

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: HPB20-0387, **334 Ocean Drive.**

An application has been filed requesting a Certificate of Appropriateness for design modifications to the lobby and to the east façade of the building, including the introduction of a new canopy structure and variances from the minimum hotel unit size required and from the front and side setbacks.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

Approval of the Variances with conditions

EXISTING SITE

Local Historic District:	Ocean Beach
Classification:	Contributing
Construction Date:	1941
Architect:	Joseph J. DeBrita

ZONING / SITE DATA

Legal Description:	Lot 4, Block 5, of the Ocean Beach Fla subdivision, according to the plat thereof, recorded in plat book 2, page 38 of the Public Records of Miami-Dade County, Florida.
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Zoning:	RPS-3, Residential performance standard, medium-high density
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Future Land Use Designation:	RPS-3, Residential performance standard, medium-high density
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Lot Size:	5,750 S.F. / 1.75 Max FAR
Existing Use/Condition:	Hotel
Proposed Use:	No change

THE PROJECT

The applicant has submitted plans entitled "Interior & Exterior Alterations to: Casa Ocean", prepared by The Weber Studio, dated March 6, 2020.

The applicant is requesting the following variance(s):

1. A variance to eliminate the minimum required front setback of 5'-0" in order to construct a new canopy structure with columns at zero (0'-0") setback from the front property line facing Ocean Drive.
 - Variance requested from:

Sec. 142-697. - Setback requirements in the R-PS1, 2, 3, 4 districts.

*(a) The setback requirements in the R-PS1, 2, 3, 4 districts are as follows:
Pedestal and subterranean, Front: 5'-0"*

The applicant is proposing a new canopy along the front façade to replace the existing awning. New columns are also part of the structure that extends up to the front property line. A variance is required for the location of the columns and roof. The new structure has a similar zero setback as the existing awning to which staff has no objections. The existing awning is a non-permanent element, as it is constructed of canvas and pipe. The new canopy will serve as a permanent cover for the front porch. Staff finds that the existing front porch, which is part of the building's current design features and the need to provide a permanent cover for guests as part of the building's renovation satisfy the practical difficulties criteria for the granting of the variance. As such, staff recommends approval of the variance as proposed.

2. A variance to exceed by 38.3% the maximum 25% (1'-3") projection allowed for a roof overhang within the interior side yard of 5'-0" in order to construct a canopy structure with an overhang encroaching up to 63.3% projection and a setback of 1'-10" from the north side property line.
3. A variance to exceed by 33.3% the maximum 25% (1'-3") projection allowed for a roof overhang within the interior side yard of 5'-0" in order to construct a canopy structure with an overhang encroaching up to 58.3% projection and a setback of 2'-1" from the south side property line.
 - Variances 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.

(7) Roof overhangs.

The proposed front canopy extends to within both side yards, exceeding the maximum 25% projection allowed. Staff has no objection to these variances, as they would allow a roof over the new accessible ramp on the south side and the extension to the north continues the symmetry of the building's architecture. Staff would note that the canopy encroachment on both sides is for a minimal length along the side yards. The existing non-conforming side setbacks and the need to provide a front roof cover as part of the building renovations create the practical difficulties that result in the need for these variances. The approval of the variances would not have a negative impact on the building or the surrounding historic district. In summary, staff recommends approval of variances #2 and #3.

4. 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 29 hotel units (100%) at less than 300 s.f. (the smallest at 195 s.f.).

- Variance requested from:

Sec. 142-696. – Residential performance standard area requirements.

