

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



SUBJECT: HPB20-0377, **3120 Collins Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the total demolition of a garage structure and the construction of a new hotel building and variances from the minimum hotel unit size, side facing a street setback and signage requirements.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions
Approval of the variance # 1.
Denial of variances # 2, #3, #4, #5 and #6.

EXISTING STRUCTURES

Local Historic District: Collins Waterfront

Schmidheiser Residence & Garage, 3127 Indian Creek Drive

Status: Contributing
Original Construction Date: 1926
Original Architect: E. L. Robertson

Rendale Hotel, 3120 Collins Avenue

Status: Contributing
Original Construction Date: 1940
Original Architect: E. L. Robertson

ZONING / SITE DATA

Legal Description: Lots 4, 5, 6, 9, 11, 12 and the North ½ of Lot 3, Block 16, of the Amended Plat of the Ocean Front Property of the Miami Beach Improvement Company, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Zoning: RM-2, Residential multi-family, medium intensity
Future Land Use Designation: RM-2, Residential multi-family, medium intensity

Lot Size: 28,500 S.F. / 2.0 Max FAR

Existing FAR: 50,549 S.F. / 1.77 FAR
Proposed FAR: 56,997 S.F. / 1.99 FAR

Existing Garage Structure

Existing Height: 23'-6" / 2-stories
Existing Use/Condition: Café at ground level and 1 hotel unit at the second floor

Proposed Hotel Structure

Proposed Height: 59'-0" / 5-stories
Proposed Use: Café at ground level and 19 hotel units at the upper floors

THE PROJECT

The applicant has submitted plans entitled "Generator Miami: Building E", prepared by STA Architectural Group, dated March 9, 2020.

The applicant is requesting the following variances:

1. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit 18 hotel units (95%) at less than 300 s.f. (the smallest at 229 s.f.), and 1 hotel unit exceeding 335 s.f. (5% of units).
 - Variance requested from:

Sec. 142-217. - Development regulations.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Unit Size (Square Feet): Hotel units - 15%: 300 — 335, 85%: 335+.

The applicant is proposing a new detached 5-story structure containing 19 new hotel units and a bar with outdoor seating on the ground level. The 2nd to 4th levels have 6 hotel units on each floor with a unit size ranging from 229 sf to 250 sf. A larger unit with 386 sf is proposed at the 5th floor.

The RM-2 zoning district allows the reconfiguration of hotel units with a minimum area of 200 sf when located within an existing structure located in a local historic district. Also, for rooftop additions to contributing buildings, new hotel units with a minimum area of 200 sf are permitted. In this case, the new construction is a detached addition and the unit size of 200 sf would not apply. A rooftop addition to the existing buildings would allow a hotel unit size of 200 sf. However, this would negatively impact the contributing structures on site. In adding available floor area to the property, the existing configuration of the restored buildings and the need to maintain the historic character of the property create practical difficulties that result in the need for the variance requested. The size of the new hotel units would not adversely impact the character of the existing structures or the surrounding historic district. The hotel unit size proposed is consistent with the existing hotel units in the property where the minimum unit size is 203 sf. In summary, staff recommends approval of the variance as proposed.

2. A variance to install a sign at the parapet of the building on a non-street façade facing the east side.

3. A variance to exceed by 18 sf the maximum sign area of zero (0) sf for a sign located on a non-street façade in order to install a sign with 18 sf on the east facade of the new 5-story building addition.
4. A variance to install a sign at the parapet of the building on a non-street façade facing the south side.
5. A variance to exceed by 18 sf the maximum sign area of zero (0) sf for a sign located on a non-street façade in order to install a sign with 18 sf on the south facade of the new 5-story building addition.

- Variances requested from:

Sec. 138-13. General sign requirements and design standards.

The following standards shall apply to all signs unless otherwise exempted in this chapter or these land development regulations:

(2) Signs shall front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage

The applicant is proposing three (3) signs at the parapet of the east, west and south facades of the new building addition. The sign proposed on the west façade is allowed by code, as it fronts Indian Creek Drive. However, the other two parapet signs proposed do not face a street and are not permitted under the code. The applicant is requesting a variance for these two signs.

