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VIA ELECTRONIC SUBMITTAL

August 4, 2024

Deborah Tackett
Historic Preservation & Architecture Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **HPB24-0631** - Certificate of Appropriateness
for Digital Information Kiosks at 5 Locations in the City

Dear Ms. Tackett:

This law firm represents IKE Smart City, LLC (the "Applicant"), recipient of a Request for Proposal from the City of Miami Beach (the "City") to install Digital Information Kiosks throughout the City. Five (5) of the proposed Digital Information Kiosks (the "Kiosks") are located within the boundaries of a local historic district. See Composite Exhibit A, Kiosks Map. This letter serves as letter of intent with regards to the Certificate of Appropriateness for five (5) Kiosks located in local historic districts consistent with the Kiosk design approved by the Historic Preservation Board ("HPB") on May 14, 2024. See Exhibit B, Final Order HPB23-0590.

Design Evolution. The original application for the Kiosks, File No. HPB23-0590, went before the HPB on December 12, 2023, March 12, 2024, and May 14, 2024. The esteemed members of the HPB provided the Applicant with constructive feedback relating to the design of the Kiosks. Following the December 12, 2023 hearing, IKE Smart City partnered with award-winning architect, William Lane to further study the Kiosk design. The goal of this partnership was to generate a one-of-a-kind Kiosk that captured the history, architecture, and personality of the City.

William Lane was inspired by the City's rich history of cutting-edge design and a playfulness inherent to the personality of Miami Beach. With this, he aimed to create a Kiosk design that extended the identity of the City. The new Kiosk design features an altered cabinet with a wave-like edge, creating both a biomorphic aspect and relating to the physical environment (waves, dunes, etc.) of Miami Beach.

William Lane also considered the vibrant history of color in Miami Beach, and in particular, the rich palette of pastels that Leonard Horowitz, co-founder of the Miami Design Preservation League, used to draw attention to the Art Deco architecture that had gone into dereliction. These customized color options (pink, turquoise, and neutral) for the Kiosk act to further this sense of identity that has become synonymous to Miami Beach. William Lane envisions Kiosks that are part of more urban, utilitarian context to be the neutral color option, and Kiosks that are in other, more prominent locations, where it is important that the Kiosk flatter the architecture and history, to be either pink or turquoise. The Kiosk design and eight (8) Kiosk locations were approved by the HPB on May 14, 2024. See Exhibit B, above.

The additional five (5) Kiosk locations are in pedestrian focused areas of the City with a high volume of foot traffic. One Kiosk is located at the intersection of Indian Creek Drive and 39th Street. This location is important to the overall project as it brings Mid-Beach into the network. It is also located at the "Waterfront Promenade," which is part of the landscaping plan of the Indian Creek Drive Flooding and Mitigation Project. The Kiosk is located on the West side of Indian Creek Drive and will not negatively impact any surrounding historic structures. Additionally, four (4) Kiosks are located within the pedestrian-oriented areas of Lincoln Road and will replace existing, outdated static wayfinding signage on Lincoln Road. The design is consistent with the Lincoln Road Master Plan and supported by both the Lincoln Road Business Improvement District ("BID") and James Corner Field Operations, the urban design architect leading the Lincoln Road Redevelopment Project.

The Applicant closely considered the environment and condition of each location to determine the proposed color option. The Kiosk location at Indian Creek Drive & 39th Street is proposed as the neutral color option to not visually conflict with its environmental surroundings such as the waterfront and new landscaping plan. The Kiosk locations throughout Lincoln Road are all proposed as the neutral color option to avoid interfering with other color schemes throughout the area and by request of the Lincoln Road BID and James Corner Field Operations. Additionally, the locations on Lincoln Road are proposed at an angled orientation, rather than perpendicular to the nearest roadway. The Lincoln Road BID and James Corner Field Operations are working to revitalize Lincoln

Road and integrating the Kiosks to their overall Master Plan. They shared a sentiment that an angled orientation would be more welcoming and would better capture the attention of pedestrians. This unique orientation is possible because Lincoln Road has ample sidewalk space, being a pedestrian mall. We agree that this accommodation provides more interest to the pedestrian focused right of way on Lincoln Road.

