

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 8, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB24-0623, **1535-1545 Collins Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition and renovation of the building located at 1545 Collins Avenue and site improvements.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

EXISTING STRUCTURES

Local Historic District: Ocean Drive/Collins Avenue

1535 Collins Avenue (Shorecrest Hotel)

Classification: Contributing
Construction Date: 1940
Architect: Kiehnel & Elliott

1545 Collins Avenue (Royal Palm Hotel)

Classification: Contributing
Original Construction Date: 1939
Architect: Donald G. Smith
Reconstruction Date: 1998

Tower Additions

Classification: Non-Contributing
Construction Date: 2002
Architect: Arquitectonica

ZONING / SITE DATA

Folio: 02-3234-019-0960

Legal Description: The south 12.65 feet of Lots 7 & 14 and all of Lots 5, 6, 15 and 16 and the north half of Lots 4 & 17, Block 56, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida and the portion lying east and

adjacent west of the erosion control line per Plat Book 105, Page 62 of the public records of Miami Dade County, Florida.

Zoning: MXE, mixed-use entertainment
Future Land Use Designation: MXE, mixed-use entertainment

Lot Size: 81,250 sq. ft. (MXE: 3.5 maximum FAR – Convention Hotel Development)
Existing FAR: 282,208.8 sq. ft. 3.45 FAR.
Proposed FAR: 280,011.1 sq. ft. / 3.44 FAR
Existing Use: Hotel
Proposed Use: No change

THE PROJECT

The applicant has submitted plans entitled “Royal Palm Hotel”, as prepared by EOA Inc., dated August 4, 2024.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application appears to be inconsistent with the following requirements of the Land Development Regulations:

1. **Section 7.5.4.9 Accessory Outdoor Bar Counters.** Accessory outdoor bar counters shall not be visible from any point along the property line adjacent to the Beachwalk.
2. **Section 7.3.1.2 Oceanfront Overlay District.** There shall be a minimum required 15-foot setback from a side lot line.

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 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 for partial demolition as 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
- (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
- (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.
Satisfied
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied
- (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.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - 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.
Not Satisfied
The front yard configuration of the Royal Palm Hotel, which was substantially restored in the late 1990s, is proposed to be altered in a manner which is not consistent with the original as-built design. Further, the likely original fountain element located along the front property line, is proposed to be demolished.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Applicable

- 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 front yard configuration of the Royal Palm Hotel, which was substantially restored in the late 1990s, is proposed to be altered in a manner which is not consistent with the original as-built design. Further, the likely original fountain element located along the front property line, is proposed to be demolished.
- 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 Satisfied
The front yard configuration of the Royal Palm Hotel, which was substantially restored in the late 1990s, is proposed to be altered in a manner which is not consistent with the original as-built design.
 - 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, 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 Satisfied
The front yard configuration of the Royal Palm Hotel, which was substantially restored in the late 1990s, is proposed to be altered in a manner

which is not consistent with the original as-built design. Further, the likely original fountain element located along the front property line, is proposed to be demolished.

- 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 Satisfied

The front yard configuration of the Royal Palm Hotel, which was substantially restored in the late 1990s, is proposed to be altered in a manner which is not consistent with the original as-built design. Further, the likely original fountain element located along the front property line, is proposed to be demolished.

- 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 structures are designated as part of the Ocean Drive/Collins Avenue and Flamingo Park Local Historic Districts.

- 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 contributing building located at 1535 Collins Avenue 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 contributing buildings are distinctive examples of the Art Deco style of architecture.

- 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 front buildings on the site are classified as contributing buildings in the Miami Beach Historic Properties Database. The rear towers are classified as non-contributing.

- 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 contributing buildings 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 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 building.

- 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 any structure on the site.

STAFF ANALYSIS

The subject development site contains two contributing buildings; the Shorecrest Hotel located at 1535 Collins Avenue and the Royal Palm Hotel located at 1545 Collins Avenue. The site was redeveloped in the late 1990s including the introduction of two new guest room towers and the reconstruction of the Royal Palm Hotel which was demolished due to structural deficiencies. The currently proposed scope of work is limited to the first and second levels of the Royal Palm Hotel portion of the site.