All signs are proposed with the same design and area of 18 sf each. No sign is proposed along 32nd Street, the more visible street for a building sign. The signs proposed on the east and south sides are not substantially exposed as views from 30th Street and Collins Ave are blocked by the existing buildings. Staff cannot find practical difficulties or hardship for the installation of these signs, when there is a large frontage on 32nd Street that could feature a large sign area and a sign facing Indian Creek is also proposed. Staff would recommend that signs be placed along 32nd Street and considering that this street is also adjacent to a multifamily building, any sign located above the first floor shall not be illuminated or backlit. In summary, staff recommend denial of the variances #2, #3, #4 and #5.

6. A variance to exceed by 3.3% the maximum 25% (2'-6") allowed for a deck/terrace projection within the street side yard of 10'-0" in order to construct portions of a new paving encroaching up to 28.3% projection and a setback of 7'-2" from the street side property line facing 32nd Street.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

(6) Porches, platforms and terraces up to 30 inches above the grade elevation of the lot, as defined in chapter 114.

A new seating area associated with a bar is proposed facing 32nd Street. A maximum of 25% projection within the required side yard setback of 10'-0" is allowed with a setback of 7'-6".

However, a portion of the paving is proposed at 7'-2" from the property line and a variance is being requested. In this case, staff cannot support the variance requested, as it is not related to the retention of the existing structures on site and there is no practical difficulties or hardship to comply with this minimal requirement. The overall landscape areas on the property are very limited and staff would recommend compliance with the required setback of 7'-6" to not reduce the landscape area.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, with the exception of variances # 2, # 3, # 4, # 5 and # 6 as noted above, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code with the exception of variances # 2, # 3, # 4, # 5 and # 6 as noted above:

- 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, with the exception of the variances requested herein, appears to be consistent with the City Code.

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.
Satisfied
The windows proposed to be replaced on the historic Rendale building will be impact resistant.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
Operable windows are proposed.
- (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 habitable floor is proposed to be located at 20.00' NGVD.
- (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
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 the existing original garage structure.
- (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 approximately 8'-0" tall parapet wall adds unnecessary height and mass to the proposed building.
- b. General design, scale, massing and arrangement.
Not Satisfied

The approximately 8'-0" tall parapet wall adds unnecessary height and mass 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.
Not Satisfied
The approximately 8'-0" tall parapet wall adds unnecessary height and mass to the proposed building.
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Satisfied
- 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 approximately 8'-0" tall parapet wall adds unnecessary height and mass 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.

Not Satisfied

The approximately 8'-0" tall parapet wall adds unnecessary height and mass to the proposed building.

- 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 structures are designated as part of the Collins Waterfront 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 one of the last remaining examples of their 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 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 are 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.

