

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: May 12, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director

*for TM*

SUBJECT: HPB19-0354, **1745 James Avenue.**

An application has been filed requesting a Certificate of Appropriateness for total demolition of the existing structure, the construction of a new hotel building and a variance from the loading space requirements.

#### **RECOMMENDATION**

Approval of the Certificate of Appropriateness with conditions  
Continuance of the variance request.

#### **EXISTING STRUCTURES**

Local Historic District: Museum  
Classification: Contributing

##### **1735 James Avenue**

Construction Date: 1953  
Architect: Manfred M. Ungaro

##### **1745 James Avenue**

Construction Date: 1951  
Architect: Leonard H. Glasser

#### **ZONING / SITE DATA**

Legal Description: Lots 15 & 16, Block 27, of the Alton Beach 1<sup>st</sup> subdivision, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Zoning: RM-2 (Residential multifamily, medium intensity)  
Future Land Use Designation: RM-2 (Residential multifamily, medium intensity)

Lot Size: 15,000 S.F. / 2.00 Max FAR  
Existing FAR: Not provided  
Proposed FAR: 29,979 S.F. / 1.99 FAR, as represented by the applicant  
Existing Height: Not provided  
Proposed Height: 5-stories / 50'-0"  
Existing Use/Condition: Hotel

Proposed Use: Hotel

### **THE PROJECT**

The applicant has submitted plans entitled "Sanctuary Hotel", prepared by Revuelta Architecture International, dated March 9, 2020.

The applicant is requesting the following variance:

1. A variance to eliminate the requirement to provide two (2) off-street loading spaces for a new hotel containing 90 hotel units.

- Variance requested from:

#### **Sec. 130-101. - Space requirements and location.**

*When any new building or structure is erected, or an existing building is modified resulting in an increase in FAR, accessory off-street loading spaces shall be provided for the new building, new structure, or increase in floor area in accordance with the following schedule:*

#### **(3) For any residential building or hotel building:**

**b. Over 50 units but not more than 100 units: Two spaces.**

A new building is proposed on the property with 90 hotel units and a food and beverage component located within parking District #9. Although new hotel units do not have a parking requirement in this area, loading is necessary for daily hotel operations. The existing site does not have loading spaces within the property, which is typical of many buildings in the area. The proposed new construction requires two (2) on site loading spaces for deliveries, trash pick-ups, etc. The applicant is requesting a variance to eliminate the loading space requirement. The letter of intent indicates that the applicant is working with the Parking Department to maintain the on-street loading space in front of the property. This loading zone is currently designated as a 24-hour passenger loading zone.

The City code allows the Board to waive the requirements for off-street loading spaces for properties containing a contributing structure, provided that an on-street loading plan is provided and approved by the Parking Department. As proposed, the project includes the total demolition of the existing structures and does not qualify for this waiver.

Staff believes that a curb cut for on-site loading would have an exceedingly negative impact on the pedestrian character of the neighborhood. Due to the unique characteristics of the site, and in relation to the surrounding area, staff has concluded that practical difficulties do exist. However, before the requested variance can be approved, staff believes that additional documentation is required in order to ensure that loading and delivery operations do not obstruct traffic circulation in the immediate area.

In this regard, the application, as submitted, is inconsistent about such an analysis. Specifically, the traffic study provided indicates that on-street loading will take place along 18<sup>th</sup> street, which may be too far away from the subject site. However, the letter of intent indicates loading will take place on James Avenue. No other information has been provided. A complete operational analysis for the development, including the restaurant hours of operation, trash pickups, size of expected vehicles and information regarding available loading zones in the neighborhood has not been provided. As there is insufficient documentation and analysis to provide mitigating conditions for the approval of the variance requested, staff recommends the variance be continued.

### **COMPLIANCE WITH ZONING CODE**

The application, as submitted, with the exception of the variances requested herein, appears to be inconsistent with the following requirements of the City Code:

1. Sec. 142-216(2)b.: The project does not comply with the maximum elevation within the front yard.
2. Sec. 142-1132(o): The front deck exceeds the parameters for allowable encroachments in the front yard.
3. Sec. 130-33(f): Restaurant/café proposed may have a parking requirement.
4. Sec. 142-1161 (13): Swimming pools with a walking area of 4'-0" located up to 5'-0" above the main roof. A portion with 8'-0" walking area is not allowed.
5. Sec. 142-1161(8): Maximum height of planters is 3'-0" above the main roof line.

