

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: January 14, 2020

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB19-0345, **901 & 927 Lincoln Road.**

An application has been filed requesting a Certificate of Appropriateness for the substantial demolition of the rear building and the construction of an attached rear addition as part of a new hotel development, one or more waivers and a variance to reduce the required rear setback.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions
Denial of the variance

BACKGROUND

On October 16, 2019, the City Commission adopted Ordinance No. 2019-4303, which modified the zoning regulations for properties on the north side of Lincoln Road between Pennsylvania Avenue and Lincoln Road, which ordinance is summarized as follows:

- The Ordinance reduced the parking requirements to zero for new hotel units as part of additions to a contributing building;
- Increased the maximum building height from 50 feet to 75 feet for properties with a minimum lot area of 30,000 SF, and a minimum of 100 new hotel rooms;
- Created additional setback requirements from Lincoln Road and the side streets for new construction over 50 feet in height;
- Reduced the minimum hotel room size to 200 SF, provided that certain amenity requirements are satisfied;
- In order for an applicant to avail itself of the room size and height incentives, the applicant must participate in a public benefits program as set forth below:
 - (1) *Provide ground-floor public benefit space.* On-site, ground floor space within the building in which the hotel is located shall be provided, with a minimum area of 500 square feet, for use by Miami Beach-based not-for-profit entities and/or artisans, as workshops, or for display or demonstration purposes, either of which shall be open to public view ("Public Benefit Space"). Any required land use board approvals associated with a Public Benefit Space approved pursuant to this

paragraph shall be the responsibility of the non-profit entity or artisan, respectively.

- (2) *Contribution to Art in Public Places fund.* In addition to providing an on-site Public Benefit Space pursuant to subsection (d)(1), above, a hotel shall provide a contribution to the City's Art in Public Places fund, the amount of which shall be equal to 0.5% of the total of all construction costs associated with the proposed hotel project, regardless of the number of permits associated with the project or whether the applicant intends to construct the hotel in phases. Full payment of the contribution shall be made prior to the issuance of a certificate of occupancy.
 - (3) *Final approval.* Prior to the issuance of a final certificate of occupancy for the property, a covenant executed by the property owner shall be submitted to the City, in a form approved by the City Attorney and City Manager, which covenant shall, at a minimum, identify the location of the Public Benefit Space, and require a hotel owner and/or operator to maintain the Public Benefit Space for so long as the hotel use on the subject property remains active, unless a shorter term is approved by resolution of the City Commission.
 - (4) There shall be a limit of 500 hotel units constructed between Pennsylvania Avenue and Lenox Avenue, which utilize the unit size and/or height incentives set forth in this subsection (d).
- The ordinance also allows multistory roof-top additions for hotel uses only, subject to certain requirements.
 - Additionally, Lincoln Lane North, from Michigan to Jefferson Avenues, must be fully renovated and improved by the applicant.

EXISTING STRUCTURES

Local Historic District: Flamingo Park

901 Lincoln Road (Mead Building)

Classification: Contributing

Original Construction Date: 1928
Original Architect: Russell Pancoast

Rear Addition Date: 1955
Rear Addition Architect: Russell Pancoast

927 Lincoln Road (Sterling Building)

Classification: Contributing

Original Construction Date: 1928
Original Architect: Alexander Lewis

Rear Addition (El Patio) Date: 1929
Rear Addition Architect: Alexander Lewis

Renovation Date: 1941

Renovation Architect: Victor. H. Nellenbogen

ZONING / SITE DATA

Legal Description:

Parcel 1 (901 Lincoln Road):

Lots 5 & 6, Block 37 of the Commercial Subdivision of the Alton Beach Realty Company, according to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

Parcel 2 (927 Lincoln Road):

Lots 2 to 4, Block 37 of the Commercial Subdivision of the Alton Beach Realty Company, according to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

Zoning:	CD-3, Commercial, high intensity
Future Land Use Designation:	CD-3, Commercial, high intensity
Lot Size:	37,451 S.F. / 2.50 Max FAR = 93,627.5 S.F.
Existing FAR:	47,022 S.F. / 1.25 FAR
Proposed FAR:	93,739 S.F. / 2.502 FAR
Existing Height:	30'-4"
Proposed Height:	75'-0"
Existing Use/Condition:	Commercial
Proposed Use:	Hotel and Commercial

THE PROJECT

The applicant has submitted plans entitled "Sterling Building", as prepared by Kobi Karp Architecture, Interior Design and Planning, dated November 12, 2019.