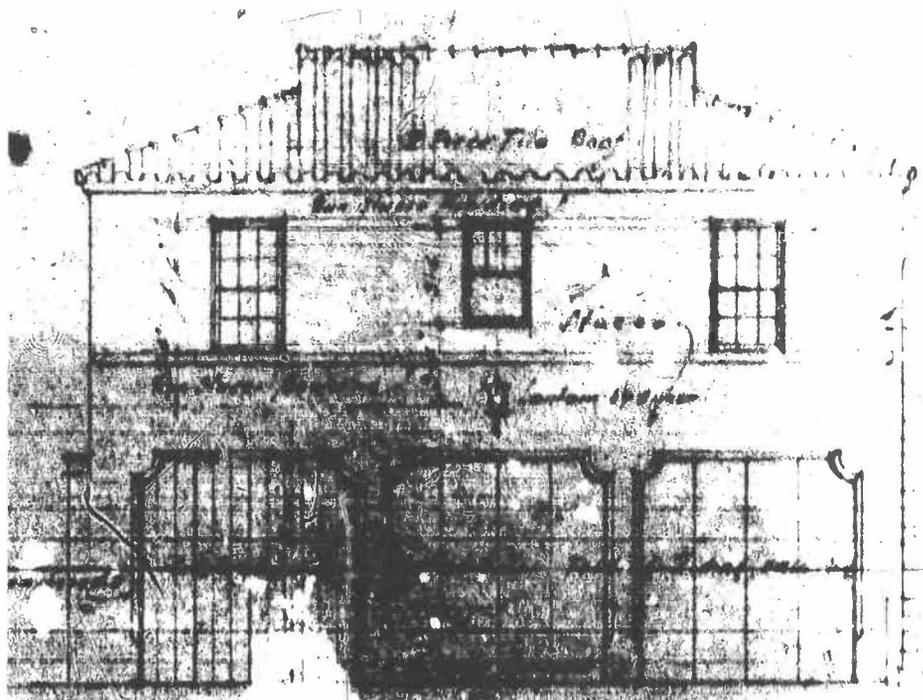
ANALYSIS

Staff would preface this analysis by noting that in 2016, the Board reviewed and approved a Certificate of Appropriateness (HPB 7602) for a comprehensive renovation of the subject property including the renovation and restoration of three Contributing Buildings, the construction of three 1-story additions and general site improvements. Construction has since completed, and the hotel

is now fully operational. The applicant is currently requesting approval for the construction of a detached 5-story addition. In order to construct the new building, the applicant is proposing the total demolition of the accessory garage structure.

Request for total demolition of original accessory garage structure

The subject site is comprised of three contributing buildings: the 8-story Rendale Hotel, located at 3120 Collins Avenue, the 2-story Schmidheiser House, located at 3127 Indian Creek Drive and the home's detached, 2-story garage, located along 32nd Street. The home and garage were constructed in 1926 and designed by E. L. Robertson in the Mediterranean Revival style.



Original north elevation drawing, permit no. 1951

This building originally contained a 3-car garage on the ground floor and an apartment unit on the second floor. Over time, two of the garage bays were enclosed for use as storage and the upper floor was converted to an office. During the recently completed renovations, the structure was partially restored including replacement windows and doors and the reintroduction of the garage bay openings. Additionally, as part of the renovations, the ground level was converted to an accessory restaurant with outdoor seating and the second floor was converted into one hotel unit. Further, a trellis structure with a retractable canopy was introduced to the north of the garage, over the outdoor seating area.

As outlined above, a number of alterations to the structure have taken place over time. Additionally, the building has been used for multiple uses other than its original intended purpose. Staff would note that the garage building was constructed for utilitarian purposes and is ancillary to the meticulously restored single family home. Further, its location, setback approximately 32'-0" feet from the north side property line in combination with the recently constructed trellis structure, significantly reduce the building's visibility from 32nd Street. Consequently, staff is not opposed to the total demolition of the accessory garage and replacement with a new building that is consistent with the scale and character of the surrounding historic district.

New 5-story hotel structure

The new building consists of 19 hotel units; 6 units on each of the upper floors and a single 5th level penthouse unit. Additionally, at the ground level, the applicant is proposing an accessory restaurant with outdoor seating. Staff is supportive of the application and would commend the applicant for proposing to construct a high quality structure on the site. Staff has only one concern relative to the proposed parapet wall along the northside of the building. As designed, the approximately 8'-0" tall parapet adds unnecessary height and mass to the building. In order to be more compatible with the existing contributing buildings on the site and the surrounding historic district, staff recommends that the parapet wall be lowered to 3'-6" and any mechanical equipment located on this roof deck be setback along the north wall of the 5th floor penthouse unit.

Finally, a new site wall and enhanced landscaping are proposed to be introduced along 32nd Street, in order to screen the existing FPL transformer and backflow apparatus from pedestrian view, which will significantly improve and enhance the historic character of the site and surrounding historic district. Staff would also suggest that the elevated compressor, which is highly visible from 32nd street, either be relocated or fully screened.

Additional Rendale Hotel restoration

Staff commends the architect and applicant on the quality of the restoration work already completed at the Rendale Hotel building and the Schmidheiser House. As part of this application, additional restoration is planned for the Rendale Hotel building including the replacement of all of existing east facing single hung windows single with new impact resistant casement windows consistent with the original design. Further, the applicant has proposed the reconstruction of the original flag poles and the reintroduction of the ground level pole sign. Staff is extremely supportive of the additional proposed restoration which will further enhance the character and historic integrity of this fine example of the Art Deco architectural style.

