MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation — Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: May 13, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB25-0649 a.k.a. HPB24-0635 a.k.a. HPB20-0442, **100 21st Street**.

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the hotel building, the total demolition of an accessory cabana structure, the construction of ground level and rooftop additions, one or more waivers and a variance to relocate signage to a non-street facing façade. Specifically, the applicant is requesting to exceed the scope of the previously approved demolition.

STAFF RECOMMENDATION

Approval of the modification to the previously issued Certificate of Appropriateness with conditions.

BACKGROUND

On June 15, 2021, the Board approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the hotel building, the total demolition of an accessory cabana structure, the construction of ground level and rooftop additions, one or more waivers and a variance to relocate signage to a non-street facing façade (HPB20-0442).

On November 12, 2024, the Board approved modifications to the previously issued Certificate of Appropriateness to exceed the scope of the previously approved demolition in order to demolish and reconstruct the porte-cochere structure (HPB24-0635).

EXISTING SITE

Local Historic District:	Ocean Drive/Collins Avenue
Classification:	Contributing
Original Construction Date:	1950
Original Architect:	Albert Anis

ZONING / SITE DATA

Folio:	02-3226-001-0040
Legal Description:	Lot 1 & riparian rights & Lots 3 & 5, Block A, & a portion of 21st Street, 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-3, Residential multifamily, high intensity
Future Land Use Designation:	RM-3, Residential multifamily, high intensity

THE PROJECT

The applicant has submitted plans entitled "Bulgari Hotel Miami Beach", as prepared by Revuelta Architecture International, dated March 9, 2025.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application appears to be consistent with the Land Development Regulations. 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.

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 plan has not been provided.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable

(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.
Not Applicable

(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.
Not Applicable

(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.
Not Applicable

(8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable

(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.
Not Applicable

(10) In all new projects, water retention systems shall be provided.
Not Applicable

(11) Cool pavement materials or porous pavement materials shall be utilized.
Not Applicable

(12) The project design shall minimize the potential for a project causing a heat island effect on site.
Not Applicable

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 Applicable

b. General design, scale, massing and arrangement.
Not Applicable

c. Texture and material and color.
Not Applicable

d. The relationship of subsections 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.
Satisfied

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.
Not Applicable

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.
Satisfied

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).
Not Applicable

d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.
Not Applicable

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.
Not Applicable

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.
Not Applicable

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 Applicable

h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Applicable

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.
Not Applicable

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).
Not Applicable

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.
Not Applicable

l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable

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).
Not Applicable

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.
Not Applicable

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.
Not Applicable

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

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 building is designated as part of the Ocean Drive/Collins Avenue 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 or expense.
Satisfied
The existing structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

c. The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.
Satisfied
The existing structure is a distinctive example of the Post War Modern style of architecture and contributes 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.
Satisfied
The existing building is classified as a contributing building in the Miami Beach Historic Properties Database.

e. Retention of the building, structure, improvement, landscape feature or site promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.
Satisfied
The retention of the subject structure is critical to developing an understanding of an important Miami Beach architectural style.

f. If the proposed demolition is for the purpose of constructing a parking garage, the board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, 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 proposed demolition is not for the purposed 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
Total demolition is not proposed as part of this application.

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.

STAFF ANALYSIS

The subject structure, constructed in 1950 and designed by architect Albert Anis, is an outstanding example of the Post War Modern style of architecture. The primary façade of the building faces north toward a municipal parking lot (originally Collins Park) and features an asymmetrical design with a strong horizontal emphasis interrupted by a vertical signage wall. As noted in the Background section of this report, on June 15, 2021, the Board reviewed and approved a Certificate of Appropriateness for the comprehensive renovation of the subject property including the restoration of the primary façade, partial demolition, and the construction of several attached additions. Additionally, on November 12, 2024, the Board approved a modification in order to demolish and reconstruct the porte-cochere structure due to structural deficiencies.

As outlined in the applicant's letter of intent, once the building permit was issued and interior demolition was performed, it was revealed that the 8-story building was constructed on spread footings with no piles. This discovery required that the engineering team re-evaluate the structural methodology. Additionally, concrete testing revealed that the strength of the slabs and beams was significantly deficient. As concluded in the letter of intent:

> *"After several months of research and modeling, Mclaren Engineering concluded that due to (1) the weakness of the existing structure and the risk of collapse during construction, (2) the need to have full access to construct new foundations for the building, (3) the resulting need to fully open up the south side of the building, which will then have to consider structural mitigation of lift forces and potential sail effect in the event of high winds and wind loads, including potential hurricane force winds through two hurricane seasons during construction, and (4) the primary goal of protecting and restoring the north façade and the safety of the construction workers on site, the best, and only truly safe, way to perform all necessary demolition and construction activities is to:*
>
> 1. *Install new foundations (similar to the foundations for the tower cranes) and mount steel frames the full height of the north façade at strategic locations along the façade and a small portion of the western façade (currently anticipated to be between 7 and 9 steel frames) with necessary lateral bracing, to sandwich and support the north façade on both sides of the façade.*

2. *Once that is accomplished, the remainder of the interior slabs not already approved for demolition and other walls will be removed to allow for the reconstruction of the building behind the northern façade with new, code compliant foundations and building that will be coordinated with and attached to the north facade as it is constructed. Once the new structure and new support for the north façade is completed, the bracing will be removed and the necessary restoration of the façade will be completed along with the balance of the HPB Approved Project."*

Postcard, postmarked 1956

Project rendering, 2021

As such, the applicant is currently requesting approval to exceed the scope of demolition previously approved. The project as initially approved by the Board included the total demolition of the east façade, the near total demolition of the south façade and the partial demolition of the west façade, as well as partial demolition of the floor slabs. The applicant is now proposing the total demolition of the remaining portions of the south and west facades and all floor plates. The primary north façade is proposed to be retained and shored and braced in-place.

