buildings, the construction of multiple additions, total demolition of an accessory structure and site improvements.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

EXISTING STRUCTURES

Local Historic District: Collins Waterfront

220 31st Street

Classification:	Contributing
Construction Date:	1939
Architect:	Roy France

224 31st Street

Garage

Classification:	Contributing
Construction Date:	1926
Architect:	G. J. McCann

Recreation Room

Classification:	Not Classified
Construction Date:	1948
Architect:	Lester Avery

230 31st Street

Classification:	Contributing
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House

Construction Date:	1923
Architect:	Not listed

Front Addition

Construction Date: 1938
Architect: Gerald Pitt

Rear Addition

Construction Date: 1938
Architect: Gordon E. Mayer

ZONING / SITE DATA

Parcel 1: 220 & 224 31st Street

Folio: 02-3226-001-1220
Legal Description: Lots 14 & 17, Block 14, of the Miami Beach Improvement Company Subdivision, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Parcel 2: 230 31st Street

Folio: 02-3226-001-1250
Legal Description: Lot 18, Block 14, of the Miami Beach Improvement Company Subdivision, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Zoning: RM-2, Residential multi-family, medium intensity
Future Land Use Designation: RM-2, Residential multi-family, medium intensity

Lot Size: 12,000 sq. ft. / 2.0 Max FAR
Existing FAR: 15,553 sq. ft. / 1.29 FAR
Proposed FAR: 16,882 sq. ft. / 1.40 FAR
Existing Height (230 31st Street): 19'-10" (measured from the lowest finished floor elevation 4.58' NGVD)
Proposed Height (230 31st Street): no change
Previous Use/Condition: 49-unit hotel
Proposed Use: 46-unit hotel and accessory 44-seat restaurant

THE PROJECT

The applicant has submitted plans entitled "31st Street", as prepared by Mtr Mgmt, dated October 9, 2023.

COMPLIANCE WITH ZONING CODE

The application for Certificate of Appropriateness, as submitted, appears to be inconsistent with the following requirements of the City Code.

1. Section 7.5.3.2(o)(4) of the Land Development Regulations: The proposed Juliette balconies may only project 25% into the existing setbacks.

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 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed hotel use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
A recycling or salvage plan has not been provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
The land elevation of the site is consistent with the surrounding properties.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Not Applicable
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
Additional information shall be provided at the time of building permit review.
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Partially Satisfied
Given the modest scope of work, ages of building construction and the very low

grade elevation of the property, it would not be reasonably feasible to elevate the buildings to base flood elevation, plus freeboard.

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 in General Ordinances.

Satisfied

Additional information shall be provided at the time of building permit review.

- (10) In all new projects, water retention systems shall be provided.

Satisfied

Additional information shall be provided at the time of building permit review.

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied

Additional information shall be provided at the time of building permit review.

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Satisfied

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 2.13.7(d)(ii)(1) of the Land Development Regulations (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. The Secretary of Interior's Standards for Reconstruction as may be amended from time to time.
Not Applicable
 - c. 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 historic preservation board shall consider the following criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. Exterior architectural features.
Not Satisfied
The modifications to the ground level of the 220 31st Street building have an adverse impact on the symmetry of the original façade design.

- b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Satisfied
The modifications to the ground level of the 220 31st Street building have an adverse impact on the symmetry of the original façade design.
- III. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(3) of the Land Development Regulations and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied
See Compliance with the Zoning Code section of this report.
 - 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 2.13.1(c).

Satisfied

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Satisfied

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Satisfied

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied
- p. In addition to the foregoing criteria, the requirements of chapter 104, of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
- q. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Partially Satisfied
See Compliance with Sea Level Rise and Resiliency Review Criteria section of this report.

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 2.13.7(d)(vi)(4) of the Land Development Regulations 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 part of a historic preservation district or as a historic architectural landmark or site, or is designated pursuant to section 2.13.9 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 buildings are designated as part of the Collins Waterfront 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.

Partially Satisfied

The existing buildings, with the exception of the 1-story recreation room constructed in 1948, are of such design, craftsmanship, or material that they 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.

Partially Satisfied

The existing buildings, with the exception of the 1-story recreation room constructed in 1948, are distinctive examples of architectural design styles that contribute 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 chapter 1 of these land development regulations, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Partially Satisfied

The existing buildings are classified as Contributing in the Miami Beach Historic Properties Database, with the exception of the 1-story recreation room constructed in 1948 which 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.

Partially Satisfied

The retention of the existing buildings, with the exception of the 1-story recreation room constructed in 1948, promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design.

- 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, or the design review guidelines for that particular district. If the district in which the property is located lists retail uses as an allowable use, then the ground floor shall contain such uses. At-grade parking lots shall not be considered under this regulation. Parking lots or garages as main permitted uses shall not be permitted on lots which have a lot line on Ocean Drive or Espanola Way.

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 the total demolition of a Contributing structure.

- h. The 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.

ANALYSIS

Staff would preface this analysis by noting that the subject buildings are currently unoccupied and in a state of partial construction. Prior to the applicant's acquisition of the properties last year, significant work was being performed, including work that does not appear to have been permitted. The applicant has been working with the City to stabilize the buildings in preparation for the proposed renovation and restoration project.

The applicant is proposing a comprehensive renovation of the subject property which contains three Contributing buildings arranged around a central courtyard fronting 31st Street. The applicant is requesting approval for the partial demolition, renovation and restoration of the Contributing buildings, the construction of two small additions, the total demolition of an accessory structure and site improvements.

Viking Apartment Hotel – 220 31st Street

The 3-story Viking Apartment Hotel was constructed in 1938 and designed by architect Roy France in the Art Deco style of architecture. In 1948, the front right apartment unit was converted for use as a lobby and, in 1954, a small, attached addition and porch were constructed at the northwest corner of the building, further expanding the lobby.

The applicant is proposing the renovation and restoration of the building including the replacement of all the existing non-original windows and doors with new impact resistant systems with historically accurate muntin configurations and the removal of the existing through-the-window and through-the-wall air conditioning units to be replaced with a central air conditioning system. Additionally, at the front of the building at the ground level, the applicant is proposing to demolish the non-original raised terrace and covered porch. Further, the two window openings to the right of the existing entrance are proposed to be converted into double swing doors that will function as the new entrance to the hotel.

Staff recommends that only the westernmost opening (within the existing addition) be converted to a door and that the new entry steps be reduced in width and centered on the new door. This will allow the remaining window opening be restored consistent with historical documentation. Additionally, staff would note that it appears that the existing original entry stoop and railings are proposed to be demolished. Staff recommends that these elements be retained and restored to the greatest extent possible. Staff believes the recommendations outlined above will maintain the

symmetry of the original Art Deco building while providing a new entrance to the hotel within the existing addition.



Viking Hotel, 220 31st Street, 1945 Photograph

Along the west side, a secondary entrance is proposed to be introduced including new stairs and an accessible lift. Additionally, a small addition is proposed to be constructed containing two bathrooms. Further, along both sides of the building, the applicant is proposing to convert the existing larger window openings to sliding glass doors with Juliette balconies. This modification will require the demolition of the portion of wall area below the existing window openings. Staff has no objection to this request as it will not require the demolition of any significant architectural features and will be minimally visible from the right-of-way. Further, staff would note that the windows located closest to 31st Street are not proposed to be modified.

224 31st Street

The rear 2-story private garage building was constructed in 1926 and designed by architect G. J. McCann in the Mediterranean Revival style of architecture. This building originally contained two garage bays at the ground level and living quarters at the second level. In 1938, the garage bays were converted to apartment units. The applicant is proposing the renovation and restoration of the building including the replacement of all the existing non-original windows and doors with new impact resistant systems with historically accurate muntin configurations (the correct muntin configuration for the second level windows can be seen in the image below) and the removal of the existing through-the-window and through-the-wall air conditioning units to be replaced with central air conditioning. Additionally, the applicant is proposing to substantially restore the primary façade to the 1938 configuration including the reintroduction of the tiled parapet, decorative cartouches and terracotta attic vents.



224 31st Street, 1946 Photograph

The second structure on this portion of the site is a 1-story accessory building constructed in 1948 as a recreation room. The applicant is proposing the total demolition of this building in order to expand and redevelop the courtyard. Staff has no objection to the demolition of this utilitarian building as it contains little to no architectural details and has been altered including its conversion to an apartment unit.

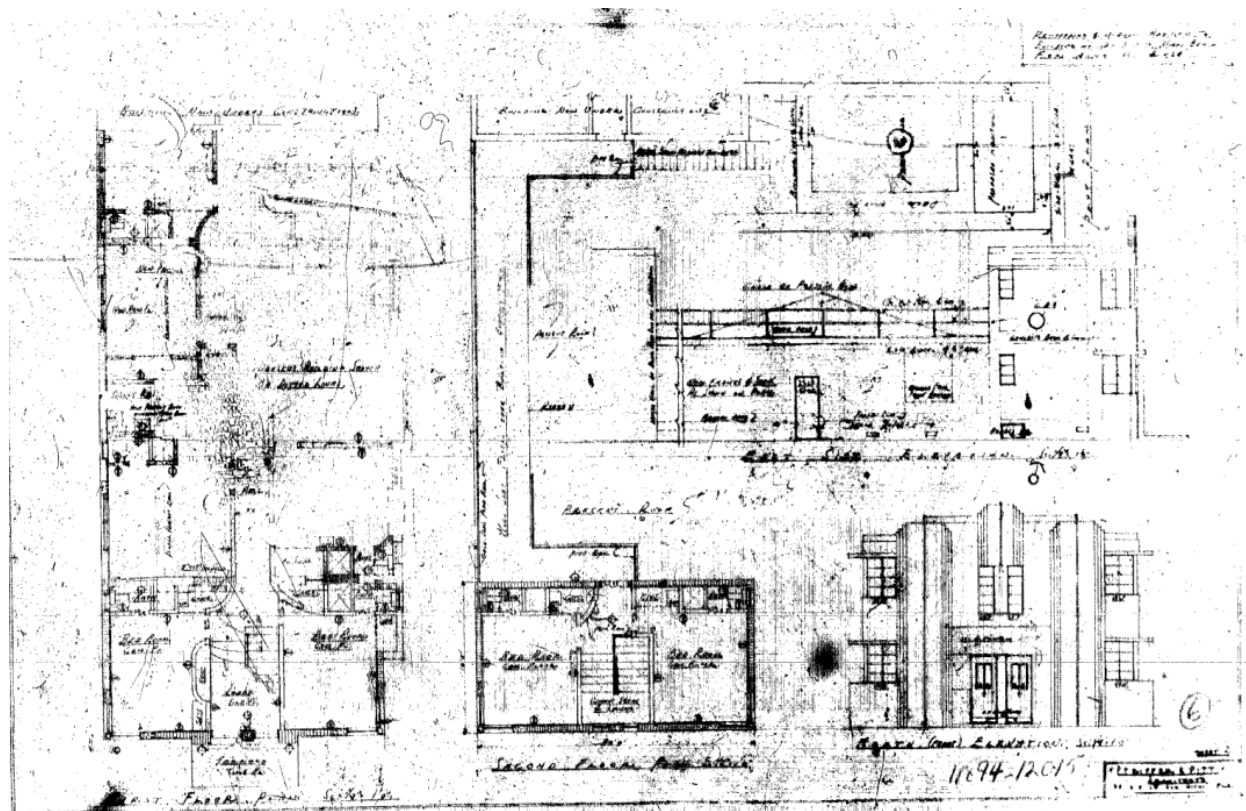


1-Story Accessory Building, 224 31st Street, 2013 Photograph

The proposed courtyard plan features a swim spa and deck to the south and an outdoor dining area to the north as well as enhanced landscaping. Staff has no objection to the proposed plan which will provide modest amenities for the guests of the hotel.

230 31st Street

The existing 1 and 2-story building was formerly known as the Venetian Hotel and was constructed in several stages. The property was originally developed in 1923 with the construction of a 1-story single-family residence. In 1937, the home was converted into a duplex and shortly after in 1938, the property was again converted, this time to a 19-unit hotel including the construction of two 2-story additions at the front and rear of the home. The additions have subsumed the home which is no longer visible from 31st Street.



Plans for Front and Rear Additions, 1938

The applicant is proposing the renovation and restoration of the building including the replacement of all the existing non-original windows and doors with new impact resistant systems with historically accurate muntin configurations and the removal of the existing through-the-window and through-the-wall air conditioning units to be replaced with a central air conditioning. Additionally, the applicant is proposing to construct a 1-story rooftop addition above the 1-story home, "filling in" the remaining portion of second floor. The addition will require significant structural work and the removal of the existing roof (it appears that much of this work has already commenced). Notwithstanding the interesting evolution of the site, staff has no objection to the proposed addition which will be nearly imperceptible from 31st Street and has been designed to blend in with the existing architecture.

Additionally, similarly to 220 31st Street, the applicant is proposing to convert the existing larger window openings along the side elevations to sliding glass doors with Juliette balconies. Staff has no objection to modification of the non-primary facades; however, staff would recommend that the northeast corner window opening at the second level remain, consistent with the modifications to the 220 31st Street building.

In summary, the applicant has presented a well-conceived plan for the redevelopment of the site and staff would note that the unoccupied buildings have had an increasingly adverse impact on the developed urban context of the surrounding historic district. Staff believes that expediting the property's return to active use will greatly benefit the quality of life and character of the surrounding historic district and recommends approval as noted below.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the request for a Certificate of Appropriateness be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: December 12, 2023

PROPERTY/FOLIO: 220 & 224 31st Street / 02-3226-001-1220
230 31st Street / 02-3226-001-1250

FILE NO: HPB23-0589

APPLICANT: South Florida United Investments LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of three existing buildings, the construction of multiple additions, total demolition of an accessory structure and site improvements.

LEGAL: 220 & 224 31st Street: Lots 14 & 17, Block 14, of the Miami Beach Improvement Company Subdivision, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

230 31st Street: Lot 18, Block 14, of the Miami Beach Improvement Company Subdivision, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

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 Collins Waterfront 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 Sea Level Rise and Resiliency Review Criteria '1' in Section 7.1.2.4(a)(i) of the Land Development Regulations.
 - 2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'a' & 'h' in section 2.13.7(d)(ii)(2) of the Land Development Regulations.

4. Is not consistent with Certificate of Appropriateness Criteria 'b' in section 2.13.7(d)(ii)(3) of the Land Development Regulations.
 5. Is consistent with Certificate of Appropriateness Criteria in 2.13.7(d)(vi)(4) of the Land Development Regulations.
- C. The project would remain consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations 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 three contributing structures on site shall be fully renovated and restored, 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. All through-the-wall and through-the-window air conditioning units shall be removed and replaced with a central air conditioning system, 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. The existing non-original windows shall be replaced with new impact resistant windows and shall incorporate a muntin configuration that is 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.
 - b. The westernmost opening at the ground level of the north façade of the 220 31st Street building may be converted to a double door and the proposed entry steps shall be reduced in width and centered on the proposed door, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The window opening to the right of the existing door shall be restored consistent with historical documentation.
 - c. The existing original entry stoop and railings at the ground level of the north façade of the 220 31st Street building shall be retained and restored to the greatest extent possible, 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. Final details of the proposed Juliette balconies shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The second level northernmost window on the east façade of the 230 31st Street building shall remain.

- e. 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.
 - f. 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. All hedge and ground cover plantings within the street facing yards shall not exceed 36" in height at maturity.
 - b. Prior to issuance of a Building Permit, the applicant shall provide a Tree Report prepared by a Certified Arborist for any existing canopy shade trees with a DBH of 3" or greater located in public or private property, which may be scheduled for removal or relocation for the review and approval of the City of Miami Beach Urban Forester.
 - 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.
 - d. The project design shall minimize the potential for a project causing a heat island effect on site.
 - e. Cool pavement materials or porous pavement materials shall be utilized, if applicable.

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, 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 magistrate appointed by the City Commission.

II. Variance(s)

A. No Variances have been requested as part of this application.

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. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. 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. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. The applicant shall comply with the electric vehicle parking requirements, pursuant to section 5.1.13 of the land development regulations, as applicable.
- E. 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.
- F. 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.
- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 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.
- M. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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 **“31st Street”, as prepared by Mtr Mgmt, dated October 9, 2023**, 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 section 2.13.7 of the Land Development Regulations; 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 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated this _____ day of _____, 20__.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
HISTORIC PRESERVATION & ARCHITECTURE OFFICER
FOR THE CHAIR

[illegible]

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She 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 _____ ()