

# MIAMI BEACH

## PLANNING DEPARTMENT

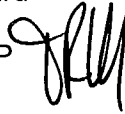
### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: April 9, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB18-0250, **3425 Collins Avenue – Versailles Hotel**.

An application has been filed requesting a Certificate of Appropriateness for the installation of super-graphic banners on all sides of the Versailles Hotel building.

#### **STAFF RECOMMENDATION**

Approval of the Certificate of Appropriateness with conditions

#### **EXISTING SITE**

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Construction Date:	1940
Original Architect:	Roy France

#### **BACKGROUND**

On September 13, 2011, the Board approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of an existing 9-story building and an existing 16-story building, including the installation of new balconies on the east and south elevations, and the construction of a new 10-story multifamily building with a roof-top pool deck at the rear of the site, along with a new landscape and hardscape plan for the entire site.

On November 12, 2013, the Board approved a Certificate of Appropriateness for the temporary installation of a super graphic on the south facade of the previously existing 1955 south addition. The super graphic was removed prior to the demolition of the 1955 south addition.

On November 14, 2014, the Board approved a new Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new residential development.

On February 9, 2016, the Board reviewed and approved an After-the-Fact Certificate of Appropriateness for the installation of a temporary super-graphic on the south façade of the 1940 building.

On March 8, 2016, the Board approved modifications to the previously approved Certificate of Appropriateness including additional demolition, design modifications and site plan modifications and multiple variances.

On May 9, 2017, the Board reviewed an application for after-the-fact variances to exceed the maximum area allowed for construction fence signs and banner signage attached to the Versailles building (HPB16-0079). At this meeting, the Board approved variances for the signs located on the perimeter fencing and denied the variances requested for signage located on the banners attached to the building.

On November 14, 2017, an application for the installation of a temporary super-graphic banner on the south façade of the building was withdrawn by the applicant (HPB17-0156).

On February 12, 2019, the Board reviewed and continued the subject application to a date certain of April 9, 2019.

### **ZONING / SITE DATA**

Legal Description:

Lots 1 through 8, inclusive, and the 16.00 foot alley, all in block 21, of the amended map of the Ocean Front Property of Miami Beach Improvement Company, according to the plat thereof, recorded in plat book 5, pages 7 & 8 of the Public Records of Miami-Dade County, Florida.

Zoning:

RM-3, Residential Multi-family, high intensity

### **THE PROJECT**

The applicant has submitted plans entitled “Versailles-temporary super graphic banner”, dated December 8, 2018.

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following section of the City Code.

1. Section 138-204(a)(2), the maximum aggregate size of any mural, graphic or image shall not exceed 100 square feet, unless otherwise approved by and adopted by a majority vote of the City Commission by resolution.

The above noted comments 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 2025 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **multifamily residential** use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development 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.

**Not Applicable**

- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

**Not Applicable**

- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

**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.

**Not Applicable**

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

**Not Applicable**

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

**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 of the City Code.

**Not Applicable**

- (10) Where feasible and appropriate, water retention systems shall be provided.

**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 118-564(a)(1) of the Miami Beach Code (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. 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 Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (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.  
**Not Satisfied**  
**The proposed mesh banner does not provide adequate weather protection to the exposed openings of the building.**
  - d. The relationship of 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 proposed mesh banner does not provide adequate weather protection to the exposed openings of the building.**
  - 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.  
**Not Applicable**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Satisfied**  
**The proposed mesh banner does not provide adequate weather protection to the exposed openings of the building.**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code 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 118-503.

**Not Applicable**

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances 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**

### **STAFF ANALYSIS**

On September 13, 2011, the Historic Preservation Board approved the partial demolition, renovation and restoration of the historic Versailles Hotel tower and the construction of a new 10-story multifamily building with a roof-top pool deck at the rear of the site, along with a new landscape and hardscape plan for the entire site. Subsequently, the property was sold and a modified project was approved by the Board on November 14, 2014. This project consists of the partial demolition, renovation and restoration of the existing 16-story hotel, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new hotel and residential development.

On October 5, 2016, a full building permit (B1504467) was issued for the approved project. Since that time, a significant amount of demolition has occurred, including the removal of the

1955 south addition, portions of the ground level exterior walls and all exterior doors and windows.