The applicant is requesting the following variance:

1. A variance to eliminate all required rear setback of 5'-0" to construct a new multistory hotel addition at zero setback from the rear property line facing North Lincoln Lane.

- Variance requested from:

Sec. 142-338. - Setback requirements.

(a) The setback requirements for the CD-3 commercial, high intensity district are as follows:

Subterranean pedestal and tower (non-oceanfront), Rear: 5 feet.

The applicant is proposing a substantial new 7-story addition with 144 hotel units and accessory uses, which will add nearly 50,000 square feet to the existing site. Although this unified development consists of five (5) platted lots, all of the new construction is proposed on three (3) of the platted lots. In order to allow the addition, as currently proposed, several amendments to the City Code were adopted, as noted in the Background section of this report. In addition to those amendments, the code was also recently modified city-wide to eliminate the interior side setbacks for residential uses in commercial districts. However, the proposed location of the hotel units with as little as zero setback along the rear of the property facing North Lincoln Lane is not permitted.

While this request may seem minor, staff believes that slight modifications to the plans could easily be made in order to eliminate the variance request. A minimal expansion to the east side over the existing building would offset the areas removed which are currently proposed within the required rear setback. The proposed zero setback is not related to the retention of the contributing structures. As such, based on the documentation provided, staff cannot support the variance request.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that DO NOT 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 DO NOT 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
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. **Section 142-337**. All recessed balconies with 4" gap count in the FAR. The balconies will have to be setback 3'-0" from both side walls to be excluded from FAR.

2. The lot size as shown on the survey is not consistent with the lot size as represented by the applicant. As a result, the proposed the **project exceeds the maximum FAR allowed**. The plans will need to be revised as to not exceed a maximum of **2.5 FAR** prior to Building Permit approval.
3. A revocable permit may be required for any signage projecting into the right-of-way.

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 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **hotel and commercial uses** are **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 Satisfied
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
Staff would note however, that the existing storefront glass and upper floor windows on the Sterling Building are not currently impact resistant and are not proposed to be replaced.
- (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 126 of the City Code.
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
The land elevation of the site is consistent with the surrounding properties.
- (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 of the City Code.
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 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 Satisfied
Certain significant materials and architectural elements located on the primary façade of the Sterling Building are currently in disrepair and the building is not proposed to be fully restored.
- 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.
Not Satisfied
The location of the stairwell at the southeast corner of the new addition will be highly visible and is inconsistent with the scale and character of the surrounding historic district.
 - c. Texture and material and color.
Satisfied
 - 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 Sterling Building is not proposed to be restored.
 - 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 Satisfied
Certain significant materials and architectural elements located on the primary façade of the Sterling Building are currently in disrepair and the building is not proposed to be fully restored.
- 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.
Satisfied
 - 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

The project as currently presented exceeds the maximum permitted FAR for the site. See Compliance with 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 118-503.

Satisfied

- 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 Satisfied

The location of the stairwell at the southeast corner of the new addition will be highly visible and is inconsistent with the scale and character of the surrounding historic district.

- 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 the stairwell at the southeast corner of the new addition will be highly visible and is inconsistent with the scale and character of the surrounding historic district.

- 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).
Not Satisfied
The location of the stairwell at the southeast corner of the new addition will be highly visible and is inconsistent with the scale and character of the surrounding historic district.
- 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.
Not Satisfied
The opaque film applied to the windows along Jefferson Avenue does not allow for transparency at the ground level.
- 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

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code 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 a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code 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 Contributing within the Flamingo Park Local Historic District.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The buildings are of such design, craftsmanship, or material that they 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 country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The existing buildings are distinctive example of architectural styles which contribute to the district.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The subject structures are classified as Contributing buildings in the Miami Beach Historic Properties Database.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of the buildings is critical to developing an understanding of important Miami Beach architectural styles.

