

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 8, 2024

PROPERTY/FOLIO: Park property / 02-3202-003-1250
Vacated rights-of-way / 02-3202-003-0135

FILE NO: HPB24-0633

APPLICANT: OTH Streetscape LLC c/o Ocean Terrace Holdings

IN RE: An application has been filed requesting a Certificate of Appropriateness for the installation of an artistic sculpture with the park.

LEGAL: Parcel 1 (Vacated rights-of-way)
PORT OF R/W OF 74 ST & ADJ TO LOT 14 BLK 1 OF PB 34-4 DESC AS BEG SE COR OF LOT 14 TH S 86 DEG 146FT S 02 DEG E 30FT N 86 DEG E 146FT N 02 DEG W 30FT TO POB CLOSED PER R-2019-30927 PORT OF R/W 74ST & 75ST & OCEAN TERR ADJ TO LOTS 1 THRU 8 BLK 1 OF PB 34-4 DESC AS BEG SE COR OF LOT 2 TH N 02 DEG W 100FT S 86 DEG W 150FT N 02 DEG W 40FT N 85 DEG E 210FT S 02 DEG E 140FT S 86 DEG W 60FT TO POB & BEG SE COR OF LOT 4 TH N 02 DEG W 100FT N 86 DEG E 60FT S 02 DEG E 100FT S 86 DEG W 60FT TO POB & BEG SE COR OF LOT 5 TH N 02 DEG W 50FT N 86 DEG E 60FT S 02 DEG E 50FT S 86 DEG W 60FT TO POB & BEG SW COR OF LOT 7 TH N 86 DEG E 150FT N 02 DEG W 50FT N 86 DEG E 60FT S 02 DEG E 80FT S 86 DEG W 210FT N 02 DEG W 30FT TO POB & BEG NE COR LOT 8 S 86 DEG W 146FT N 02 DEG W 40FT N 86 DEG E 146FT S 02 DEG E 40FT TO POB.

Parcel 2 (Park property)
Park lying east of Ocean Terrace between 73 Street and 75 Street, of the Harding Townsite, According to the Plat thereof, as Recorded in Plat Book 34, Page 4, of the Public Records of Miami-Dade County, Florida and the portion lying east & adjacent west of the erosion control line, as Recorded in Plat Book 105, Page 62, 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 Harding Townsite Local Historic District.

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- 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)(1) 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. A educational plaque element shall be introduced and shall include at a minimum a narrative describing the artist's intent and inspiration for the piece, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board and all other applicable departments in order to ensure compliance and/or avoid conflict with any applicable City and or other regulatory agency requirements.
 - b. The final details including the proposed landscaping, materials, installation details, and maintenance plan shall be subject to the review and approval of the Parks Department and all other applicable departments in order to ensure compliance and/or avoid conflict with any applicable City and or other regulatory agency requirements.

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 applied for 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.

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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 5.2.12 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 main building setbacks 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.

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- 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 entitled **"Reflection, 2024"**, as prepared by Prune Nourry, undated, 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

