

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: August 11, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB19-0364, **1234 & 1260 Washington Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the renovation and restoration of the building located at 1234 Washington Avenue, the total demolition of the building located at 1260 Washington Avenue and the construction of an addition as part of a new mixed-use development, one or more waivers and variances ~~from the required setbacks and~~ to eliminate the residential or commercial use requirement for parking spaces at the ground floor facing a street.

RECOMMENDATION

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

BACKGROUND

On October 16, 2019, the City Commission adopted Ordinance No. 2019-4312, amending the Washington Avenue Zoning Incentives to allow for the development of co-living and microunit residential units and providing additional incentives for retail and office development.

On February 11, 2020, the Historic Preservation Board provided preliminary comments and feedback on the application for a Certificate of Appropriateness.

On February 25, 2020, the Planning Board approved a conditional use permit (PB 19-0325) for an Open Air/ Outdoor Entertainment Establishment on the ground floor along Washington Avenue and a Neighborhood Impact Establishment with an aggregate occupant content in excess of 200 people for the subject site.

On June 29, 2020, the Planning Board approved a conditional use permit (PB 20-0343 for a new 7-story mixed-use development exceeding 50,000 gross square feet, pursuant to Chapter 118, Article IV and Chapter 142, Article II and Chapter 118, Article II, Division 5 of the City Code.

On July 27, 2020, the applicant requested a continuance to the August 11, 2020 meeting.

EXISTING STRUCTURES

Local Historic District:

Flamingo Park

1234 Washington Avenue

Classification: Non-Contributing
Construction Date: 1961
Architect: Maurice Weintraub

1260 Washington Avenue

Classification: Contributing
Construction Date: 1948
Architect: E. L. Robertson

ZONING / SITE DATA

Legal Description:

Parcel 1 (1234 Washington Avenue):

Lot 4 & N ½ Lot 5, Block 22 of the Ocean Beach Addition No. 3, according to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

Parcel 2 (1260 Washington Avenue):

Lots 1 to 3, Block 22 of the Ocean Beach Addition No. 3, according to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

Zoning:	CD-2, Commercial, medium intensity
Future Land Use Designation:	CD-2, Commercial, medium intensity
Lot Size:	33,489 S.F. / 2.00 Max FAR = 66,978 S.F.
Existing FAR:	29,580 S.F. / 0.88 FAR
Proposed FAR:	66,905 S.F. / 1.99 FAR
Existing Height:	Not provided
Proposed Height:	72'-8"
Existing Use/Condition:	Mixed use, office and commercial
Proposed Use:	Mixed use, hotel, residential, office and commercial

THE PROJECT

The applicant has submitted plans entitled "Urbis Retreat Miami Beach", as prepared by Tousey Studio, dated March 6, 2020.

The applicant is requesting the following variances:

1. A variance to eliminate the residential or commercial use required facing a street when parking is provided at the ground level in order to construct at grade parking with landscape screening facing Drexel Avenue and 13th Street.

- Variance requested from:

Sec. 142-308. – Additional regulations for new construction.

(a) *In the CD-2 district, all floors of a building containing parking spaces shall incorporate the following:*

1. Residential or commercial uses, as applicable, at the first level along every façade facing a street, sidewalk or waterway;

The City Code requires that all floors of a building containing parking spaces along a street be screened with active residential or commercial uses. Since the previous meeting the applicant has revised the plans in order to try and minimize the requested variance. In this regard and outdoor conference room and bicycle parking areas have been provided along part of Drexel Avenue. However, while the outdoor conference room does comply with the active use requirement, the bicycle parking, FPL vault and electrical vehicle parking located at the corner of Drexel Avenue and 13th Street, does not comply with this requirement.

Staff would recommend that parking spaces 1 and 2 be eliminated, in order to expand the area of the outdoor conference room, and that the electric vehicle charging space be relocated in order to allow an outdoor use to wrap the corner of Drexel Avenue and 13th Street. In addition, an outdoor use could also be provided between the FPL vault and the Street, which could consist of temporary fixtures which would be easily be removed when access to the vault room is required.