- 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, and/or the design review guidelines for that particular district.

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 to totally demolish a building.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

STAFF ANALYSIS

The subject development site is comprised of two Contributing buildings; the Mead Building located at 901 Lincoln Road constructed in 1928 and designed by Russell Pancoast in the Mediterranean Revival style of architecture and the Sterling Building located at 927 Lincoln Road, also constructed in 1928, designed by Alexander Lewis in the Mediterranean Revival style of architecture. The current design of the Sterling Building is a product of a 1941 modernization designed by architect Victor Nellenbogen. The applicant is currently proposing the construction of a 7-story addition at the rear of the Sterling Building portion of the property as part of a new hotel development.

The Sterling Building, originally known as the Taradash Building, was constructed as two, 2-story buildings fronting Lincoln Road approximately 20'-0" apart. No microfilm records of the original building have been located however, there are a number of early photographs depicting the original Mediterranean Revival style building. The ground floor of the eastern building was originally occupied by the Packard Motor Car Company.



The Sterling Building, ca. 1930



El Patio Building and courtyard, ca. 1930

In 1929, a detached U-shaped addition, known as the El Patio Building, was constructed at the rear of the property containing a restaurant and additional retail spaces. This addition was also designed by Lewis in the Mediterranean Revival style of architecture and was accessed from Lincoln Road via a breezeway between the original buildings.

In 1941, the Taradash Building was modernized by architect Victor H. Nellenbogen in the Streamline Moderne style of architecture. At the ground level, the façade was clad with keystone and new curved glass windows were introduced. The ground floor was separated from the second floor by a continuous projecting eyebrow and glass block frieze capped with built-in planting bins and vertically fluted precast panels were located between the second floor windows. The upper façade was clad in precast panels with black diamond shaped ceramic tile insets. A new second floor addition was constructed between the original buildings which created a new covered breezeway leading to the rear courtyard. After the renovations were completed, the building was renamed the Sterling Building.



The Sterling Building and the Mead Building, ca. 1945



The Sterling Building, ca. 1986

In 1955, an addition to the El Patio Building was constructed within the courtyard. This addition obscured much of the original rear structure with the exception of a small portion on the east side which remains visible today. The site was renovated in 1985 and has remained relatively the same since with the exception of the introduction of new awnings along the Lincoln road façade.

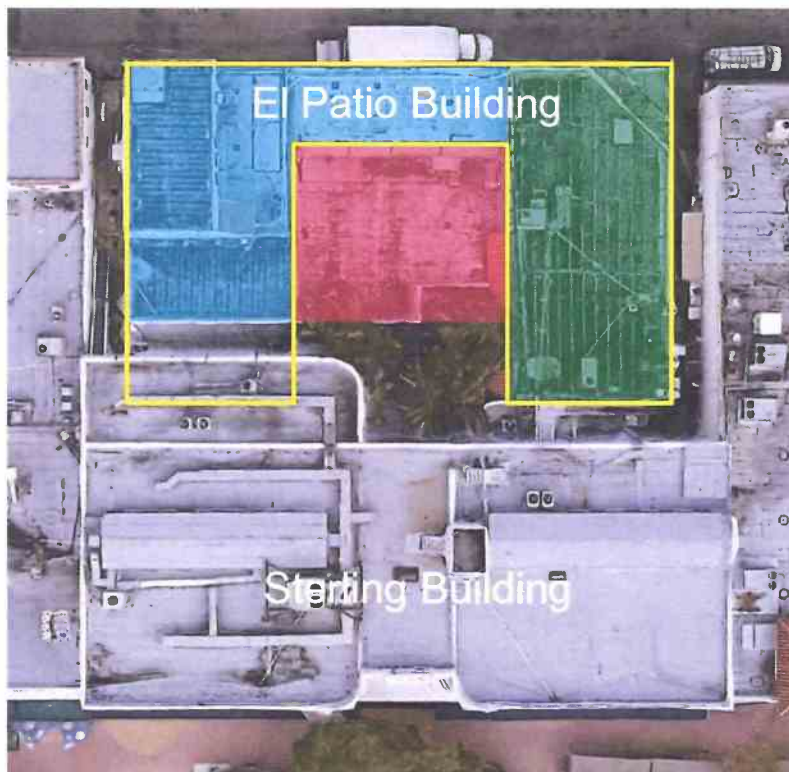
Sterling Building restoration and modifications

