

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: April 22, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB24-0610, **3611, 3621 & 3651 Collins Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the construction of a new residential and hotel development located at 3611 & 3621 Collins Avenue.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

BACKGROUND

Section 553.8991, Florida Statutes (known as the “Resiliency and Safe Structures Act” or the “Act”), which was signed into law on March 22, 2024, prohibits local governments from prohibiting, restricting, or preventing the demolition of certain qualifying structures and buildings “for any reason other than public safety.” A local government may only administratively review an application for a demolition permit sought under this section for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulation applicable to a similarly situated parcel. Contributing buildings located within a historic district listed on the National Register of Historic Places prior to January 1, 2000 and buildings individually listed on the National Register of Historic Places are exempt from the law.

Unless expressly exempted from the Act, and subject to the applicant’s compliance with the requirements of the Act, the Land Development Regulations, and the Florida Building Code, an applicant is eligible to invoke the provisions of the Act for any structures and buildings that (i) are built on a property in which all or a portion of such property is seaward of the coastal construction control line, and (ii) do not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program for the applicable flood zone, a structure or building determined to be unsafe by a local building official; or structure ordered to be demolished by a local government that has proper jurisdiction.

As applicable to qualifying buildings and structures, the Act also preempts the City from imposing additional land development regulations or public hearings on permit applicants and requires that local governments authorize replacement structures to be developed in accordance with certain regulations. Specifically, a local government shall authorize replacement structures for qualifying buildings to be developed to the maximum height and overall building size authorized by local development regulations for a similarly situated parcel within the same zoning district.

Additionally, a local government may not do any of the following:

- a. Limit, for any reason, the development potential of replacement structures below the maximum development potential allowed by local development regulations for a similarly situated parcel within the same zoning district.
- b. Require replication of a demolished structure.
- c. Require the preservation of any elements of a demolished structure.
- d. Impose additional regulatory or building requirements on replacement structures which would not otherwise be applicable to a similarly situated vacant parcel located in the same zoning district.
- e. Impose additional public hearings or administrative processes that would not otherwise be applicable to a similarly situated vacant parcel within the same zoning district.

The applicant has submitted building permit applications for the total demolition of the existing structures at 3611 Collins Avenue (BC2425173) and 3621 Collins Avenue (BC2525180) to the City pursuant to the Act.

EXISTING STRUCTURES

Local Historic District: Collins Waterfront

3611 Collins Avenue – The Coral Reef Hotel

Classification: Contributing
Architect: Joseph J. DeBrita
Construction Date: 1941

3621 Collins Avenue – The Patrician Hotel

Classification: Contributing
Architect: Roy France
Construction Date: 1937

3651 Collins Avenue – Beach House 8 Condominium

Classification: Non-Contributing
Architect: Arquitectonica
Construction Date: 2016

ZONING / SITE DATA

3611 Collins Avenue – The Coral Reef Hotel

Folio: 02-3226-001-1560
Legal Description: Lots 1 & 2 & Lots 7 & 8 & 16 foot alley, Block 25, of the Miami Beach Improvement Company Co Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 8, of the Public Records of Miami-Dade County, Florida & the portion lying east and adjacent west of the erosion control line per Plat Book 105, Page 62.

3621 Collins Avenue – The Patrician Hotel

Folio: 02-3226-001-1570
Legal Description: Lot 3 & Lot 6 & 16 foot alley & riparian rights, Block 25, of the Miami Beach Improvement Company Co Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 8, of the Public Records of Miami-Dade County, Florida.

3651 Collins Avenue – Beach House 8 Condominium

Folio: 02-3226-057-0001
Legal Description: Lots 4 & 5 & portion of 16 foot alley between lots 4 & 5, Block 25, of the Miami Beach Improvement Company Co Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 8, of the Public Records of Miami-Dade County, Florida & portion lying east and adjacent west of the erosion control line as described in decl OR 30082-186.