With these modifications, staff is supportive of the limited variance request.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also **DO NOT** indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE

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. 142-309. Washington Avenue development regulations and area requirements.**
The project shall comply with these regulations at the time of the building permit. Staff must note that as presently submitted, the project **DOES NOT** comply with these requirements for the construction of co-living units. The applicant has submitted a hold-harmless letter, acknowledging the non-compliance and the need for amendments to the City Code, in order to construct the project as submitted. Staff must also note that the applicant was the primary author of these recent amendments, and the project that was submitted does not comply with the requirements which they themselves primarily authored.
2. **Sec. 142-545:** The covered area in front of the elevators at the roof counts in FAR unless is 50% open. The maximum FAR allowed in the property will be verified at the time of the building permit.
3. **Section 124-1109:** The outdoor bar counter cannot be visible from any point along the right of way.
4. **Section 130-101(d):** A waiver from the Board is required in order to provide 3 loading spaces off-site, provided that a detailed plan delineating on-street loading is approved by the Parking Department. The proposed loading on-site shall meet the size of the largest vehicle proposed for loading.
5. **Section 142-308:** The parking space at the northwest corner of the site must be screened with active uses or a variance must be obtained.

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, residential, office and commercial uses** are **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Satisfied
To be addressed at the time of building permit review.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Satisfied
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
The land elevation of the site is consistent with the surrounding properties.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable
- (10) In all new projects, water retention systems shall be provided.
Satisfied
Additional information will be required 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.
Satisfied
 - 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.
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.
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 section of this report.
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
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.

Not Satisfied

The parking space at the northwest corner of the property does not have an architectural treatment that buffers the parking from the surrounding area.

- 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 Flamingo Park Local Historic District.
- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.
Partially Satisfied
The building located at 1234 Washington Avenue 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.
Partially Satisfied
The building located at 1234 Washington Avenue is distinctive example of the Post War Modern style of architecture which contributes to the district.
- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.
Partially Satisfied
The building located at 1234 Washington Avenue is proposed to be reclassified from Non-Contributing to Contributing as part of this application. The building located at 1260 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.
Partially Satisfied
The retention of the building located at 1234 Washington Avenue 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.

Satisfied

The applicant is proposing definite plans for the reuse of the property 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 either structure.

ANALYSIS

The subject development site is comprised of two buildings: 1234 Washington Avenue, which is classified as Non-Contributing, and 1260 Washington Avenue, which is classified as Contributing. The applicant is proposing the renovation and restoration of 1234 Washington Avenue and its reclassification to Contributing, the total demolition of the building located at 1260 Washington Avenue and the construction of a new 6-story addition.

1234 Washington Avenue

The existing building located at 1234 Washington Avenue was constructed in 1961 and designed by Maurice Weintraub in the Post War Modern style of architecture. The 4-story building was originally built for the Washington Federal Saving & Loan Association for use as a bank and offices. The applicant is proposing the renovation and restoration of the building including the repair and/or replacement of the travertine cladding, the reintroduction of the flagpoles and the restoration of the metal brise-soleil screens and the amoeba water feature. Additionally, the applicant is requesting that the Board reclassify the building from Non-Contributing to Contributing in the Historic Properties Database.

On May 14, 1994, Section 19 of Miami Beach Zoning Ordinance No. 89-2665, entitled "Historic Preservation Board and Historic District Regulations", was amended to require that non-individually designated historic sites in historic districts shall be listed in the Miami Beach Historic Properties Database and classified as either Contributing or Non-Contributing only. The definition of "Contributing Building, Structure, Improvement, Site, or Landscape Feature", in said Ordinance reads as follows:

One which by location, scale, design, setting, materials, workmanship, feeling or association adds to a local historic district's sense of time and place and historical development. A Building, Structure, Improvement, Site or Landscape Feature may be Contributing even if it has been altered if the alterations are reversible and the most significant architectural elements are intact and repairable.

Pursuant to Subsection 118-534 (b) of the Land Development Regulations of the Miami Beach Code, the Historic Properties Database may be revised from time to time by the Historic Preservation Board, in accordance with procedures set forth in said Subsection.



WASHINGTON FEDERAL SAVINGS AND LOAN ASSOCIATION, which inaugurated its new office last year at 1234 Washington Ave., made a striking contribution to the South Shore skyline with the handsome three-story building and four-story tower. To make it enjoyable to the eye at all hours, the lovely landscaped patio and its fountains are illuminated at night.