On May 9, 2017, the Board reviewed and approved after-the-fact variances for construction signs, to relocate the construction signs to a non-street façade and to relocate construction signs above the first floor, in order to retain multiple construction signs on the property. Five other variances were withdrawn by the applicant. During this meeting, staff and the Board expressed concern with regard to possible deterioration of the structure due to exposure from the elements. The Board requested that the applicant explore ways to better protect the structural integrity of the building including the installation of a weatherproof wrap or boarding up of the openings.

The applicant is currently requesting approval to continue to display artistic graphic banners located on all four sides of the partially demolished Versailles Hotel. The banners depict a work of art by internationally recognized artist Miya Ando. The banners were installed in November 2018 to coincide with Art Basel. According to the applicant, the timeframe for the display of the banners is uncertain. The applicant is requesting that the banners be permitted to remain until such a time when the construction proceeds to the point that they must be removed or in the event that the full building permit expires.

Staff remains seriously concerned with regard to the structural integrity of the building, which has been open to the elements for more than five (5) years. The mesh banners provide limited protection from the elements. Further, the entire ground level is completely open.

Staff has no objection to the artistic design which is a suitable and dynamic graphic concept for a temporary façade treatment. However, in light of the concerns outlined above, staff would recommend that the banners be immediately removed until all exterior openings of the building are fully secured and protected from the weather. Once staff determines the building is adequately protected from the elements, staff would recommend that the artistic graphic banners be reinstalled for a period not to exceed 12 months.

Additionally, staff was unable to locate a building permit or temporary structure permit for the currently existing banners and remains concerned with regard to the safety of the banners. In 2017, a previously installed banner became partially detached from the south elevation of the building on at least two separate occasions, creating a very hazardous condition for the public and surrounding properties within this highly dense and congested area of Collins Avenue. Consequently, staff would recommend that no banner be permitted to be installed on the building without all required permits.

Finally, staff would note that during the initial review of the subject application on February 12, 2019, the Board continued the application and requested the applicant provide additional information with regard to the ability to adequately secure the openings from the interior while maintaining the existing banners in place. As of the writing of this report, the applicant has not provided any further information. As such, staff continues to recommend the removal of the existing banners prior to and during the securing process.

### **RECOMMENDATION**

In view of the foregoing analysis and the inconsistencies with the aforementioned Certificate of Appropriateness criteria, staff recommends the application be approved subject to the conditions enumerated in the attached draft Order.

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

MEETING DATE: April 9, 2019

FILE NO: HPB18-0250

PROPERTY: 3425 Collins Avenue

APPLICANT: 3425 Collins LLC

LEGAL: Lots 1 through 8, inclusive, and the 16.00 foot alley, all in block 21, of the amended map of the Ocean Front Property of Miami Beach Improvement Company, according to the plat thereof, recorded in plat book 5, pages 7 & 8 of the Public Records of Miami-Dade County.

IN RE: The application for a Certificate of Appropriateness for the installation of a temporary super-graphic banner on the south façade of the building.

**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 the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  - 2. Is not consistent with Certificate of Appropriateness Criteria in Section 'c', 'e' & 'h' 118-564(a)(2) of the Miami Beach Code.
  - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
  - 4. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 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 currently installed artistic graphic banners shall be removed within 30 days of this approval (May 9, 2019).
- b. The exterior of the building shall be secured and adequately protected from the weather as determined by staff. Once staff determines the building is protected, the artistic graphic banners may be reinstalled.
- c. The banners shall not contain any signage or advertising.
- d. The super graphic shall be approved for a period not to exceed twelve (12) months from April 9, 2019; any extension of this timeframe shall be subject to the review and approval of the Board.

**II. Variance(s)**

- A. No Variances were requested as a part of this application.

**III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. 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.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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.

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 "Versailles-temporary super graphic banner", dated December 8, 2018, 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 Chapter 118 of the City Code; 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 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
CHIEF OF HISTORIC PRESERVATION  
FOR THE CHAIR

STATE OF FLORIDA )

COUNTY OF MIAMI-DADE )SS  
)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by Deborah Tackett, Chief of Historic Preservation, 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 \_\_\_\_\_ ( )