The second floor of the Sterling Building is proposed to be renovated in order to accommodate 24 hotel units within the existing office space. While supportive of the adaptive reuse of this space as hotel rooms overlooking looking Lincoln Road, staff has serious concerns with the lack of restoration proposed for the Contributing building. At a minimum, staff recommends full restoration of the Lincoln Road façade and breezeway including repair of the terrazzo floor, window replacement with impact glass where appropriate and restoration of the keystone and cast stone façade elements.

Additionally, the applicant is proposing to install a new awning system along Lincoln Road. The existing awnings are attached to the projecting eyebrow and the keystone cladding. Staff has observed cracking in the continuous concrete eyebrow and in the keystone where the awnings are currently attached. As such, staff recommends that the existing awnings be removed and no new awnings be permitted to be attached to the delicate keystone. Staff would further recommend that any new awnings shall only be permitted in the event the existing concrete eyebrow is reinforced/reconstructed in order to support the awnings without jeopardizing the structural integrity of this significant architectural element.

El Patio Building partial demolition

As part of the construction of a new addition, the applicant is proposing the demolition of the western approximately 70% of the El Patio Building. As staff has previously noted, this building



has been almost completely obscured by the 1955 courtyard addition. In the diagram below, the yellow outline indicates the extent of the original El Patio Building. The portion highlighted in blue is part of the original building proposed to be demolished and the portion highlighted in red is the 1955 addition, also proposed to be demolished. Staff has no objection to the proposed demolition as these portions of the building have been severely altered and contain little to no remaining significant architectural features.

The area of the building proposed to be retained, highlighted in green, currently houses the Books & Books retail store and a restaurant kitchen. As seen in the

photographs below, there are a number of surviving original architectural features from the 1929 design including, a barrel tile roof supported on carved timber brackets and a wooden storefront.



El Patio Building, 2019

New 7-story addition/5-story rooftop addition

The 7-story addition proposed to be constructed at the northern portion of the property contains a ground floor lobby, 120 hotel units and a rooftop amenity deck. The addition spans the entire width of the Sterling Building parcel along the rear of the property and is setback approximately 84'-0" from Lincoln Road. The eastern portion of the addition is proposed to be constructed over the remaining portion of the 1-story El Patio Building as a 5-story rooftop addition. As outlined in the Background section of this report, several amendments to the Land Development Regulations were recently adopted by the City Commission to incentivize hotel development on Lincoln Road, among them was the ability to construct a multi-story rooftop addition for hotel uses.

While supportive of the contemporary design language that incorporates variations in surface materials and changes in plane, staff is requesting a number of design modifications in order to ensure a successful integration of the new addition with the remaining portions of the Contributing buildings and the compatibility with the established context including the following:

- Staff recommends that the east stairwell of the addition be relocated from the southeastern corner to the northeastern corner across the alley from the 5-story parking garage. This should serve to reduce the visual impact of the structure as viewed from both Lincoln Road and Jefferson Avenue.
- Staff recommends that the east elevation of the addition be further developed which may include cantilevering a portion of the addition over the Mead Building, as well as the introduction of additional windows and the introduction of projecting balconies.
- Staff recommends that the west elevation of the remaining portion of the El Patio Building be restored to the greatest extent possible, consistent with available historical documentation. At a minimum, this shall include the retention/restoration of the entire barrel tile roof feature and southernmost storefront and the reconstruction of the two adjacent storefront bays. While these recommendations may require some adjustments to the proposed lobby plan and the height of the ground floor, staff believes that the restoration and reintroduction of significant part of the building's rich history will further