1234 Washington Avenue, Daily Sun Article, October 17, 1962

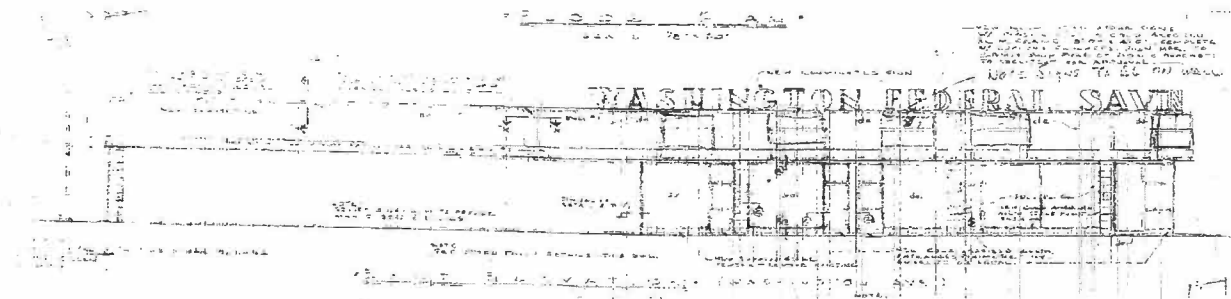
The subject building has been minimally altered and is capable of having most, if not all of its significant architectural elements restored. The structure maintains most of its original window openings, albeit not the original windows. The windows could easily be replaced with windows in keeping with the original architecture. Further, the structure maintains many distinctive features of the Post War Modern era that are proposed to be restored or reintroduced.

Staff believes that the retention of the subject structure is important as it contributes to a clear understanding of the historical development pattern of Miami Beach, and contributes significantly

to the character of the surrounding historic district. In light of the fact that the subject structure is now over 50 years old and is within the scale and context of the surrounding area, staff believes that the structure at 1234 Washington Avenue satisfies the definition of a Contributing building in the Flamingo Park Local Historic District. Further, staff is supportive of the renovation of the building including the proposed restoration work.

1260 Washington Avenue total demolition

The existing building located at 1260 Washington Avenue was constructed in 1948 and designed by E. L. Robertson. The 1-story building originally contained ten individual stores with angled storefronts accessed from Washington Avenue. In 1952, the Washington Federal Saving & Loan Association became a tenant and occupied the two northernmost bays of the building. In 1962, in connection with the construction of 1234 Washington Avenue, the bank expanded into the three adjacent storefronts to the south. As a part of this expansion, the entire façade was clad with travertine matching the adjacent building. No permit plans or photographs exist prior to the 1962 renovation to indicate the likely original façade design; however, a note on the 1962 elevation drawing below appears to note: "remove existing crab orchard stone veneer". Additionally, the dramatic angled storefront design was eliminated and replaced with traditional storefront windows and single door entrances parallel to the street.



1260 Washington Avenue, 1962 façade renovation elevation drawing



1260 Washington Avenue, 1963 photograph

The applicant is proposing the total demolition of this building in order to construct a new 6-story

mixed use structure. As outlined above, a number of modifications have taken place over time including the removal of nearly all significant architectural features and original materials. Consequently, staff is not opposed to the proposed demolition and replacement with a new building that is consistent with the scale and character of the surrounding historic district.

1260 Washington Avenue, new 6-story addition

This highly prominent site has street frontage on three sides, Washington Avenue to the east, 13th Street to the north and Drexel Avenue to the west. The proposed mixed-use building would contain a lobby, retail space and a 104 seat restaurant at the ground floor. Additionally, 56 hotel units and 49 co-living units and suites are proposed for the upper floors, with a pool deck and bar counter at the roof level. The addition is setback approximately 30'-0" from the Washington Avenue property line, in alignment with the north wing of the 1234 Washington Avenue building. The proposed setback of the building from Washington Avenue extends the existing courtyard of the 1234 Washington Avenue building to 13th Street and affords better views of the Miami Beach Post Office located at 1300 Washington Avenue.

On February 11, 2020, the Board reviewed and continued the subject application in order to give the applicant additional time to address concerns expressed by the Board. Since the March meeting, the applicant has submitted revised plans in response to concerns expressed by staff and the Board. The currently proposed plans include the following modifications.

- The applicant has reconfigured the ground level, Drexel Avenue portion of the project including the introduction of 10 short term bicycle parking spaces, an outdoor conference room and a community water filling station. Additionally, the applicant is proposing to introduce a solar canopy above a portion of the outdoor parking. Finally, staff would note that the applicant has withdrawn the variance request related to the introduction of active uses along this portion of the site. Staff would note however, that the parking space at the northwest corner of the site (labeled "electric shuttle"), is not screened with active uses. As such, staff has included a recommended condition in the draft final Order requiring the screening of this parking space with active uses along both Drexel Avenue and 13th Street. Otherwise, a variance must be obtained.
- The height of the corner tower element has been reduced.