As noted above, a significant amount of demolition was previously approved in order to construct the new hotel project. Although the amount of demolition is extensive, the most significant portion of the building (the primary north façade) is proposed to the retained and restored. Additionally, staff would note that there are little to no significant architectural features within the proposed expanded areas of demolition. The applicant has provided a structural analysis including a narrative and graphic diagram outlining the proposed methodology for shoring and bracing the exterior wall throughout the entire demolition and construction process. Once the revised scope of demolition is completed, the new structure will be constructed and the primary façade restored, consistent with the design previously approved by the Board in 2021.

At this point the building has remained vacant for several years, and there is currently an active building permit for the project. 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. Based upon the evidence presented, staff has no objection to the increased scope of demolition.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the request for a modification to a previously issued 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: May 13, 2025

PROPERTY/FOLIO: 100 21st Street / 02-3226-001-0040

FILE NO: HPB25-0649 a.k.a. HPB24-0635 a.k.a. HPB20-0442

APPLICANT: BHI Miami Limited Corp

IN RE: An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the hotel building, the total demolition of an accessory cabana structure, the construction of ground level and rooftop additions, one or more waivers and a variance to relocate signage to a non-street facing façade. Specifically, the applicant is requesting to exceed the scope of the previously approved demolition.

LEGAL: Lot 1 & riparian rights & Lots 3 & 5, Block A, & a portion of 21st Street, 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.

CONSOLIDATED 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 Ocean Drive/Collins Avenue 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)(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.

5. Is consistent with Certificate of Appropriateness Criteria in 2.13.7(d)(vi)(4) of the Land Development Regulations.

C. The project would be 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:

a. The placement and configuration of the windows located east of the vertical fin on the north elevation of the Contributing building shall be further developed in a manner more consistent with the Post War Modern style, 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 “Sea Gull” sign shall be reconstructed and reintroduced along the vertical fin element on the north elevation in a manner 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. Any lighting element proposed as part of this reconstructed historic signage feature shall be subject to the approval of the Florida Department of Environment Protection.

c. A plaque or historic display describing the history and evolution of the building shall be placed on the site and shall be located in a manner visible from the right of way, prior to the issuance of a Certificate of Occupancy for the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

d. The overall design of the lobby shall be consistent with the Post War Modern style, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

e. Prior to the issuance of a Building Permit, the applicant shall provide staff with documentation of the existing cladding for the vertical wall element. If staff determines that the cladding is an original material it shall be retained and restored. If the cladding is in poor condition as determined by staff, it may be replaced with a similar material, color and configuration as the existing material, 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. New neon or similar LED lighting shall be installed within the lighting channel at the edge of the porte-cochere including the eyebrow structure extending to the east at the ground level, subject to the approval of the Florida Department of Environmental Protection, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

g. All exterior windows and doors that are to remain shall be replaced with new impact resistant windows and doors with an historically accurate muntin configuration, in

a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

h. The final design and details for the reconstruction of the original angled fin screening element located at the ground level north facade 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.

i. The final design and details for the reconstruction of the original doors and windows with projecting window frames located at the western end of the ground level north facade 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.

j. The final design and details for the horizontal fin screen elements to the located on the attached additions, including material 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.

k. The final design and details for the projecting overhang located at the new rooftop addition, including material 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. The overhang shall have a maximum projection of 4’-0”.

l. The deck located at the roof of the rooftop addition shall not extend past the exterior walls of the addition, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

m. 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.

n. 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.

o. The applicant shall submit large scale, detailed measured drawings of the porte cochere structure prior to the issuance of a permit for its demolition and reconstruction, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

p. Revised demolition plans and elevation drawings, and a shoring and bracing plan for the north façade, 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.

2. In accordance with Section 7.5.2.1(d)(3) of the Land Development Regulations, the requirement pertaining to the visibility of a rooftop addition when viewed at eye level (5'-6" from grade) from the opposite side of the adjacent right-of-way, is hereby waived.

3. In accordance with Section 2.12.8(b) of the Land Development Regulations, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived.

4. 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. The proposed landscape plan shall satisfy minimum landscape code requirements as prescribed in Chapter 4 of the Land Development Regulations.

    b. All hedge and ground cover plantings within the street facing yards shall not exceed 42" in height at maturity.

    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.

    f. The use of Silva Cells or approved equal should be specified for canopy shade trees planted in areas where rooting space may be limited, inclusive of street 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.

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. The applicant filed an application with the Planning Department for the following variance(s):

    1. A variance to relocate an allowable building identification sign to the parapet of a non street façade on the west side of the property.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of 2.8.3(a) of the Land Development Regulations:

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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

C. The Board hereby **approves** the requested variance, as noted and imposes the following condition based on its authority in Section 2.8.3(a) of the Land Development Regulations:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same are contained herein, in the Order dated June 15, 2021 (HPB20-0442) and in the Order dated November 12, 2024 (HPB24-0635), accordingly, this Order shall serve as the Final Order for the proposed project. In the event of a conflict between the provisions hereof and those of the previous Orders, the provisions hereof shall control.

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. 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.

D. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, 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 entitled **"Bulgari Hotel Miami Beach", as prepared by Revuelta Architecture International, dated March 8, 2021, ~~and~~ September 8, 2024, and May 13, 2025**, 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

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

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 _____ ( )

~~Strike-Thru~~ denotes language deleted by the Board on May 13, 2025
Underscore denotes language added by the Board on May 13, 2025