The Kiosks are designed to be compatible with the surrounding historic districts, while remaining distinguishable from the surrounding contributing buildings in accordance with the Secretary of the Interior Standards for the Treatment and Rehabilitation of Historic Properties. The Kiosks are purposefully located in areas with high pedestrian traffic and are not blocking entrances of immediately abutting buildings. The design, scale, massing, and arrangement of the Kiosks are consistent with the City's intent and will not negatively impact or detract from the historic character of the surrounding area.

Conclusion. In accordance with the direction of the City Commission, the Applicant will send city-wide mailed notice of the Historic Preservation Board hearing. The notice will inform residents and businesses of the additional locations and date and time of the hearing. The Kiosks are an important part of the revitalization the City and improving the pedestrian experience. The proposed Kiosks comply with all applicable land development regulations and are designed to be accessible, user-friendly, and resilient. Approval of the Certificate of Appropriateness is consistent with prior approval and will allow for an innovative amenity to the City's streetscape.

Accordingly, we respectfully request your favorable review and recommendation with respect to the proposed Kiosks. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Larkin', with a stylized, wavy line above the name.

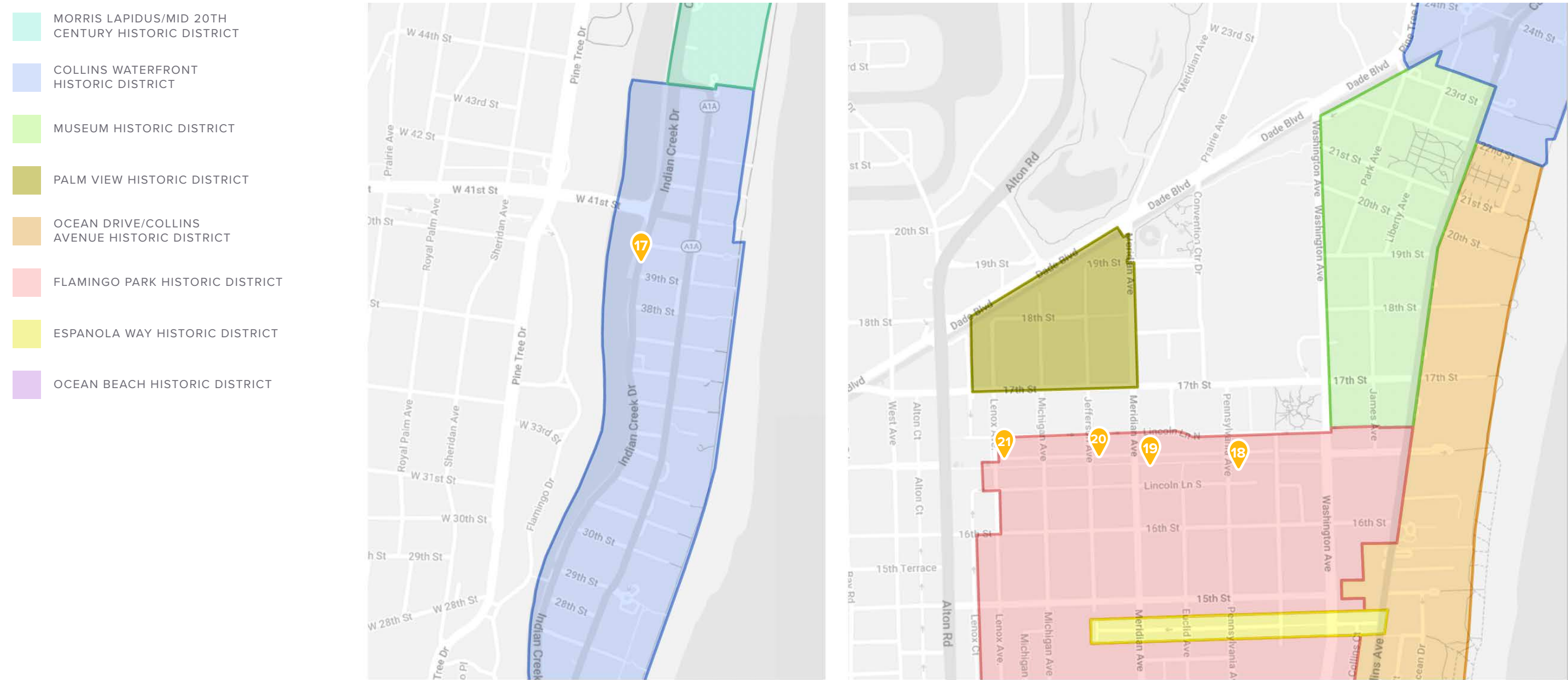
Michael Larkin

cc: Eric Carpenter, City of Miami Beach, City Manager
P. Rodney Knowles, City of Miami Beach, Assistant Public Works Director
Anna Baerman, Orange Barrel Media + IKE SMART CITY, Senior Development Director
Marissa Crudele, Orange Barrel Media + IKE SMART CITY, Associate Development Director
Emily K. Balter, Esq.

EXHIBIT A

PROPOSED IKE KIOSK LOCATIONS

Please see below for the 5 kiosks that are proposed within Historic District boundaries.



**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: May 14, 2024

PROPERTY/FOLIO: Digital Information Kiosks – Citywide

FILE NO: HPB23-0590

APPLICANT: IKE Smart City

IN RE: An application has been filed requesting a Certificate of Appropriateness for the design of Digital Information Kiosks to be installed within the right-of-way.

ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

- A. The proposed Digital Information Kiosks are located within multiple local historic districts.
- 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 Sea Level Rise and Resiliency Review Criteria 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 consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
 - 4. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(3) 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 final details including finishes and materials shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of

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Appropriateness Criteria and/or the directions from the Board, and are subject to the review and approval of the Transportation and Public Works Departments and all other applicable departments.