Collectively, these modifications result in a design that achieves a greater level of compatibility with the surrounding historic district and the introduction of active uses along Drexel Avenue will enhance the pedestrian experience along the street.

Off-street loading waiver

The applicant is requesting a waiver of the off-street loading space requirements outlined in Section 130-101 of the City Code. The new addition is required to provide four off-street loading spaces. As currently proposed, the applicant is providing one off-street loading space. The Historic Preservation Board may waive the requirements for off-street loading spaces for properties containing a Contributing structure, provided that a detailed plan delineating on-street loading is approved by the Parking Department. The applicant has preliminarily met with the Parking Department and will submit an on-street loading plan as required. Consequently, staff does not object to the granting of this waiver.

VARIANCE ANALYSIS

As indicated at the beginning of this report, the applicant has modified the ground floor plan in order to minimize the variance request. With some slight modifications, as recommended by staff, including expanding the area of outdoor active uses and elimination of some of the parking spaces, the variance request can be minimized to the greatest extent possible and limited to the location of the FPL vault.

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.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: August 11, 2020

PROPERTY: 1234 Washington Avenue / 02-4203-009-0050
1260 Washington Avenue / 02-4203-009-0040

FILE NO: HPB19-0364

IN RE: The application for a Certificate of Appropriateness for the renovation and restoration of the building located at 1234 Washington Avenue, the total demolition of the building located at 1260 Washington Avenue and the construction of an addition as part of a new mixed-use development and one or more waivers and a variances to eliminate the residential or commercial use requirement for parking spaces at the ground floor facing a street.

LEGAL: Lots 1, 2, 3, 4 & N ½ Lot 5, Block 22, of Ocean Beach Addition No. 3, according to the Plat Thereof, as Recorded in Plat Book 2, Page 81, 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 Flamingo Park Local Historic District.
- B. Based on the plans and documents submitted with the application, the documentation in the file, the testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the existing building located at 1234 Washington Avenue, originally constructed in 1961, is consistent with the definition of Contributing in Section 114-1 of the City Code as shall be classified as Contributing within the Miami Beach Historic Properties Database.
- C. 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.

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3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 4. Is not consistent with Certificate of Appropriateness Criteria 'b', & 'k' 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.
- D. 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 original flagpoles along the east façade of the 1234 Washington Avenue building shall be reintroduced consistent with available historical documentation to the greatest extent possible the screening of this parking space with active uses along both Drexel Avenue and 13th Street. Otherwise, a variance must be obtained.
 - b. The travertine panels and metal brise-soleil screens of the 1234 Washington Avenue building shall be repaired and restored, 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 'Washington' sign located at the parapet of the south facade of the of the 1234 Washington Avenue building shall be reintroduced consistent with available historical documentation 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.
 - d. The planters along Washington Avenue and Drexel Avenue shall be reintroduced consistent with available historical documentation 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.
 - e. 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.
 - f. 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.
 - b. A rain garden and cistern shall be provided.
3. In accordance with Section 130-101(d) of the City Code, the requirement pertaining to providing off-street loading spaces is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.

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 residential or commercial use required facing a street when parking is provided at the ground level in order to construct at grade parking with landscape screening for portions of the property facing Drexel Avenue and 13th Street.
- 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, as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

1. Parking spaces labeled 1 and 2 shall be eliminated, in order to expand the area of the outdoor conference room, and the electric vehicle charging located at the northwest corner of the site shall be relocated in order expand an outdoor use wrapping the corner of Drexel Avenue and 13th Street, in a manner to be reviewed and approved by staff.
2. 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.
3. The project as submitted, does not comply with the requirements of section 142-309. **Washington Avenue development regulations and area requirements**. An **application** for building permit for the project approved herein, shall not be accepted until either this section of the City Code is amended to be consistent with the submitted project, or the project is revised to comply with the requirements of section 142-309.
4. Revised floor area ratio (FAR) drawings shall be submitted for the review and approval of staff at the time of the building permit.
5. The outdoor bar counter shall not be visible from any point along a right of way.

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

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

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- H. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- K. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "**Urban Retreat Miami Beach**", as prepared by Touzet 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 _____ 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 _____ ())