This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

### **CONSISTENCY WITH 2025 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **hotel** 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 Satisfied**  
**A recycling or salvage plan has not been submitted. Additional information shall be provided at the time of building permit review.**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Not Applicable**  
**There are no windows proposed to be replaced.**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**  
**Operable windows have been provided.**
- (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 first finished floor is proposed to be located at base flood elevation + 1'-0".**

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

**Not Applicable**

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

**Satisfied**

**Additional information shall be provided at the time of building permit review.**

- (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**

**The applicant is proposing total demolition of all of the structures on the site.**

- (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**

**Habitable space is not proposed below base flood elevation plus freeboard.**

- (10) In all new projects, water retention systems shall be provided.

**Satisfied**

**Additional information shall be provided at the time of building permit review.**

- (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.

**Satisfied**

- 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.  
**Not Satisfied**  
**The canopy structure at the western roof deck adds unnecessary bulk and perceived height to the proposed building.**
  - b. General design, scale, massing and arrangement.  
**Not Satisfied**  
**The canopy structure at the western roof deck adds unnecessary bulk and perceived height to the proposed building.**
  - 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.  
**Satisfied**
  - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.  
**Satisfied**
  - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.  
**Not Applicable**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Applicable**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 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**  
**See Compliance with Zoning Code.**
- 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 Satisfied**  
**The canopy structure at the western roof deck adds unnecessary bulk and perceived height to the proposed building.**
- 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.  
**Satisfied**
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.  
**Satisfied**
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.  
**Satisfied**
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.  
**Satisfied**

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Satisfied**
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Satisfied**
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied**
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Satisfied**
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.  
**Satisfied**
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Satisfied**

#### **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 structure is designated as part of the Museum 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.

**Not Satisfied**

**The building is not of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.**

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

**Not Satisfied**

**The existing building is not one of the last remaining examples of its kind.**

- 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 structure is classified as Contributing 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.

**Not Satisfied**

**The retention of the building is not critical to developing an understanding of an important Miami Beach architectural style.**

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, 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.

**Satisfied**

**The applicant has submitted definitive plans for new construction as part of this application.**

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



**Not Applicable**

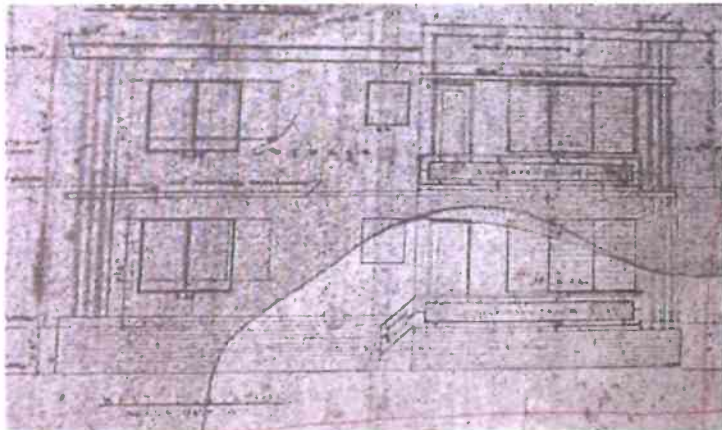
**The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.**

**ANALYSIS**

The applicant requesting approval for the design of a new 5-story hotel with 90 units and a rooftop amenity deck. In order to construct the new building, the applicant is proposing the total demolition of the existing 2-story structure.

**Request for total demolition**

The existing building proposed to be demolished was originally constructed as two separate multifamily residential structures; 1735 James Avenue was constructed in 1953 and 1745 James Avenue was constructed in 1951. Each of the buildings was designed in the Post War Modern style of architecture. In 1984, both were acquired by a single owner and were renovated and connected to each other through the construction of a new front addition with a 1980s “Art Deco” façade. At the same time, substantial modifications to the interior courtyard elevations were made.



*1745 James Av, microfilm elevation*



*1735 James Av, 1953 photograph*



*1735 & 1745 James Avenue rendering from 1984 renovation*

In 1990, this property was designated as part of the Museum Local Historic District. At that time, the unified structure was classified as one Non-Historic/Conforming building. The Historic Properties Database card for this building notes “new façade is modern adaptation of deco style conforming in scale and setting”. Prior to 1994, the Historic Preservation Ordinance allowed for four Historic Properties Database classifications. On May 4, 1994, the Ordinance (94-2926) was amended requiring all properties to be classified as either Contributing or Non-Contributing, and all properties that were previously classified Non-Historic/Conforming were automatically and without review, reclassified to Contributing. As recently discussed, the Historic Properties Database has not been fully reevaluated with regard to current building classifications and erroneous classifications are likely to exist especially within historic districts designed prior to 2000.

Regardless of the structure’s current classification, staff has evaluated the existing building and the modifications that have taken place over time. The 1984 renovations outlined above substantially altered the original Post War Modern design of each building and little to no original significant architectural details remain. As such, staff has no objection to the proposed total demolition and replacement with a new building that is consistent with the scale and character of the surrounding historic district.

