

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: November 6, 2019

FILE NO: HPB19-0344 a.k.a. HPB16-0058

PROPERTY: 6565 Collins Avenue

APPLICANT: S. F. Land, LLC

LEGAL: Lots 40, 41 & 42, Block 1, of the Amended Plat of the Second Ocean Front Subdivision, as recorded in the Public Records of Miami-Dade County, According to the Plat Thereof, as Recorded in Plat Book 28, Page 28, of the Public Records of Miami-Dade County, Florida.

IN RE: An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the total demolition of the existing rear cabana structures and the design of a new hotel amenity area including a new elevated pool deck and shade structures, including variances to reduce the required side setback for a driveway, to reduce the minimum drive aisle width for perpendicular parking, for the triple stacking of valeted vehicles, to reduce the required pedestal rear and both side setbacks, to exceed the maximum area allowed for decks, to reduce the required rear and both side setbacks within the Oceanfront Overlay district, and to exceed the maximum elevation and lot coverage allowed within the Oceanfront Overlay District. Specifically, the applicant is requesting approval for a phased development permit schedule and modifications to the pool deck design.

CONSOLIDATED ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the North Beach Resort 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 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.



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4. Is not consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) 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 canopy structure shall comply with the required Oceanfront Overlay rear yard setback, 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 accessory outdoor bar counter structures shall comply with the Oceanfront Overlay rear and side yard setbacks and the structures shall be screened from view from the public beach walk, 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 details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 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. The 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.
 - b. A minimum of 42" of soil depth and a minimum rooting area of 8'-0" x 8'-0" shall be provided for all proposed planters with clusia rosea trees to ensure the proper health and growth of the trees, in a manner to be reviewed and approved by staff.
 - c. The installation of artificial grass or sod shall be prohibited on any outdoor landscaped area of the property.
 3. The phased development permit schedule shall be approved in accordance with the following timeframe:
 - a. First Phase – Building Permit issued by June 17, 2021.



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b. Second Phase – Building Permit issued December 22, 2022.

4. The applicant shall return to the Board for a progress report after the completion of the First Phase and Second Phase of the project.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, 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 master appointed by the City Commission.

II. Variance(s)

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

1. A variance to reduce by 11'-7" the required pedestal interior side setback of 18'-0" in order to construct a parking structure, elevated pool deck, planters and cabanas at 6'-5" from the north side property line.
2. A variance to reduce by 11'-7" the required pedestal interior side setback of 18'-0" in order to construct a parking structure, elevated pool deck, planters and cabanas at 6'-5" from the south side property line.
3. A variance to reduce by 59'-6" the required pedestal rear setback of 66'-6" in order to construct a parking structure, elevated pool deck and cabanas at a minimum of 7'-0" from the rear property line.
4. A variance to eliminate all required subterranean side setback of 11'-3" in order to construct a driveway at zero setback from the north side property line.
5. A variance to reduce by 8'-7" the required side setback of 15'-0" from the property line in order to construct a raised pool, deck and ramps at 6'-5" from the north side property line within the Oceanfront Overlay District.
6. A variance to reduce by 8'-7" the required side setback of 15'-0" from the property line in order to construct a raised pool, deck and ramps at 6'-5" from the south side property line within the Oceanfront Overlay District.
7. A variance to reduce by 5'-4" the required rear setback of 10'-0" from the Bulkhead Line in order to construct a raised pool walkway at a minimum of 4'-8" from the Bulkhead Line within the Oceanfront Overlay District.
8. A variance to reduce by 11% (1,227 square feet) the minimum required lot coverage of 50% (5,627 square feet) in order to construct a raised pool and other miscellaneous structures and provide an open space of 39% (4,400 square feet) within the Oceanfront Overlay District.

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9. A variance to exceed by 1'-0" the maximum height of 12'-10" NAVD for structures located in the Oceanfront Overlay District in order to construct planters up to 13'-10" NAVD in height.
 10. A variance to reduce 2'-0" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide parking spaces at 90° with an interior drive aisle of 20'-0".
 11. A variance to exceed by 64.5% (2,392 square feet) the maximum 30% (1,113 square feet) area for structures in the required rear yard in order to construct a raised pool, deck and cabanas with 94.5% (3,505 square feet) of area in the rear yard.
 12. A variance to allow the stacking of three vehicles for tandem parking in order to construct parking spaces for the existing hotel.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

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That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required, located within the envelope of the building, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board
3. At least two loading spaces shall be provided on site, in a manner to be reviewed and approved by staff.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval set forth, in the original Order dated March 12, 2018 and as modified herein. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of a conflict between the provisions herein and those in the March 12, 2018 Order, the provisions herein shall control.
- B. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as **LEED Gold by USGBC**. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

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- E. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- G. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- J. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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 "Sherry Frontenac" as prepared by Bellinson Gomez Architects, P.A., dated August 19, 2019 and January 5, 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.

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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 in accordance with the phased development permit schedule approved by the Board, 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.

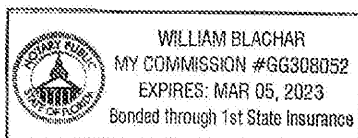
Dated this 15 day of November, 2019

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
 DEBORAH TACKETT
 CHIEF OF HISTORIC PRESERVATION
 FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 18th day of November, 2019 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.



William Blachar
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: March 5th, 2023

[Signature]

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Approved As To Form: _____
City Attorney's Office: Nick Kallergis (11/15/2019)
Filed with the Clerk of the Historic Preservation Board on Jessie Guelm (11/18/19)

Strike-Thru denotes deleted language
Underscore denotes new language