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 building was originally constructed with 12 apartment units and 4 hotel units. The applicant is proposing the use of all rooms in the building as hotel units and the partial reconfiguration of the ground floor in order to create a new accessible hotel unit. In the RPS-3 district hotel units are allowed with a minimum unit size of 300 sf with no exceptions for buildings located in a historic district. The existing room sizes do not comply with the minimum 300 sf of area. Based on the total 29 hotel units proposed, 4 units (15%) are required with an area between 300 sf to 335 sf, and 25 units (85%) are required to be larger than 335 sf. In this case, the applicant is requesting a variance to allow all units below 300 sf, with the smallest units at 195 sf. The main partition walls will be retained in the original configuration and to increase the size of the units may result in a conflict with the existing location of windows and plumbing or electrical lines, except for the new accessible room which will replace an existing office and lounge area next to the lobby. Because increasing the size of the new accessible room to the minimum required by code would require encroachment into the original lobby area, staff is also supportive of this room size variance.

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. 142-1132(h): Fence and gates within required yards cannot exceed the maximum height allowed.

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 **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 Applicable
Only minimal demolition is proposed.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied

Impact resistant windows will be installed.

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied

The majority of windows proposed to be replaced will be operable.

- (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.

Not Applicable

- (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 subject property 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.

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

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Satisfied

The majority of the first floor is located at 9.02' NGVD. Elevating the existing finish floor level of the lobby to base flood elevation plus freeboard may not be reasonably feasible given the scope of work proposed.

- (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.

Satisfied

The new guest room at the lobby level will be wet or dry flood proofed.

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

Not Applicable to the scope of work proposed.

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Not Applicable to the scope of work proposed.

- (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 applicant is proposing to demolish the original continuous eyebrow architectural feature located on the east façade in order to construct the new canopy.
 - b. General design, scale, massing and arrangement.
Satisfied
 - 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 preserved moss proposed to be installed at the ground level of the Ocean Drive façade will have an adverse impact on the quality and character of the surrounding historic district.
 - e. The purpose for which the district was created.
Not Satisfied
The applicant is proposing to demolish the original continuous eyebrow architectural feature located on the east façade in order to construct the new canopy.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

Not Applicable

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Satisfied

- h. The original architectural design or any subsequent modifications that have acquired significance.

Not Satisfied

The applicant is proposing to demolish the original continuous eyebrow architectural feature located on the east façade in order to construct the new canopy.

- 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 preserved moss proposed to be installed at the ground level of the Ocean Drive façade will have an adverse impact on the quality and character of the Contributing building.

The bamboo wood poles proposed to be installed at the lobby ceiling have an adverse impact on the character of the modest Art Deco hotel lobby.

- 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 preserved moss proposed to be installed at the ground level of the Ocean Drive façade will have an adverse impact on the quality 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 preserved moss proposed to be installed at the ground level of the Ocean Drive façade will have an adverse impact on the quality and character of the Contributing building.

The applicant is proposing to demolish the original continuous eyebrow architectural feature located on the east façade in order to construct the new canopy.

- 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.

Not Satisfied

The preserved moss proposed to be installed at the ground level of the Ocean Drive façade will have an adverse impact on the quality and character of the Contributing building.

- 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.

Not Applicable

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 Ocean Beach 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 building is 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.

Satisfied

The existing building is 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.

Satisfied

The retention of the building is 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.

Not Applicable

Total demolition of a Contributing structure is not proposed.