### **New 5-story hotel building**

The applicant is proposing to construct a 5-story hotel on the site. The building consists of 90 hotel units, all of which have access to private outdoor balconies and a rooftop pool deck. Staff is supportive of the application and would commend the applicant for proposing to construct a high-quality structure on the site. The overall contemporary design language proposed incorporates variations in surface finishes and changes in plane that serve to breakdown the scale of the building. Further, the distribution of architectural form has resulted in a new structure that is generally compatible with the neighboring buildings and the surrounding historic district.

However, staff does have two design concerns relative to the proposed project. First, the canopy structure located at the west roof deck adds unnecessary bulk and perceived height to the building. As such, staff recommends that this element be eliminated from the proposed project and the elevator and stair bulkheads behind the structure be reduced in height to the greatest extent possible. Second, staff finds that the eyebrow and balcony placement along the west elevation is somewhat haphazard, leaving portions of some doors and windows without an eyebrow above or balcony below. Staff recommends that the design and location of these features be further developed in a manner that is more consistent with the customary placement of such features. Staff is confident that the above noted recommendations can be addressed administratively and recommends approval.

### **VARIANCE ANALYSIS**

The proposed hotel will require two (2) loading spaces on site in order to satisfy deliveries, trash pickups, etc. As the new structure will be significantly larger than the existing building (with a total of 90 hotel rooms vs. the 32 existing), the loading and service operations for the property will likely increase.

While the variance requested is not associated with the retention a contributing building, staff is generally supportive of the request, as providing a curb cut for loading spaces would negatively impact the character of the surrounding neighborhood. However, based upon the insufficient documentation provided, staff recommends continuance of the variance request to allow sufficient time for the applicant to provide more information in order to develop conditions of approval that will mitigate the loading operations, and ensure that any negative impacts are minimized.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the Variance request be continued to a future date. However should the Board find that the Hardship and Practical Difficulties criteria has been satisfied, staff recommends that the Variance as well as the Certificate of Appropriateness for the demolition and new construction be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Hardship and Practical Difficulties criteria, as applicable.

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

MEETING DATE: May 12, 2020

PROPERTY/FOLIO: 1745 James Avenue / 02-3234-019-0400

FILE NO: HPB19-0354

IN RE: The application for a Certificate of Appropriateness for total demolition of the existing structure, the construction of a new hotel building and a variance from the loading space requirements.

LEGAL: Lots 15 & 16, Block 27, of the Alton Beach 1<sup>st</sup> subdivision, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

**ORDER**

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

**I. Certificate of Appropriateness**

- A. The subject site is located within the Museum 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 consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  - 3. Is not consistent with Certificate of Appropriateness Criteria 'a' & 'b' in Section 118-564(a)(2) of the Miami Beach Code.
  - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'c' in Section 118-564(a)(3) of the Miami Beach Code.
  - 5. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'e' 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 canopy structure located at the west roof deck shall be eliminated and the elevator and stair bulkheads shall be reduced in height to the greatest extent possible, 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 balcony and eyebrow structures along the west façade shall be further refined in a manner more with the design of these elements in surrounding Contributing buildings, 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.
  - d. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. 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.

**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:

The following variance was **approved** by the Board:

1. A variance to eliminate the requirement to provide two (2) off-street loading spaces for a new hotel containing 90 hotel units.

- 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 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.

- C. The Board hereby **Approves** the requested variance and imposes the following conditions 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. The size of all vehicles used to service the hotel shall not exceed a length of twenty (20') feet. The use of vehicles larger than twenty (20') feet shall require the review

and approval of the Parking Department for a larger loading zone area on James Avenue of sufficient size to accommodate the largest service vehicle anticipated.

3. A complete operational plan for the hotel shall be required prior to the issuance of a building permit, including the size of the proposed restaurant, hours of operation, and size of all vehicles required to service all hotel and restaurant operations, subject to the review and approval of staff. Alternative approved loading zones within the immediate area shall also be identified, as well as a plan indicating the procedures that delivery vehicles shall be required to take if the closest loading zone is occupied, subject to the review and approval of staff.
4. Loading operations (not including passenger loading) shall only occur during the following time periods:
  - a. Monday – Friday: 7:00 am to 3:00 pm
  - b. Saturday – Sunday: 9:00 am to 6:00 pm.

**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 not be located within any required yard 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 **"Sanctuary Hotel", prepared by Revuelta Architecture International, dated March 9, 2020**, 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



Meeting Date: May 12, 2020

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

[illegible]

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 \_\_\_\_\_ ( )