Zoning: RM-3, Residential multi-family, low intensity
Future Land Use Designation: RM-3, Residential multi-family, low intensity

Lot Size: 72,840 sq. ft. (3.0 maximum FAR – 218,520 sq. ft.)
Existing FAR: Not provided
Proposed FAR: 217,691 sq. ft. / 2.99 FAR
Existing Height: Not provided
Proposed Height: 200'-0" as measured from B.F.E. +1'-0" freeboard (9.00' NGVD)

Existing Uses: Hotel and multi-family residential
Proposed Use (new building): Mixed use; 23 multi-family residential units, 36 hotel rooms and 210 restaurant seats.

THE PROJECT

The applicant has submitted plans entitled "Casa Cipriani", as prepared by Revuelta Architecture International, dated January 5, 2025.

COMPLIANCE WITH ZONING CODE

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

1. **Section 7.2.6.3 Building Setbacks:** The sum of the side yards shall equal 16% of the lot with minimum. In this instance the minimum required sum of the side yards is 32'-0" and 24'-6" has been provided. The applicant has submitted a separate application requesting a Commission Warrant pursuant to Section 2.7.1 of the Land Development Regulations to reduce the required sum of the side yards setback by 25% from 32'-0" to 24'-0".
2. **Section 7.2.6.2 Accessory outdoor bar counters:** Accessory outdoor bar counters located on a property that is abutting a property with an apartment unit, may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

3. **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 a public right-of-way, including the beach walk.
4. **Section 7.3.1 Dune Preservation and Oceanfront overlays.** The project as proposed does not comply with several regulations of these overlay districts.

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 multi-family residential and hotel uses are **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 Applicable
- (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.
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.
Satisfied

- (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.
Not Applicable
 - 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.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable
- 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 location of building services including a generator, FPL vault room and a loading dock at the southwest corner of the building along Collins Avenue and 36th Street has an adverse impact on the quality of the urban experience as well as pedestrian safety.
 - 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.

Satisfied

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

Not Satisfied

The location of building services including a generator, FPL vault room and a loading dock at the southwest corner of the building along Collins Avenue and 36th Street has an adverse impact on the quality of the urban experience as well as pedestrian safety.

- 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 Satisfied

The location of building services including a generator, FPL vault room and a loading dock at the southwest corner of the building along Collins Avenue and 36th Street has an adverse impact on the quality of the urban experience as well as pedestrian safety.

- 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.
Not Satisfied
The location of building services including a generator, FPL vault room and a loading dock at the southwest corner of the building along Collins Avenue and 36th Street significantly reduces the total amount of active residential or commercial uses along the street frontage of the building.
- 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.
Not Satisfied
The location of building services including a generator, FPL vault room and a loading dock at the southwest corner of the building along Collins Avenue and 36th Street significantly reduces the total amount of transparency needed to achieve pedestrian compatibility.
- 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.

Satisfied

STAFF ANALYSIS

The subject unified development site currently contains three buildings; the contributing Coral Reef Hotel located at 3611 Collins Avenue, the contributing Patrician Hotel located at 3621 Collins Avenue, and the Beach House 8 Condominium located at 3651 Collins Avenue. The proposed scope of work is limited to the 3611 and 3621 Collins Avenue portion of the property and includes the construction of a new mixed-use residential and hotel development project. No work is proposed for Beach House 8 Condominium portion of the site.

As noted in the Background section of this report, pursuant to the Resiliency and Safe Structures Act (Florida Statutes Section 553.8991) that was signed into law on March 22, 2024, has submitted building permit applications for the total demolition of the existing structures at 3611 Collins Avenue (BC2425173) and 3621 Collins Avenue (BC2525180) to the City for administrative review for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, and other regulations applicable to similarly situated parcels.

The applicant is currently proposing to construct a new 17-story mixed-use building with 23 residences, 36 hotel rooms, dining venues with a total of 210 seats and a spa. The ground level consists of separate lobbies and vehicular drop-offs for the hotel and residences, back-of-house and service areas and an expansive pool deck. Levels three through six contain hotel rooms and the upper eleven levels consist of residential units. The project also includes a two-level basement including parking at the upper level, and a spa and additional back-of-house area at the lower level.