VARIANCE ANALYSIS

The applicant is requesting a variance to reduce the minimum room size for new hotel units. The RM-2 zoning district allows the reconfiguration of hotel units with a minimum area of 200 sf when located within an existing structure located in a local historic district or when new hotel units are located as rooftop additions on a contributing building. As the addition of floor area on the property is available, a rooftop addition to the existing buildings would negatively impact the contributing structures on site. Staff finds that the retention of the existing structures on site and the site configuration creates the practical difficulties that satisfy the criteria for the granting of variance #1.

In reference to the sign variances #2, #3, #4 and #5 requested, staff is unable to identify practical difficulties or hardship, as there is available area where signs can be placed without variances. Variance #6 is also self-imposed and not related to the retention of the buildings or to a special condition. In summary, staff recommends approval of variance #1 and denial of variances #2, #3, #4, #5 and #6.

RECOMMENDATION

In view of the foregoing analysis, staff recommends staff recommends the application be **approved** as to the Certificate of Appropriateness and variance requests #1, and that variance requests #2, #3, #4, #5 and #6 be **denied**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the Practical Difficulty and Hardship criteria, as applicable. However, should the Board find that the variance(s) requested 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, staff recommends that any approval be subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 12, 2020

PROPERTY: 3120 Collins Avenue / 02-3226-001-1370

FILE NO: HPB20-0377

IN RE: The application for a Certificate of for the total demolition of a garage structure and the construction of a new hotel building and variances from the minimum hotel unit size, side facing a street setback and signage requirements.

LEGAL: Lots 4, 5, 6, 9, 11, 12 and the North ½ of Lot 3, Block 16, of the Amended Plat of the Ocean Front Property of the Miami Beach Improvement Company, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, 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 Collins Waterfront Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is 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' & 'd' in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'd' 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 parapet wall at the roof level of the new addition shall not exceed 3'-6" in height, 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 east facing windows of the Rendale Hotel on levels 2 through 8 shall be replaced with new impact resistant casement windows with a muntin configuration 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.
 - c. The flag poles located at east elevation of the Rendale hotel shall be reintroduced 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.
 - d. The Rendale Hotel pole sign that previously existed along Collins Avenue shall be reintroduced 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. Any change of copy will require the review and approval of the Board.
 - e. Along 32nd Street, the PIV and related apparatus, immediately adjacent to the sidewalk shall be finished in a hardcoat white, chrome, or similar color, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. All backflow, FPL transformer, and related apparatus shall be fully screened by a physical or landscape barrier, 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. The elevated compressor unit, which is visible from 32nd Street, shall either be relocated, or physically screened, 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. 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.
 - i. 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 from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit 18 hotel units (95%) at less than 300 s.f. (the smallest at 229 s.f.), and 1 hotel unit exceeding 335 s.f. (5% of units).

The following variances were **denied** by the Board:

2. A variance to install a sign at the parapet of the building on a non-street façade facing the east side.
3. A variance to exceed by 18 sf the maximum sign area of zero (0) sf for a sign located on a non-street façade in order to install a sign with 18 sf on the east facade of the new 5-story building addition.
4. A variance to install a sign at the parapet of the building on a non-street façade facing the south side.
5. A variance to exceed by 18 sf the maximum sign area of zero (0) sf for a sign located on a non-street façade in order to install a sign with 18 sf on the south facade of the new 5-story building addition.
6. A variance to exceed by 3.3% the maximum 25% (2'-6") allowed for a deck/terrace projection within the street side yard of 10'-0" in order to construct portions of a new paving encroaching up to 28.3% projection and a setback of 7'-2" from the street side property line facing 32nd Street.

- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance II.A.1 as noted above 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 only as it relates to variance II.A.1 as noted above:

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 #1, as noted and **Denies** the requested variance(s) #2, #3, #4, #5 and #6, as noted 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.

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 new 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 "**Generator Miami: Building E**", prepared by **STA Architectural Group**, 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 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
My commission expires: _____

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

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