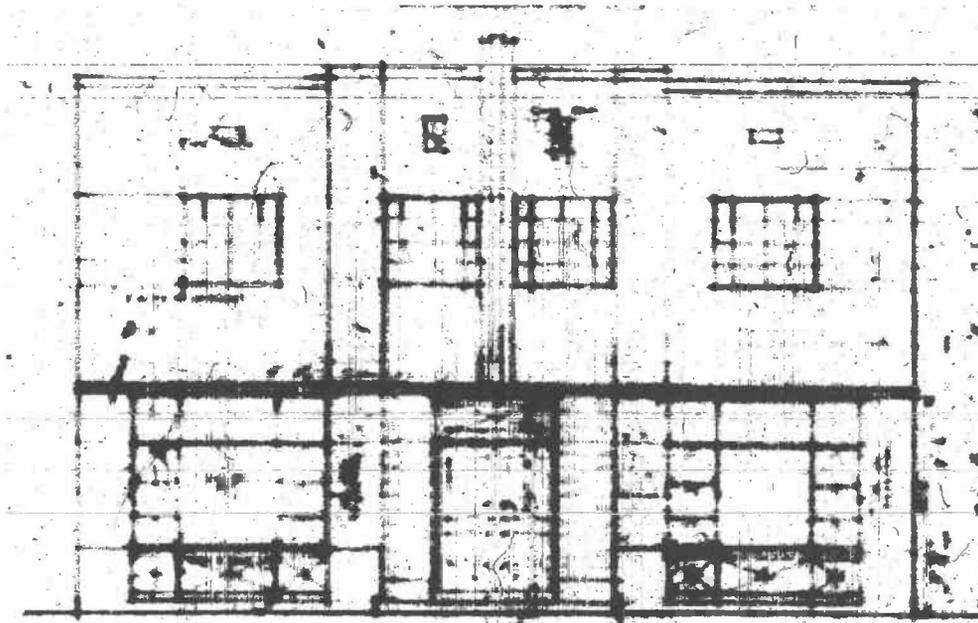
- h. The Miami-Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

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

ANALYSIS

The subject structure, originally known as the Ocean Blue Hotel, was constructed in 1941 and designed by Joseph J. DeBrita in the Art Deco style of architecture. The applicant is proposing a number of modest interventions to the building.



334 Ocean Drive, east elevation, permit no. 15724

Lobby modifications

Within the original public lobby space, the applicant is proposing to restore a number of architectural features that remain including the terrazzo flooring and cove ceiling details. Additionally, in order to introduce a new accessible guest room within the ground floor office space, the north wall of the lobby is proposed to be removed and replaced with a new wall in the same location. Staff has no objection to this modification as it will not have any adverse impact on the original public interior space.

Staff does however, have some concern relative to the remainder of the lobby renovations. First, the applicant is proposing to install fauna themed wallpaper throughout the entire lobby. While the proposed wall covering is generally consistent with the Art Deco era, the extent of the installation will have an adverse impact of the character of the original public interior. As such, staff recommends limiting the area of permanent wall covering to one wall of the lobby.

Second, the applicant is proposing to cover the ceiling and wall behind the bar counter with bamboo wood poles. Staff has no objection to the proposed bamboo poles installed in a limited area including the back bar feature wall. Staff would, however, recommend that the bamboo cladding not be permitted to obscure the ceiling in order to maintain the character of this modest Art Deco hotel lobby.

Finally, the applicant is proposing to remove the existing, likely original, reception desk. Staff has examined photographs of the desk and it does not appear to be in good condition with several repairs evident. Consequently, staff has no objection to its replacement with a new desk. However, staff would note that the existing desk has a chamfered corner which is also reflected

in the terrazzo flooring and soffit. As such, staff would recommend that any replacement desk be consistent with the location and shape of the existing desk, including the chamfered corner.

Ocean Drive façade modifications

Along the primary (Ocean Drive) facade, the applicant is proposing to remove the existing approximately 18" continuous concrete eyebrow and attached metal awning to be replaced by a new canopy structure. The new bronze color canopy is attached to the building in the same location as the concrete eyebrow and extends approximately 5'-0" to the front property line. The canopy is supported by four sets of three metal columns that attach to the existing porch railing.

While having no objection to the introduction of a new canopy at this location, staff is concerned with the proposed demolition of the eyebrow feature, which is an original architectural element. As such, staff recommends that the eyebrow be retained and incorporated into the new canopy structure. Additionally, staff recommends that the color of the canopy be consistent with metal finishes of the Art Deco era including clear anodized aluminum, silver or mid to light bronze. Finally, staff recommends that any proposed lighting fixtures, fans, sprinkler pipes etc. that are attached to the canopy be fully integrated into the structure with no exposed conduit or piping.