Mead Building, Jefferson Avenue façade, 2019

Additionally, the applicant is requesting a waiver of the line-of-sight setback requirement for the construction of the proposed 5-story rooftop addition located above the 1-story El Patio building at the rear of the property behind the Sterling Building. As outlined in Section 142-1161(d)(2) of the City Code, the Historic Preservation Board may modify the line of sight requirements for rooftop additions based on the following criteria:

- (i) the addition enhances the architectural contextual balance of the surrounding area;
- (ii) the addition is appropriate to the scale and character of the existing building;
- (iii) the addition maintains the architectural character of the existing building in an appropriate manner; and
- (iv) the addition minimizes the impact of existing mechanical equipment or other rooftop elements.

Staff would note that while rooftop addition is within the line-of-sight from Lincoln Road and Jefferson Avenue, the 1-story El Patio building is only visible from the alley. As such, the relationship of the existing 1-story building and the proposed rooftop addition will be imperceptible from Lincoln Road and from Jefferson Avenue. Consequently, staff does not object to this waiver.

Finally, it is important to note that the proposed project has obtained a Conditional Use Permit from the Planning Board for the construction of a new building greater than 50,000 gross square feet. Important issues related to the operations of the project, including parking, traffic, noise, deliveries, sanitation and security were reviewed. A copy of the approved Conditional Use Permit has been attached to this report. Noted requirements of the CUP include relocating the 'Public Benefits' space to a more prominent location, as well as providing a continuous sidewalk along the north side of the property.

VARIANCE ANALYSIS

The applicant is requesting a variance to reduce the minimum required rear setback for the construction of a multistory addition for new hotel units. As previously noted in the project section of this report, multiple modifications to the Code have been recently approved to accommodate the proposed project. However, due to the extent of the footprint proposed, one variance is still required. Staff would note that at the ground floor a 9'-0" rear setback is proposed for the building structure and zero setback for loading and parking drop-off with minimal area for a pedestrian walkway. The upper levels are proposed with a variable setback up to zero. As noted above however, the plans will have to be modified to provide the required sidewalk along the north side of the property.

The variance requested is self-created by the building footprint proposed and not related to the retention of the contributing structures on site. In addition, staff would note that there are overhead utility lines and poles along the alley and the applicant has indicated as part of the Planning Board hearing that these will be relocated underground in order to improve the character of North Lincoln Lane. Staff has concluded that the variance from the required rear setback does not satisfy the practical difficulties or hardship criteria and recommends denial of the variance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Certificate of Appropriateness be **approved**, with the modifications noted, and that the variance request be **denied**; subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

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

MEETING DATE: January 14, 2020

FILE NO: HPB19-0345

PROPERTY: 901 & 927 Lincoln Road

APPLICANT: The Sterling Building, Inc.

LEGAL: Parcel 1 (901 Lincoln Road):
Lots 5 & 6, Block 37 of the Commercial Subdivision of the Alton Beach Realty Company, according to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

Parcel 2 (927 Lincoln Road):
Lots 2 to 4, Block 37 of the Commercial Subdivision of the Alton Beach Realty Company, according to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the substantial demolition of the rear building and the construction of an attached rear addition as part of a new hotel development, one or more waivers and a variance to reduce the required rear setback.

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 Flamingo Park 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 133-50(a) of the Miami Beach Code.
 - 2. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.

4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'd', 'e', 'j' & 'n' 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 be consistent with the criteria and requirements of section 118-564 and 133-50(a) 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 Sterling Building shall be restored to the greatest extent possible, 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 and at a minimum shall including the following:
 - i. The terrazzo flooring within the exterior Lincoln Road commercial entrances and breezeway shall be restored.
 - ii. The keystone and cast stone elements shall be repaired and restored under the supervision of a materials conservator.
 - iii. The second floor windows shall be replaced with impact resistant glass windows with a historically accurate muntin configuration.
 - iv. The ground level storefronts shall be replaced with impact resistant glass windows where feasible and appropriate.
 - v. The historic Sterling building identification sign shall be recreated and reinstalled on the building, in a manner consistent with available historical documentation.
 - vi. The original planter bins above the glass block frieze shall be reintroduced. Living plant material shall be incorporated into the bins unless evidence is submitted demonstrating the moisture and weight typically associated with living landscape systems will have adverse impacts on the integrity of the façade, at which time an appropriate alternative material may be approved.
 - vii. The glass block back-lighting shall be restored and maintained in working order.
 - viii. The existing awnings shall be removed and no new awnings shall be permitted to be attached to the keystone portion of the facade. Awnings may be permitted to be attached to the concrete eyebrow feature only after a permit has been approved for the reinforcement/reconstruction of the concrete eyebrow. There shall be no vertical supports for any new awning. Signage located on any