- b. The method of installation including the specific location of each kiosk shall be subject to the review and approval of the Transportation and Public Works Departments and all other applicable departments in order to ensure compliance and/or avoid conflict with accessibility requirements, emergency access, easements, above and below grade utilities, and other applicable City and or other regulatory agency requirements.
2. The applicant has agreed to confirm with the applicable City staff that Kiosk 7, "Lincoln Rd & Washington Ave", does not conflict with the Lincoln Road Master Plan as designed by James Corner Fields Operations.
3. The applicant has agreed to confirm with the management of the Bass Museum and/or other applicable City staff that Kiosk 3, "Collins Ave & 22nd St", does not conflict with the plan for the Bass Museum property prepared by Perkins & Will.

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 project shall comply with all applicable requirements of the Miami-Dade County Code.
- B. 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.
- C. 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

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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.

- D. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- E. The applicant shall comply with the electric vehicle parking requirements, pursuant to section 5.1.13 of the land development regulations, as applicable.
- F. 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.
- 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. 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.
- I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- J. 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.
- K. 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.
- L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- M. 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.
- N. 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.

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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 **“Proposed IKE Kiosk Locations”**, as prepared by IKE Smart City, dated April 12, 2024, 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.

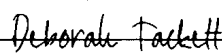
In accordance with chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, for revocation or modification of the application.

5/24/2024 | 8:55 AM EDT
Dated this _____ day of _____, 20____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

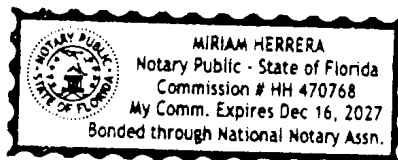
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STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 29 day of May 2024 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: 12-16-27

DocuSigned by:

Approved As To Form:
City Attorney's Office:

Nickalleg

(5/24/2024 | 8:51 AM EDT

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Filed with the Clerk of the Historic Preservation Board on

Jessica Gonzalez (5/28/2024 | 9:43 AM EDT

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