Additionally, the applicant is proposing to install preserved moss on the ground level portion of the Ocean Drive façade. Staff is not supportive of the introduction of preserved moss on the façade of this contributing building, as it will have a significantly adverse impact on the integrity of the historic architecture. If the applicant wishes to introduce landscaping on the porch, staff would recommend natural landscape with planter features.

Finally, staff is extremely pleased to note that the applicant is proposing to restore the upper façade consistent with the microfilm plans including the horizontal scoring at the windows, cornices and central stepped vertical scoring.

In summary, staff is supportive of the proposed project and is confident that the recommendations outlined above can be reviewed administratively and recommends approval as noted below.

VARIANCE ANALYSIS

The applicant is requesting multiple variances for the renovation of the existing building. As noted in the project portion of this report, staff is supportive of all variances related to the new canopy at the front of the property. Regarding the variance for hotel unit size, staff is not opposed to the retention of original room sizes including the introduction of the new hotel unit at 255 sf. In summary, staff is supportive of all variances and recommends approval with conditions.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** 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: May 12, 2020

PROPERTY/FOLIO: 334 Ocean Drive / 02-4203-0003-0470

FILE NO: HPB20-0387

IN RE: The application for a Certificate of Appropriateness for design modifications to the lobby and to the east façade of the building, including the introduction of a new canopy structure and variances from the minimum hotel unit size required and from the front and side setbacks.

LEGAL: Lot 4, Block 5, of the Ocean Beach Fla subdivision, according to the plat thereof, recorded in plat book 2, page 38 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 Ocean Beach Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'd', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'd', 'e' & 'h' 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 bamboo wood poles shall not be permitted to be installed within the lobby ceiling.
 - b. The preserved moss shall not be permitted to be installed on the Ocean Drive facade.
 - c. The existing continuous eyebrow structure shall be retained or reconstructed. Any new canopy structure shall integrate the eyebrow, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The finish of the new canopy shall be clear anodized aluminum or powder coated grey, silver or light bronze.
 - d. All exterior lighting elements, electrical components, sprinkler lines, and sprinkler heads shall be integrated within the canopy structure and shall not be surface mounted where they may have an adverse aesthetic impact upon the design integrity of the building, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. The proposed tropical fauna wallpaper may be permitted to be installed on one wall of the lobby, 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. The new bar counter shall be located in the same as the existing reception desk and shall retain the same shape, 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. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. The Applicant agrees to the following operational conditions for any and all permitted hotel and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.
 - a. Outdoor music, whether amplified or nonamplified, and outdoor television sets shall be prohibited. No exterior speakers are permitted except those necessary for fire and life safety purposes.
 - b. No Sidewalk café permit shall be sought or utilized for the premises including use by adjacent premises.

- c. Alcoholic beverage operations shall cease no later than 11:00 PM on Sunday through Thursday, and 12:00 AM (midnight) Friday and Saturday, including the eve of National holidays.
- d. No food or alcoholic beverage service shall be permitted on the porch/patio.
- e. The rooftop may be accessed for use solely by maintenance and service personnel.

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:
 - 1. A variance to eliminate the minimum required front setback of 5'-0" in order to construct a new canopy structure with columns at zero (0'-0") setback from the front property line facing Ocean Drive.
 - 2. A variance to exceed by 38.3% the maximum 25% (1'-3") projection allowed for a roof overhang within the interior side yard of 5'-0" in order to construct a canopy structure with an overhang encroaching up to 63.3% projection and a setback of 1'-10" from the north side property line.
 - 3. A variance to exceed by 33.3% the maximum 25% (1'-3") projection allowed for a roof overhang within the interior side yard of 5'-0" in order to construct a canopy structure with an overhang encroaching up to 58.3% projection and a setback of 2'-1" from the south side property line.
 - 4. 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 29 hotel units (100%) at less than 300 s.f. (the smallest at 195 s.f.).
- 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 variances, as noted 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.

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 “**Interior & Exterior Alterations to: Casa Ocean**”, prepared by **The Weber Studio**, dated **March 6, 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