awning shall only be permitted in accordance with Section 138-15 of the City Code.

- ix. The existing roll-down grilles within the breezeway shall be removed.
- b. The west elevation of the remaining portion of the El Patio Building shall be restored to the greatest extent possible, 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 and at a minimum shall including the following:
 - i. The entire barrel tile roof portion shall be retained and restored.
 - ii. The southernmost storefront shall be restored and the two adjacent storefront bays to the north shall be reintroduced.
- c. The lobby area within the new addition shall be redesigned in order to facilitate the restoration of the El Patio Building west façade, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This may include the relocation of walls and columns and a taller floor to ceiling height at the ground level in order to clear the restored barrel tile roof.
- d. The stairwell located at the southeast corner of the new addition shall be relocated to the northeast corner, 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. The east elevation of the new addition shall be further developed, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This may include the introduction of additional windows and projecting balconies.
- f. The location of the 'public benefits space' shown on the submitted plans shall not be permitted as proposed. Such space shall be relocated to a significantly more visible, and publicly accessible location. This may include, but shall not be limited to, the abutting open courtyard, or in another suitably prominent location in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- g. A plaque or historic display describing the history and evolution of the original building shall be placed on the site within a publicly accessible area, prior to the issuance of a Certificate of Occupancy for the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- h. Prior to the issuance of a building permit for the work approved herein, the unauthorized existing opaque film and advertising panels shall be removed from at

least the three original bays of the 901 Lincoln Road building along the Jefferson Avenue elevation.

- i. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of five (5'-0") feet from the Lincoln Road and Jefferson Avenue facades, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
 - j. The signage plan shall be further developed, and all new signage shall be consistent in type, finish/color and placement, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - k. 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.
 - l. 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 detailed alley renovation and restoration plan shall be submitted and approved as part of the building permit plans for the project. The alley improvements shall be subject to the review and approval of all applicable City Departments and shall be fully completed prior to the issuance of a final certificate of occupancy for the new hotel rooms.
 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 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.
 4. In accordance with Section 130-101(d) of the City Code, the requirement pertaining to providing off-street loading spaces is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.
 5. In accordance with Section 142-1161(d)(2) of the City Code, the requirement pertaining to the visibility of a rooftop addition when viewed at eye level (5'—6" from grade) from the opposite side of the adjacent right-of-ways, is hereby waived.

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), which were either approved by the Board with modifications, or denied:

B.

The following variance was denied by the Board:

1. A variance to eliminate all required rear setback of 5'-0" to construct a new multistory hotel addition at zero setback from the rear property line facing North Lincoln Lane.

C. The applicant has submitted plans and documents with the application that DO NOT 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 DO NOT 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

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

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

- D. The Board hereby **Denies** the variance request 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. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. All recessed balconies including floor slab and guardrails shall be setback 3'-0" on both sides, subject to the review and approval of staff.
 - b. The project shall comply with the required 5'-0" rear setback
 - c. The existing aerial utility lines at the rear shall be rerouted to be underground, subject to the review and approval of all applicable entities.
 - d. The paving of loading and drop-off area shall consist of permeable materials, subject to the review and approval of 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. 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 relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. 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.
- D. 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.

- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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.
- K. 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 "**Sterling Building**", as prepared by Kobi Karp, dated November 12, 2019, 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)
)SS
COUNTY OF MIAMI-DADE)

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

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HPB19-0345
Meeting Date: January 14, 2020

My commission expires: _____

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

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