The proposed building is composed of two main parts, the 2-story podium and the 15-story tower. The podium is proposed to be clad in Grolla stone, a type of hard limestone, and features fluted 2-story decorative columns along the perimeter. The primarily glass tower features wrap around balconies with guardrails composed of fluted terracotta panels topped with fritted glass. Staff is supportive of the contemporary design language of the proposed structure, as it has been well developed and when evaluated within the entirety of its surrounding context, it achieves a high level of compatibility with its immediate neighbors in terms of its overall design aesthetic. Further, the scale, massing, height and building orientation are all generally consistent with the built context of the east side of Collins Avenue within the Collins Waterfront Historic District.

Staff has only one concern with regard to the location of service areas along the south side of the property fronting Collins Avenue and 36th Street. Building services including a generator, an FPL vault room and loading docks are located at the southwest corner of the building. Additionally, the project includes seven curb cuts, five of which are along 36th Street. The location of these

elements along 36th Street will have an adverse impact on the quality of the urban experience as well as pedestrian safety along this important connection to the beach. As such, staff recommends that the service areas fronting 36th Street be significantly reduced and replaced with active uses. At a minimum, staff recommends that the FPL vault room be relocated to the northwest corner of the building. This location would allow for maintenance access from the hotel driveway along Collins Avenue. Additionally, staff recommends that the generator room be relocated to a location internal to the site. These modifications would allow for the introduction of an active use within this highly visible corner location and would reduce the number of curb cuts.

Finally, staff would note that the applicant will be seeking a Commission Warrant pursuant to Section 2.7.1 of the Land Development Regulations to reduce the required sum of the side yards setback by 25% from 32'-0" to 24'-0". The warrant request will be reviewed by the City Commission and requires an affirmative five-sevenths vote. In summary, staff is supportive 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: April 22, 2025

PROPERTY/FOLIO: 3611 Collins Avenue / 02-3226-001-1560
3621 Collins Avenue / 02-3226-001-1570
3651 Collins Avenue / 02-3226-057-0001

FILE NO: HPB24-0610

APPLICANTS: MDEV6 LLC & Beach House 8 Condominium Association, Inc.

IN RE: An application has been filed requesting a Certificate of Appropriateness for the construction of a new residential and hotel development located at 3611 & 3621 Collins Avenue

LEGAL: **3611 Collins Avenue**
Lots 1 & 2 & Lots 7 & 8 & 16 foot alley, Block 25, of the Miami Beach Improvement Company Co Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 8, of the Public Records of Miami-Dade County, Florida & the portion lying east and adjacent west of the erosion control line per Plat Book 105, Page 62.

3621 Collins Avenue
Lot 3 & Lot 6 & 16 foot alley & riparian rights, Block 25, of the Miami Beach Improvement Company Co Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 8, of the Public Records of Miami-Dade County, Florida.

3651 Collins Avenue
Lots 4 & 5 & portion of 16 foot alley between lots 4 & 5, Block 25, of the Miami Beach Improvement Company Co Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 8, of the Public Records of Miami-Dade County, Florida & portion lying east and adjacent west of the erosion control line as described in decl OR 30082-186.

ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the Collins Waterfront Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is 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 not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'e', 'f', 'k' & 'n' in section 2.13.7(d)(ii)(3) of the Land Development Regulations.
- C. The project would be consistent with the criteria and requirements of sections 2.13.7(d), 7.1.2.4(a) and 2.7.1 of Land Development Regulations if the following conditions are met:
1. This order is conditioned upon the subsequent approval of an application for a warrant to reduce the minimum required sum of the side yard setbacks by the city commission.
 2. Revised elevation, site plan and floor plan drawings shall be submitted, and at a minimum, such drawings shall incorporate the following:
 - a. The service areas located along the south side of the property fronting Collins Avenue and 36th Street shall be significantly reduced and replaced with active uses, 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 outdoor bar counter shall comply with the regulations contained in sections 7.2.6.2 and 7.5.4.9 of the land development regulations.
 - c. The project shall comply with the Dune Preservation and Oceanfront overlay regulations contained in section 7.3.1 of the land development regulations.
 - 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.
 3. 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 project shall comply with the regulations of the Dune Preservation and Oceanfront overlays as specified in Section 7.3.1 of the Land Development Regulations.
- 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 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.

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 "**Casa Cipriani**", as prepared by **Revuelta Architecture International**, dated **January 5, 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 _____ ()