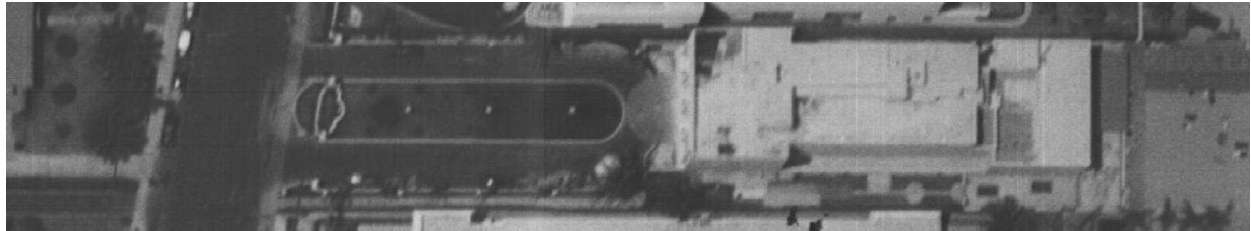
The applicant is proposing numerous design modifications to the subject site; however, it is important to note that the original lobby design and exterior facades are proposed to be retained. More specifically, the applicant is proposing to reconfigure several public areas of the property including ancillary lobby and meeting spaces and outdoor corridors. Further, the rear pool deck area is proposed to be renovated including the reconfiguration of the restaurant, outdoor bar counter, deck and restrooms.

Within the Royal Palm lobby, the applicant is proposing to retain and restore the original reception desk and terrazzo flooring, including the compass rose design. At the second level within the tower portion of the building, an existing stair is proposed to be replaced and a portion of the floor plate within an existing double-height space is proposed to be expanded to increase the useable area.

Perhaps the most notable change is the proposed redesign of the front yard area including the reconfiguration of the driveway into a single entrance/exit drive. As shown in the 1941 aerial photo, the driveway was u-shaped with separate entrance and exit drives. The applicant has provided the original site plan for the property which shows a different driveway configuration. Given the short amount of time from the opening of the hotel in December of 1939 to the June 1941 aerial photograph, staff is reasonably confident that the driveway was not built as originally designed, but in the configuration shown in the aerial image. Additionally, the applicant is proposing the demolition of the existing fountain structure at the front of the site. Based upon historical documentation, it appears that the existing fountain is original to the site; although two of the original four pylon structures appear to be recreations constructed during the 1990s.



1939 partial site plan, permit #12425



1941 aerial image

Based upon historical photographic documentation, staff believes that the current driveway configuration is substantially consistent with the driveway as originally constructed and is not supportive of the reconfiguration or the demolition of the likely original fountain. Further, staff believes that the vehicular circulation issues raised by the applicant can be resolved by converting the southern driveway to the entrance, the northern driveway to the exit. Further, a driveway could be introduced within the landscaped center area to allow cars to circle back to the garage entrance, without having to exit the property.



Ca. 1940 photo of the front yard and fountain of the Royal Palm Hotel, Florida Memory



1950s aerial photo showing the original four pylons and fountain (circled in red)

With the exception of the modifications to the front driveway area, staff is highly supportive of the remainder of the project and recommends approval as noted below.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that 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: October 8, 2024

PROPERTY/FOLIO: 1535-1545 Collins Avenue / 02-3234-019-0960

FILE NO: HPB24-0623

APPLICANT: RP Holdings LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the partial demolition and renovation of the building located at 1545 Collins Avenue and site improvements.

LEGAL: The south 12.65 feet of Lots 7 & 14 and all of Lots 5, 6, 15 and 16 and the north half of Lots 4 & 17, Block 56, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida and the portion lying east and adjacent west of the erosion control line per 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 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 not consistent with Certificate of Appropriateness Criteria 'e' & 'h' in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd' & 'e' 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:

1. Revised elevation, site plan and floor plan drawings shall be submitted, and at a minimum, such drawings shall incorporate the following:
 - a. The u-shaped driveway configuration shall be maintained with the exception of modifications to the landscaped center area to allow cars to circle back to the garage entrance, 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 existing fountain structure and pylons shall be retained and restored 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.
 - c. Final design and details of the Royal Palm Hotel lobby 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.
 - d. Final details of all exterior surface finishes and materials 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.
 - e. 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. As per Section 7.3.1.2 of the Land Development Regulations, a view corridor shall be created by maintaining a minimum of 50 percent (50%) of the required rear yard setback open and unencumbered, apart from landscaping and decorative open picket type fences, from the erosion control line to the rear setback line.
 - b. 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.
 - c. The project design shall minimize the potential for a project causing a heat island effect on site.

- d. 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 5.2.12 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.
- 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 "**Royal Palm Hotel**", as prepared by EOA Inc., dated August 4, 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.

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: _____

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HPB24-0623
Meeting Date: October 8, 2024

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Historic Preservation Board on _____ ()

DRAFT