

MIAMI BEACH

PLANNING DEPARTMENT

Supplemental Memorandum

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: June 15, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB20-0442, **100 21st Street.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the hotel building, the total demolition of an accessory cabana structure, the construction of ground level and rooftop additions, one or more waivers and a variance to relocate signage to a non-street facing façade.

SUPPLEMENTAL UPDATE

Since the writing of the Staff Report and Recommendation dated June 15, 2021, staff has further analyzed the waiver request outlined in the applicant's letter of intent pertaining to the retention of non-conforming setbacks and parking credits for the portions of the hotel building to remain. While there is some ambiguity within the nonconformance regulations, staff would like to include the below analysis for the Board's consideration, in an abundance of caution. The thresholds for retaining non-conforming floor area, height, setbacks and parking credits are outlined in Section 118-395(b) of the City Code and noted below. If the Board finds that the criteria outlined in Section 118-395 of the City Code below are satisfied, a waiver may be granted.

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

(b) *Nonconforming buildings.*

(2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:

d. Development regulations for buildings located within a designated historic district or for an historic site:

1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:

i. At least 75 percent of the front and street side facades;

iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and

iv. All architecturally significant public interiors.

2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the City;
 - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - v. The structure has yielded or is likely to yield information important in prehistory or history; or
 - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii., iv., v. & vi., above are satisfied and recommends in favor of the requested waiver. If the Board finds that the criteria are satisfied, the following condition will be included in the final Order:

In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived.