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October 13, 2021

**Via Electronic Submittal and Hand Delivery**

Thomas Mooney, Planning Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**IN RE:        Appeal to the Board of Adjustment of certain administrative decisions for  
                 property located at 310 Meridian Avenue (the “Property”)  
                 ZBA21-0135**

Mr. Mooney:

This law firm represents So Boots LLC, as Trustee of 350 Meridian PH Land Trust and NJA Property Holdings, LLC (collectively, the “Applicants”) and submit this Letter of Intent (“LOI”) in support of Applicants’ Land Use Board Hearing Application (the “Application”) seeking a hearing before the City’s Board of Adjustment (“BOA”) to appeal an administrative decision – specifically the issuance of a Certificate of Appropriateness (“COA”) for the above referenced Property.

The Applicants own property in the *South of Fifth* neighborhood in the City of Miami Beach (the “City”) within 375 feet<sup>1</sup> of the above referenced Property. As such, the Applicants are “affected persons”<sup>2</sup> and therefore are parties eligible to file such Application<sup>3</sup>.

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<sup>1</sup> See City Code, § 118-9(b)(2)(B)(iii).

<sup>2</sup> *Id.*

<sup>3</sup> See City Code, § 118-9(b)(2)(B).

### **Factual Background.**

The existing structure on the Property was designed by Donald Smith in the Art Deco style and constructed in 1940. The existing structure on the Property is a contributing historic property<sup>4</sup> located in the City's Ocean Beach Historic District.<sup>5</sup>

Pursuant to the Miami Beach Code of Ordinances (the "City Code"), a COA "shall be required prior to the issuance of any permit for new construction, demolition, alteration, rehabilitation, renovation, restoration, signage or any other physical modification affecting any building, structure, improvement, landscape feature, public interior or site . . . located within an historic district[.]"<sup>6</sup> A COA is "a certificate issued by the historic preservation board indicating that new construction, alteration or demolition of an historic structure or an improvement within an historic district is in accordance with chapter 118, article X of [the City] Code."<sup>7</sup>

On August 7, 2017, the Property owner applied for a building permit with the following description:

Renovation and remodel of existing apartment bldg- interior and change of use to hotel. Complete interior renovation. Renovation of bathrooms and kitchens, new doors and windows. 18 doors, 54 windows.<sup>8</sup>

On or about May 16, 2018, the Property owner submitted a new application for a building permit with the following description:

Partial int. demo, renovation and remodel of existing apartment units to hotel suites. 18 doors, 54 windows change of use Reno Bathroom, Kitchen New Doors and Windows<sup>9</sup>

On December 16, 2019, the City issued a building permit for the Property, Permit No. BC1704920 (the "Permit"). The Permit was originally due to expire June 15, 2020, but was extended twice,

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<sup>4</sup> City Code, § 114-1.

<sup>5</sup> Ocean Beach Historic District was established pursuant to the Ocean Beach Historic District Designation Report, dated December 10, 1995 (the "Designation Report"); Tab 1.

<sup>6</sup> City Code, § 118-561(a) (emphasis supplied).

<sup>7</sup> City Code, § 118-561(a) (emphasis supplied).

<sup>8</sup> Voided Permit No. BC1704919; Tab 2.

<sup>9</sup> Permit Application, BC1704920; Tab 3.

and is currently scheduled to expire on December 15, 2021. Significant and extensive demolition and renovation began June 2021 and is presently underway at the Property (the “Work”).

When we became aware of Work occurring at the Property, we initiated an investigation into the Property’s compliance (or lack thereof) with City Code as it relates to the Permit. Our investigation revealed several infirmities that were, at the earliest instance, reported to the City Attorney’s Office in June 2021. Our law firm submitted a formal letter to City Manager Hudak on July 26, 2021, a copy of which is enclosed to this LOI.<sup>10</sup>

On September 14, 2021, the Acting City Attorney and the City Manager issued *Letter to Commission* No. 381-2021 (the “LTC”), a copy of which is enclosed to this LOI.<sup>11</sup> The LTC was the first publication specifying the City’s basis for issuing the COA and explaining that the Permit was the COA.

This appeal followed.

### **Nature of Appeal.**

As discussed above, the Property is located within the City’s Ocean Beach Historic District and the existing structure on the Property was identified as a contributing historic property at the time the Ocean Beach Historic District was designated.<sup>12</sup>

Accordingly, per City Code, the owner of the Property was required to obtain a COA prior to the issuance of a building permit.<sup>13</sup> The City maintains that the Property was issued a COA for the Work pursuant to City Code, § 118-563, and that the “Planning Department’s sign-off [on a building permit] is the final confirmation that an application satisfies the Certificate of Appropriateness criteria in section 118-564 of the City Code[.]”<sup>14,15</sup>

Applicants maintain that the COA was issued without the requisite approvals or applications prescribed by the City Code, and certainly well beyond staff authority. It is Applicants’ position that the Work contemplated in the Permit required an application to, and hearing before, the Historic Preservation Board, prior to issuance of a COA.

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<sup>10</sup> Tab 4.

<sup>11</sup> Tab 5.

<sup>12</sup> See Designation Report, *supra* n. 5; see also City of Miami Beach Historic Property Viewer, Property ID no. 15102.

<sup>13</sup> City Code, § 118-561.

<sup>14</sup> LTC, p. 9.

<sup>15</sup> For purposes of this appeal, Applicants expressly reserve and do not waive their argument that the Property’s COA application should have gone before the Historic Preservation Board (HPB).

## **1. Staff Exceeded its Authority in Granting COA**

The City asserts that a substantive COA review was conducted with respect to the Property, and that a “staff-level” COA for the Property was issued in accordance with City Code § 118-563(d). City Code § 118-563(d) provides that “staff shall approve, approve with conditions, or deny a certificate of appropriateness [for minor work] . . . after the date of receipt of a completed application.”

### **a. The Proposed Alterations are not Minor, and are thus Outside the Scope of § 118-563(d)**

City Code § 118-563(d) provides that “staff of the board” shall review applications for COAs “involving minor repairs, demolition, alterations, and improvements (as defined below and by additional design guidelines to be adopted by the board in consultation with the planning director or designee)[.]” Such minor repairs, alterations and improvements include the following:

1. Ground level additions to existing structures, not to exceed two stories in height, which are not substantially visible from the public right-of-way (excluding rear alleys), any waterfront or public parks, provided such ground level additions do not require the demolition or alteration of architecturally significant portions of a building or structure. [ . . . ]
2. Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
3. Façade and building restorations, recommended by staff, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
4. Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
5. Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.



The Work far exceeds anything the City Code defines to be “minor.” The Permit calls for a gut renovation of the entire building, both inside and out, creation of new interior public spaces where none previously existed,<sup>16</sup> closure of existing door and window openings, enlargement of existing window openings and creation of new entrances,<sup>17</sup> as well as the overall redevelopment and change of use of the property into a 16-unit apartment-hotel.

**b. The Proposed Alterations Affect Architecturally Significant Portions of the Property and Fail to Comply with Applicable Guidelines**

The City contends that the “Planning Department’s sign-off is the final confirmation that an application satisfies the Certificate of Appropriateness criteria in section 118-564 of the City Code[.]”<sup>18,19</sup>

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<sup>16</sup> See A000, BC1704920; Tab 6.

<sup>17</sup> See AB-102, BC1704920; Tab 7.

<sup>18</sup> LTC, p. 9.

<sup>19</sup> Section 118-564(a) of the City Code provides, in pertinent part, that

A decision on an application for a certificate of appropriateness shall be based upon the following:

(1) Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable compliance with the following:

- a. The Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time; and
- b. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission

(2) In determining whether a particular application is compatible with surrounding properties the historic preservation board shall consider the following:

- a. Exterior architectural features.
- b. General design, scale, massing and arrangement.
- c. Texture and material and color.
- d. The relationship of subsections a., b., c., above, to other structures and features of the district.
- e. The purpose for which the district was created.
- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
- h. The original architectural design or any subsequent modifications that have acquired significance.

(3) The examination of architectural drawings for consistency with the criteria 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,

Pursuant to City Code, any alterations to the Property must comply with the U.S. Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings (the "S&G").<sup>20</sup> In addition, "minor" repairs, alterations, and improvements ostensibly within the scope of Staff approval must not "require the demolition or alteration of architecturally significant portions of a building or structure."<sup>21</sup>

The style of the Property, the Art Deco style, "is one of the easiest to identify since its sharp-edged looks and stylized geometrical decorative details are so distinctive."<sup>22</sup> "The primary façade of Art Deco buildings often feature[s] a series of set backs that create a stepped outline. Low-relief decorative panels can be found at entrances [and] around windows[.]"<sup>23</sup> "The preferred decorative language [of buildings in the Art Deco style] included geometric patterns, abstracted natural forms, modern industrial symbols, and ancient cultural motifs employing Mayan, Egyptian and Indigenous American themes."<sup>24</sup> Without a doubt, such distinctively Art Deco decorative details, especially those surrounding entrances and windows are considered architecturally significant.<sup>25</sup>

The S&G requires that such "[d]istinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved." The S&G further provides that "[a]s one of the few parts of a building serving as both an interior and exterior feature, windows are nearly always an important part of the historic character of a building. In most buildings, windows also comprise a considerable amount of the historic fabric of the wall plane

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adjacent structures and properties, and surrounding community. The historic preservation board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. [criteria omitted]

<sup>20</sup> City Code § 118-564(a)(1); *see also* Designation Report *supra* at n. 5, and City Wide Design Guidelines, (<https://www.miamibeachfl.gov/wp-content/uploads/2018/05/City-Wide-Design-Guidelines.pdf>); Tab 8. The Designation Report "describes review guidelines to be utilized by the Board when a Certificate of Appropriateness is requested" which guidelines include The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (<https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>) (the "S&G") and the City Wide Design Guidelines; *see also* City Code § 118-564(a)(1).

<sup>21</sup> City Code, § 118-563(d)(2) does not contain this restriction. However, given that the proposed Work clearly exceeds mere "replacement" of windows and doors, it is clear the City cannot maintain that its approval was granted pursuant to this provision. As such, we have not addressed it in this section.

<sup>22</sup> Pennsylvania Historical & Museum Commission Pennsylvania Architectural Field Guide (<http://www.phmc.state.pa.us/portal/communities/architecture/styles/art-deco.html>).

<sup>23</sup> *Id.*

<sup>24</sup> Designation Report, p. 29, *supra* at n. 5.

<sup>25</sup> *See id.* ("[T]his distinctive design vocabulary . . . has become the hallmark of Miami Beach's international recognized Art Deco gems.").

and thus are deserving of special consideration in a rehabilitation project.”<sup>26</sup> The City’s own design guidelines provide that “within one of the City’s designated historic districts . . . [w]indow replacement in existing buildings is [sic] should replicate original window patterns and finishes.”<sup>27</sup>

The S&G also explains that “[e]ntrances . . . are quite often the focus of historic buildings, particularly on primary elevations. Together with their functional and decorative features such as doors, steps, balustrades, pilasters, and entablatures, they can be extremely important in defining the overall character of a building.”

For these reasons, the S&G recommends against:

- Changing the number, location, size or glazing pattern of windows, through cutting new openings, blocking-in windows, and installing replacement sash that do not fit the historic window opening.
- Removing a character-defining window that is unrepairable and blocking it in; or replacing it with a new window that does not convey the same visual appearance.
- Altering utilitarian or service entrances so they appear to be formal entrances by adding panelled doors, fanlights, and sidelights.
- Cutting new entrances on a primary elevation.

Despite these standards and guidelines, and without the benefit of public hearing, the City staff “signed-off” – and, ostensibly issued a *de facto* COA – on plans for the Property that contemplate, among other things, closure of existing door and window openings, as well as enlargement of existing window openings and creation of new entrances.<sup>28</sup> Specifically, window openings on both the South (Primary) and East elevations will be enlarged to create new entrances into the Property; a window opening on the North elevation will also be enlarged. Existing door openings on the North elevation<sup>29</sup> and West elevation<sup>30</sup> are scheduled to be closed.

These proposed changes are in violation of the S&G and the City’s own design guidelines; further they are made without regard to the architectural significance of such openings, and in violation of the authority supposedly granted to Staff. Such changes may be authorized only by a COA

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<sup>26</sup> S&G, *supra* at n. 20.

<sup>27</sup> City Wide Design Guidelines, *supra* at n. 20.

<sup>28</sup> See AB-102, BC1704920.

<sup>29</sup> As depicted on AB-102, BC1704920.

<sup>30</sup> The closure of the opening on the West elevation is notably omitted from the As-Built Exterior Elevations, AB-102, BC 1704920, however photographs of the existing condition showing the door being framed for infill are attached hereto at Tab 9.

issued by the Historic Preservation Board, which requires application to the City's Historic Preservation Board for COA, and a public hearing relating thereto.

**Relief Requested.**

The COA required approval by the Historic Preservation Board, not City Staff. Notwithstanding, City Staff arbitrarily and capriciously issued a COA for Work at the Property in excess of their authority; and the COA should be rescinded. **Pursuant to City Code, the City must issue a notice to the owner of the Property that all work at the Property is stayed pending resolution of these issues before the BOA<sup>31</sup>**

**Conclusion.**

The Applicants endeavor to ensure that all building and land use applications associated with the Property strictly comply with City Code and, in particular, the City's Land Development Regulations. Through this BOA appeal, Applicants continue to exercise the rights afforded them under Florida law. If the BOA determines that the administrative decisions that are the subject of this appeal were in error, then the decisions should be reversed. The Applicants reserve the right to supplement their Application with additional materials as may be appropriate or necessary before the issue is brought to a public hearing before the Board of Adjustment.

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If I can be of assistance with respect to this appeal, please contact me at your convenience.

Sincerely yours,

/s/ Joseph I. Pardo

Joseph I. Pardo, Esq.

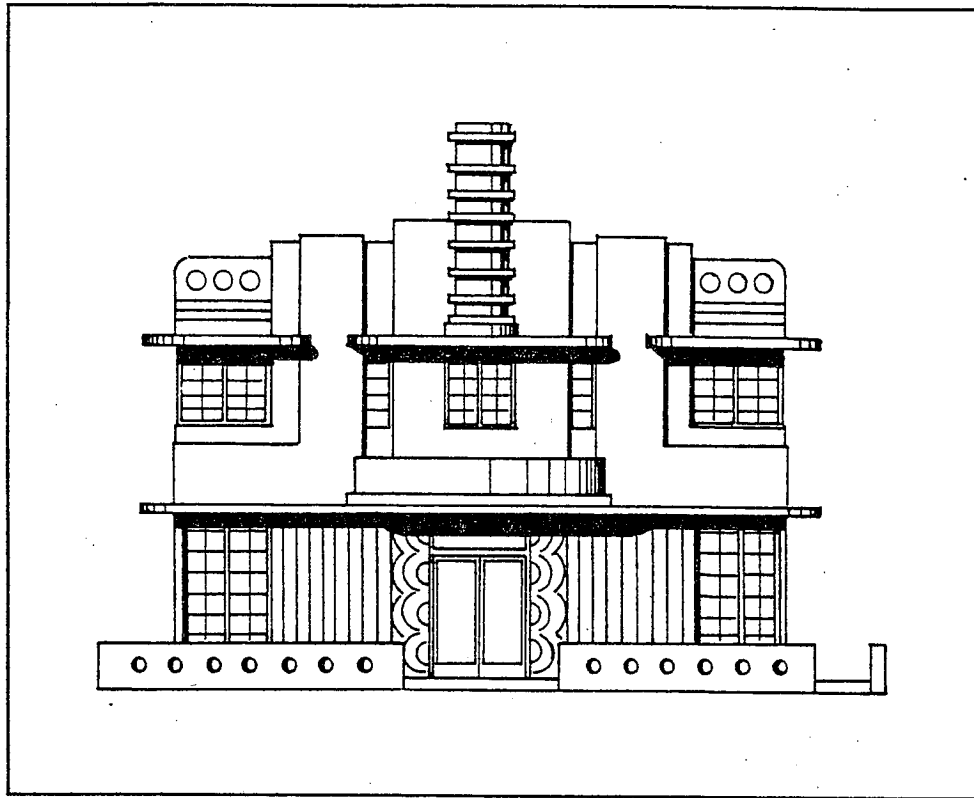
Enclosures

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<sup>31</sup> See City Code, § 119(b)(5). Such stay is warranted absent a certification from the Planning Director that a stay would cause "imminent peril to life or property," which does not apply here. See *id.* at § 119(b)(5)(A).

## **Tab 1**

# OCEAN BEACH HISTORIC DISTRICT DESIGNATION REPORT



Century Hotel, 140 Ocean Drive, designed by Henry Hohnseder, 1939.  
Illustration by Richard Rickles

REVISED 12/10/95

Prepared By:  
City of Miami Beach  
Planning, Design and Historic Preservation Division  
1995

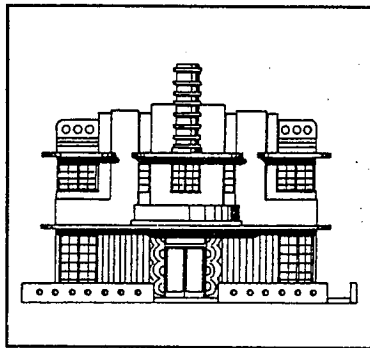


**CITY OF MIAMI BEACH**  
**HISTORIC DISTRICT DESIGNATION REPORT**  
**FOR**  
**THE OCEAN BEACH HISTORIC DISTRICT**

Prepared by:

CITY OF MIAMI BEACH PLANNING, DESIGN AND HISTORIC PRESERVATION  
DIVISION

OCTOBER 1995



Century Hotel, 140 Ocean Drive, Designed by Henry Hohauser, 1939.

**MIAMI BEACH CITY COMMISSION**

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Commissioners:

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Susan F. Gottlieb  
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Nancy Liebman  
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SERVICES DEPARTMENT**

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**PLANNING, DESIGN AND HISTORIC PRESERVATION DIVISION  
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and  
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Carolyn Klepser  
Christine Giles  
Laurie Swedroe  
William H. Cary

PROPOSED OCEAN BEACH HISTORIC DISTRICT

DESIGNATION REPORT

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## **I. REQUEST**

At its April 13, 1995 meeting, the City of Miami Beach Historic Preservation Board, noting the positive impact that preservation has had in the National Register Architectural District and further noting the potential loss of significant structures and sites in the South Pointe Redevelopment Area, requested the staff of the Planning, Design and Historic Preservation Division to prepare a preliminary evaluation and recommendation for the creation of a historic district south of Sixth Street. At its May 11, 1995 meeting, the Historic Preservation Board reviewed the Preliminary Evaluation and Recommendation prepared by the staff for the designation of this new historic district, to be known as the Ocean Beach Historic District, and found the structures and sites located within the proposed boundaries be in compliance with the criteria for designation listed in Section 19-5 of the Zoning Ordinance No. 89-2665. The Board further noted that the boundaries should be expanded in certain areas and directed the staff to prepare this designation report accordingly.

## **II. DESIGNATION PROCESS**

The process of historic designation is delineated in Section 19-5 of the Miami Beach Zoning Ordinance. An outline of this process is provided below:

- Step One:** A request for designation is made either by the City Commission, Historic Preservation Board, other agencies and organizations as listed in the Ordinance, or the property owners involved. Proposals for designation shall include a completed application form available from the Planning, Design and Historic Preservation Division.
- Step Two:** The Planning, Design and Historic Preservation Division prepares a Preliminary Review and recommendation for consideration by the Board.
- Step Three:** The Historic Preservation Board considers the Preliminary Review to determine general compliance with the criteria for designation and then votes to direct the Planning, Design and Historic Preservation Division to prepare a designation report.

The designation report is a historical and architectural analysis of the proposed district or site. The report:

- 1) serves as the basis for recommendation for designation by the Board;
- 2) describes review guidelines to be utilized

by the Board when a Certificate of Appropriateness is requested; and

- 3) will serve as an attachment to the Zoning Ordinance.

Step Four: The designation report is presented to the Board at a public hearing. If the Board determines that the proposed designation meets the intent and criteria set forth in the ordinance, they transmit a recommendation in favor of designation to the Planning Board and City Commission.

Step Five: The Planning Board will hold a public hearing on the proposed designation as a zoning ordinance amendment and, subsequently, transmit its recommendation to the City Commission.

Step Six: The City Commission may, after two (2) public hearings, adopt the amendment to the Zoning Ordinance which thereby designates the Historic Preservation Site or Historic District.

### **III. RELATION TO ORDINANCE CRITERIA**

In accordance with Section 19-5(B) of the Zoning Ordinance, eligibility for designation is determined on the basis of compliance with listed criteria.

1. The Historic Preservation Board shall have the authority to recommend that properties be designated as Historic Buildings, Historic Structures, Historic Improvements, Historic Landscape Features, Historic Interiors (architecturally significant public portions only), Historic Sites or Historic Districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the City of Miami Beach, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:
  - a. Association with events that have made a significant contribution to the history of Miami Beach, the county, state or nation;
  - b. Association with the lives of Persons significant in our past history;
  - c. Embody the distinctive characteristics of a historical period,

- architectural or design style or method of construction;
- d. Possesses high artistic values;
  - e. Represent the work of a master; Serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
  - f. Have yielded, or are likely to yield information important in pre-history or history;
  - g. Listed in the National Register of Historic Places;
  - h. Consist of a geographically definable area that possesses a significant concentration of Sites, Buildings or Structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
2. A Building, Structure (including the public portions of the interior), Improvement or Landscape Feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

The proposed Ocean Beach Historic District is eligible for designation as it complies with the criteria as outlined above.

1. Staff finds the proposed district to be in conformance with Designation Criteria as specified in section 19.6 of the Zoning Ordinance for the following reasons:

A. Association with events that have made a significant contribution to the history of Miami Beach, the County, state or nation:

The proposed district represents a significant part of the first settlement on Miami Beach, becoming a magnet for pioneer tourists and adventurous residents of fledgling Miami in the early twentieth century. It is also the site of the first subdivision and infrastructure on the Beach, known as the Ocean Beach subdivision platted in 1912. The first hotel (still in existence at 112 Ocean Drive) is located within that original subdivision. The first recreational bathing facility, Smith's Casino, preceded even the original Ocean Beach subdivision. The "Ocean Beach" area was also at the site of Government Cut, which upon

opening enabled Biscayne Bay to be dredged for oceanliner use and influenced the development of the greater Miami area. Because it began the development that eventually grew into the City of Miami Beach, Ocean Beach significantly contributes to the history and development of the City.

B. Association with the lives of Persons significant in our past history:

The proposed district is associated with two of the most important real estate developers in the history of Miami Beach, J.N. and J.E. Lummus, as well as the very earliest recreation entertainment entrepreneurs on Miami Beach, Richard M. Smith (1904) and Avery Smith (1908, not related) and the developer of the City's first hotel in 1915, William Brown.

C. Embody the distinctive characteristics of a historical period, architectural or design style or method of construction:

The proposed district contains an array of eleven architectural styles, including a significant concentration of Mediterranean Revival and Art Deco styles. Present are examples of the earliest Wood Vernacular and Bungalow styles and many transitional (containing elements of two or more styles), up to the Garden Style apartment buildings of the late 1950's and the early 1960's. These styles collectively trace the historical progression of architectural design and construction in Miami Beach.

D. Possess high artistic values:

The Art Deco, Mediterranean Revival, and Post-World War buildings within the proposed historic district possess artistic value in building form, detail, ornamentation, interior design and site features. For example, the Century Hotel designed by Henry Hohausen and the Savoy Hotel by V.H. Nellenbogen are two of the finest Art Deco period buildings in Miami Beach. Also, Henry Hohausen's 1936 annex to the Beth Jacob Synagogue possesses rare and exceptional bas relief detailing and meticulously designed and executed stained glass windows incorporating religious symbols.

- E. Represent the work of a master designer, architect or builder who contributed to historical, aesthetic or architectural heritage:

In the context of the proposed Ocean Beach Historic District, the term "master" shall relate to architects. The determination of master status is based on quality, quantity and relative importance of the buildings designed by a given architect. The buildings evaluated to make this determination need not be located within the nominated district, or even within the City of Miami Beach or Dade County; however, an architect who was particularly influential in determining the character of buildings within the City would have additional importance.

Many of the local "master" architects are represented in the proposed district including Henry Hohauser, L. Murray Dixon, Albert Anis, Anton Skislewicz, V.H. Nellenbogen, Carlos Schoepl and T. Hunter Henderson.

- F. Have yielded, or are likely to yield information important in pre-history or history:

The proposed Ocean Beach Historic District traces the early development of Miami Beach through its remaining structures and sites, quality in workmanship and design from the first hotel, the Atlantic Beach Hotel, still located at 112 Ocean Drive, to the Beth Jacob Synagogue complex, located at 301-311 Washington Avenue and built between 1929 and 1936. It is also important to note that pre-World War II Ocean Beach, specifically the area south of 6th Street, saw the development of an enterprising and influential Jewish community which established its own institutions there and became a permanent part of the City's resident population.

- G. Listed in the National Register of Historic Places:

The Beth Jacob Synagogue complex, located at 301-311 Washington Avenue within the proposed Ocean Beach Historic District, is listed on the National Register of Historic Places and is also designated as a local historic site in the City of Miami Beach.

- H. Significant entity whose components may lack distinction, but possess a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development:

Consistency in land use, architectural style, scale and period of development within the proposed boundaries of the Ocean Beach Historic District has created



a significant example of the development of twentieth century oceanfront resort architecture. Not every building in the historic district may possess a high level of architectural significance when viewed by itself, but when viewed together with its neighboring buildings, it reinforces a unified aesthetic image which defines the community's special historic urban character. Many of the structures that survived demolition in Ocean Beach remained because of their architectural significance and viability.

2. Altered structures within the proposed Ocean Beach Historic District Boundaries may be designated historic structures if alterations are reasonably reversible and/or significant architectural elements are intact and repairable. In addition, staff expands its findings to include buildings which are contributing despite alterations as important factors in maintaining the special character of the neighborhood. An excellent example is the addition to the Pommier Building at 81 Washington Avenue.

#### IV. GENERAL DESCRIPTION OF BOUNDARIES

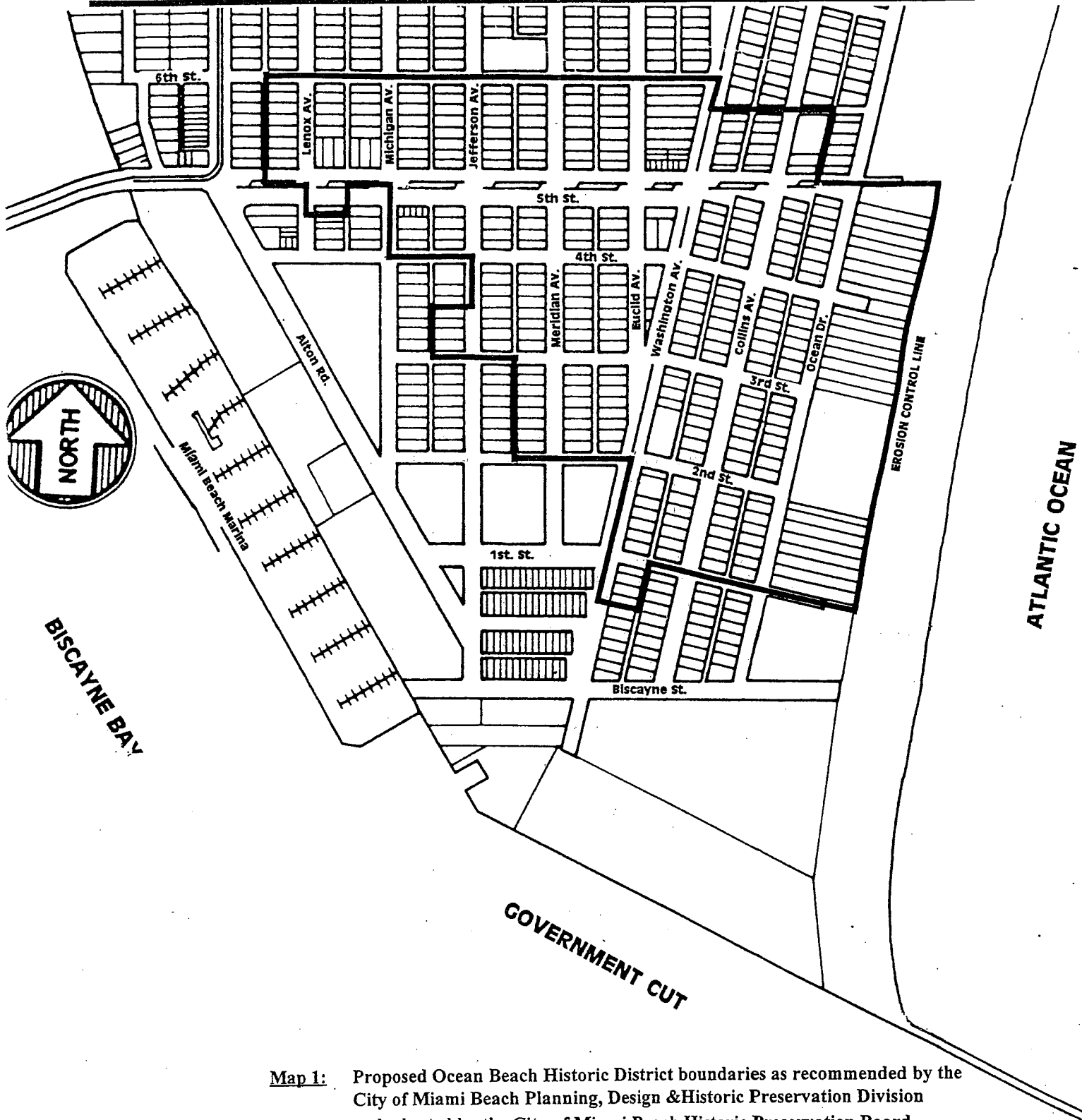
The proposed Ocean Beach Historic District includes parts of the original Ocean Beach Subdivision platted in 1912 and parts of Ocean Beach Additions 3 and 4 platted in 1914, as well as part of the Friedman and Cope Subdivision platted in 1917. The location of these boundaries has been determined through careful investigation and research of building records. They define a geographic area south of Sixth Street which possess a significant concentration of buildings and sites that are united by the historical development of Ocean Beach as a vibrant but modest seaside resort, abundant with enticing recreational amenities for the working class, and unusually welcoming to persons of Jewish heritage. The earliest origins of the City of Miami Beach are contained within this proposed historic district. A detailed description of the proposed boundaries is as follows:

The boundaries of the Ocean Beach Historic District commence at the intersection of the center line of 5th Street and the center line Ocean Court; thence run Easterly, along the extension of the center line of 5th Street to the Erosion Control Line of the Atlantic Ocean; thence run Southerly, along the Erosion Control Line to the center line of 1st Street; thence run Westerly, along 1st Street to the center line of Collins Court; thence run Southerly, along Collins Court to the south line of Lot 18 on Block 10; thence run Westerly along the extension of the south line of Lot 18 on Block 10 to the center line of Washington Avenue; thence run Northerly, along Washington Avenue to the center line of 2nd Street; thence run Westerly, along 2nd Street to the center line of Meridian Court; then run Northerly, along Meridian Court to the center line of 3rd Street; thence run Westerly, along 3rd Street to the center line of Jefferson Court; thence run Northerly, along Jefferson Court to the south line of Lot 4 on Block 82; thence run Easterly along the extension of the south line of Lot 4 on Block 82 to the center line of Jefferson Avenue; thence run Northerly, along Jefferson Avenue to the center line of 4th Street; thence run Westerly, along 4th Street to the center line of Michigan Avenue; thence run Northerly, along Michigan Avenue to the center line of 5th Street; thence run Westerly, along 5th Street to the center line of Michigan Court; then run Southerly along Michigan Court to the south line of Lot 8 on Block 99; thence run Westerly along the extension of the south line of Lot 8 on Block 99 to the center line of Lenox Avenue; thence run Northerly, along Lenox Avenue to the center line of 5th Street; then run Westerly, along 5th Street to the center line of Lenox Court; thence run Northerly, along Lenox Court to the center line of 6th Street; thence run Easterly along 6th Street to the center line of Washington Avenue; thence run Southerly, along Washington Avenue to the center line of 6th Street; thence run Easterly, along 6th Street to the centerline of Ocean Court; thence run Southerly, along Ocean Court to the point of commencement, at the intersection of the center lines of 5th Street and Ocean Court.

The northern boundary of the proposed Ocean Beach Historic District is co-terminus with the southern boundary of the existing National Register Architectural District (also known as the "Art Deco" District).

The described boundaries, as recommended by the Planning, Design and Historic Preservation Division and proposed by the City of Miami Beach Historic Preservation Board, are shown on the following Proposed Ocean Beach Historic District Map (Map 1).

# OCEAN BEACH HISTORIC DISTRICT



**Map 1:** Proposed Ocean Beach Historic District boundaries as recommended by the City of Miami Beach Planning, Design & Historic Preservation Division and adopted by the City of Miami Beach Historic Preservation Board.

## **V. PRESENT OWNERS**

Multiple owners including private individuals and development corporations. A list generated from the 1994-1995 Dade County Tax Assessment Records is available from the City of Miami Beach Planning, Design and Historic Preservation Division.

## **VI. PRESENT USE**

The predominant current use is residential, followed by commercial, hotel, parks and recreational, and institutional use.

## **VII. PRESENT ZONING**

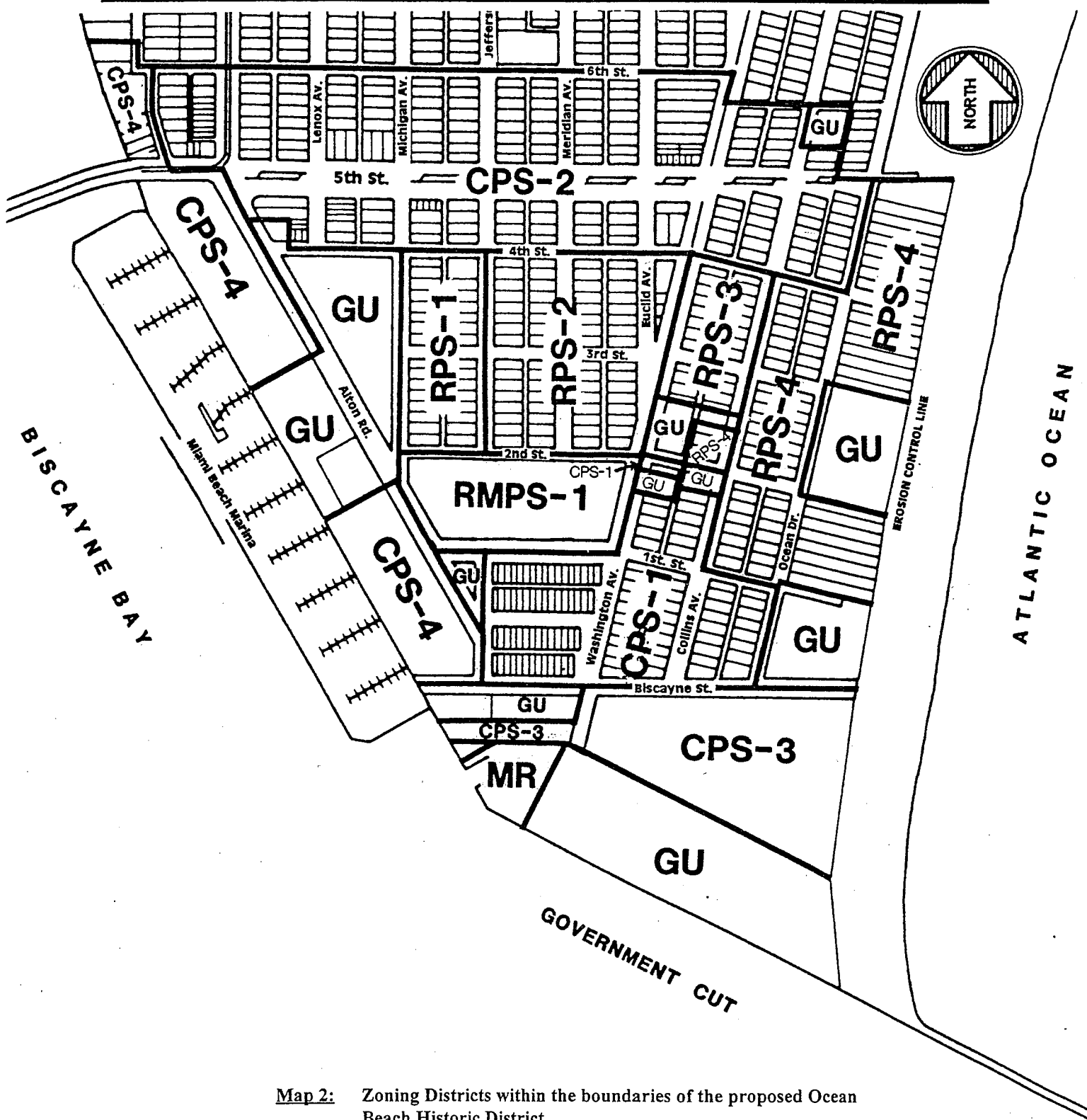
The majority of the nominated district is zoned residential and ranges from residential medium-low to medium-to-high densities. The portion of the proposed historic district abutting the existing National Register Architectural District is zoned commercial general mixed use. Those sites which are owned by the City are zoned GU.

Established Zoning Districts within the proposed boundaries of the Ocean Beach Historic District are as follows:

CPS-1	Commercial Limited Mixed-Use
CPS-2	Commercial General Mixed-Use
RPS-1	Residential Medium-Low Density
RPS-2	Residential Medium Density
RPS-3	Residential Medium-High Density
RPS-4	Residential High Density
GU	Municipal use

Please refer to the zoning map (Map 2) for further reference.

OCEAN BEACH HISTORIC DISTRICT

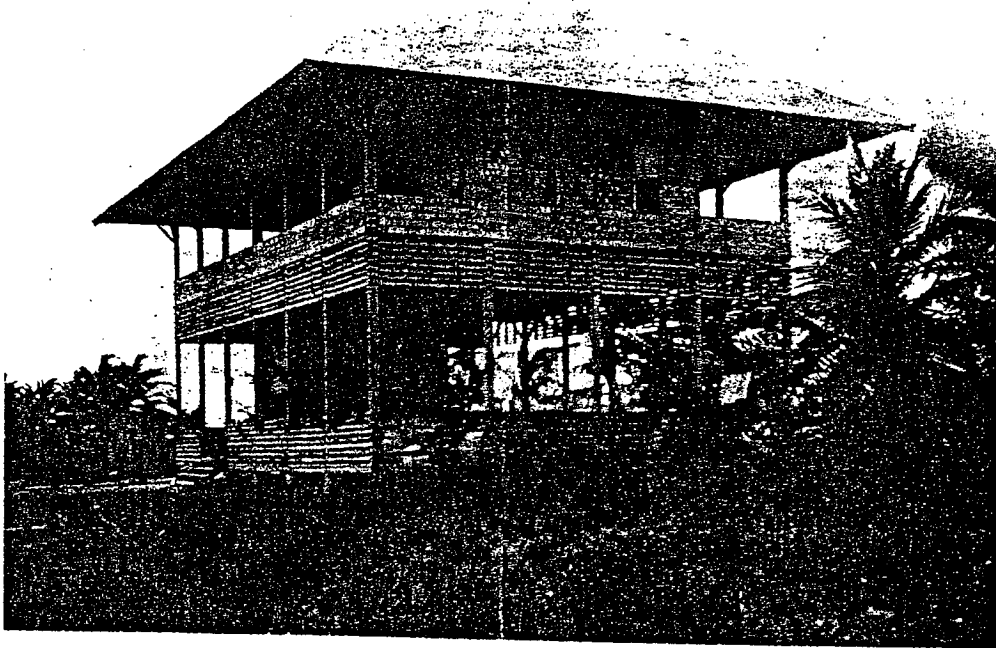


Map 2: Zoning Districts within the boundaries of the proposed Ocean Beach Historic District.

## VIII. HISTORICAL BACKGROUND

Situated at the southern tip of present day Miami Beach and surrounded by a magnificent expanse of tropical blue water and boundless sky, Ocean Beach became a magnet for pioneer tourists and adventurous residents of fledgling Miami in the early twentieth century. Today, this sweep of land remains a prime location at the edge of the Miami metropolis, connecting the Atlantic Ocean, Biscayne Bay and the downtown Miami skyline.

The first entrepreneur who dared to tap this virgin peninsula as an oceanside playground was Richard M. Smith, a former Connecticut schooner captain and Dade County Tax assessor, who is credited with inaugurating a rudimentary ferry service between Miami and the beach in 1904 and erecting a pavilion near the foot of present day Ocean Drive.

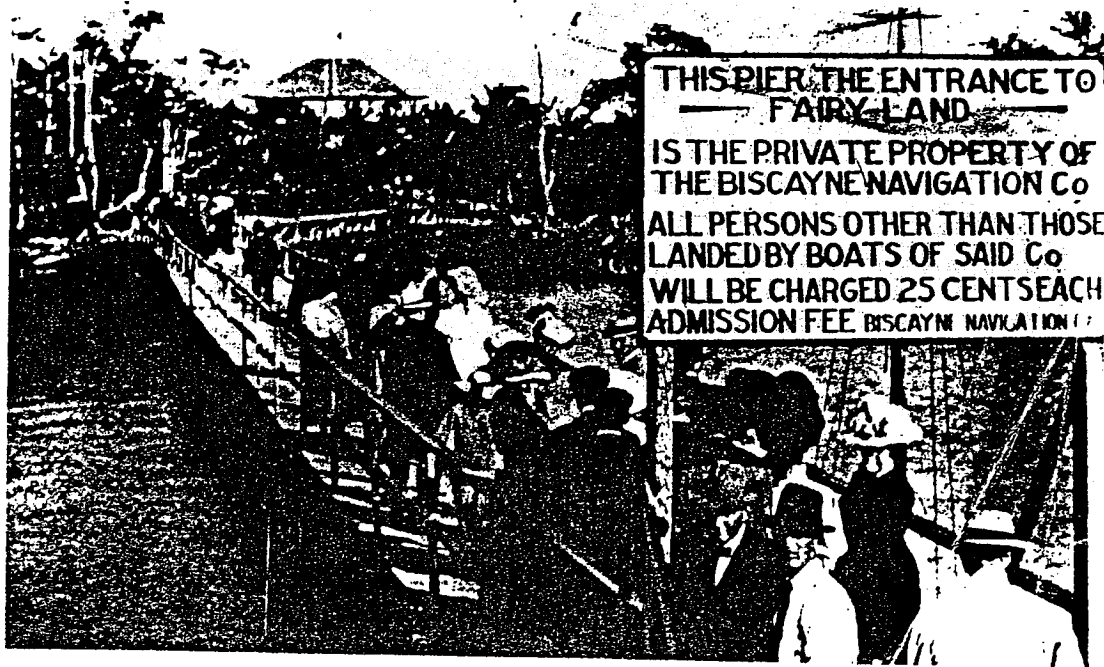


Smith's Casino, 1904 HASF

The pavilion, described as little more than an elevated open air dance hall and bathing house with a steep pyramid roof, was named Smith's Casino.(1) It was the first resort structure in Ocean Beach and preceded even the completion of Government Cut on March 14, 1905.

Following close on the heels of Richard Smith was another Smith from Connecticut, unrelated, with the first name of Avery. In 1908 Avery Smith purchased from Charles Lum the lease to a portion of land with Richard Smith's casino on it. In the same year he formed the Biscayne Navigation Company with a friend from Massachusetts, James C. Warr. They purchased and remodelled two boats, the *Lady Lou* and the *Sallie*, placing them into service between Miami on the mainland and the beach. This new transportation partnership put the ferries into service, renovated Smith's Casino, added a pier and boardwalk, and renamed the place Fairy Land.(2) An advertisement in the Miami Metropolis describes Fairy Land as:

The People's Playground. Excellent all year-round sea bathing establishment. Average temperature of sea water 76 degrees, winter season. All modern improvements. Large recreation for picnics. (2)



Afternoon landing at Fairy-Land & Boardwalk to Smiths Casino, 1909. HASF.

By 1912, this idyllic aquatic resort area had begun to attract the interest of a cast of personalities who would, in their own ways, play important roles in the development of Miami Beach as a destination in the sun. In that year James and John Lummus, established bankers who came to Miami in 1895, formed the Ocean Beach Realty Company and purchased 500 acres of agricultural land on the southern end of the beach from Charles Lum and Edward Wilson for the sum of \$80,000.00, and another 80 acres from Jennie Richardson of Detroit, Michigan.(3) It is believed the Lummus Brothers intended to develop this property as a modest seaside development resort community, not for agricultural purposes as was previously. On July 9, 1912 the company filed the first plat of the original Ocean Beach Subdivision, bounded by present day 5th Street to the north, Ocean Drive to the east, Biscayne Street to the south, and Washington Avenue to the west. The area itself was subdivided using a strict grid pattern with relatively small 50 x 130 foot lots and access via streets with 50-60 foot rights of way. The intended use for these properties was for the development of small seaside cottages and related commercial uses. Ocean Beach Additions 1,2,3 and 4 were quickly added in 1913 and 1914.

This major pioneering effort in land sales was particularly significant because the Lummus brothers did not place restrictions on property sales and rentals which excluded non-gentiles nor the middle class: "This territory, with its small houses, public beaches and bathing casinos, never lost its proletarian character."(4) Moreover, an analysis of the City's building card records indicates that, unlike in other development areas to the north of the Lummus Properties, at least twenty-five people believed to be of Jewish heritage owned residential or commercial property in the Ocean Beach Subdivision.

Also in 1912, Dan Hardie, a Dade County sheriff with a reputation as a no-nonsense law enforcement man, headed a group which built a second and much more elaborate casino in Ocean Beach, just north of Avery Smith's Fairy Land. The attractive new facility, known as Hardie's Casino, had an impressive list of officers, including John Lummus and Bobo Dean, editor of the local newspaper, the Miami Metropolis. (5)



John Levi, J.N. Lummus, J.E. Lummus at 1st  
and Collins in 1913 HASF



Following the opening of the Collins Bridge in June of 1913, which the Lummus brothers helped to finance, the Ocean Beach Realty Company ran ads boasting lots for sale on the old Lum property from \$650-\$1000, with only 10% down. The Miami Metropolis reported on January 10, 1913:

"Conditions are changing rapidly at the beach...It [Ocean Beach] is beginning to assume the appearance of a seaside resort. What the imagination of the incorporators of the Ocean Beach Realty Company depicted last summer is beginning to take definite shape. It took faith to undertake the job of making the waste of sand and the mangrove swamp into an attractive and habitable place, but faith marches at the head of progress, and there are now few doubters as to the ultimate outcome."(6)

As early as January 1915, Ocean Beach Realty Company had cleared, graded and built streets on forty acres of property. It had also built a ten foot wide boardwalk along the oceanside and had constructed two cement bungalows for sale or rent on Atlantic Boulevard (today known as Collins Avenue). Ocean Beach was heralded as "A Tropical Isle, between the Mighty Atlantic and Beautiful Biscayne Bay."(7)

This acclaim did not go unnoticed by William H. Brown, a Scottish immigrant and plumber, who was already the proprietor of the Biscayne Hotel in Miami. On April 15, 1915, Mr. Brown bought a lot in Ocean Beach, west of the Boardwalk and just north of present day 1st Street. There he built Miami Beach's first hotel, the Atlantic Beach Hotel, which opened for the 1915-1916 tourist season in October 1915. It still stands today at 112 Ocean Drive. Seven years later, in 1922, Mr. Brown sold the hotel to Louis Levin and Charles Optener of Chicago, who almost immediately sold it to N.B.T. Roney, who would become a major figure in the development of Miami Beach.

During the 1920's and 1930's Ocean Beach south of 6th Street became a thriving seaside resort and recreational area. The 1935 Franklin Survey of Miami Beach records several substantial recreational facilities catering to tourists and residents alike as shown below:

Hardie's Beach Casino -- on the Ocean between 1st and 2nd Streets

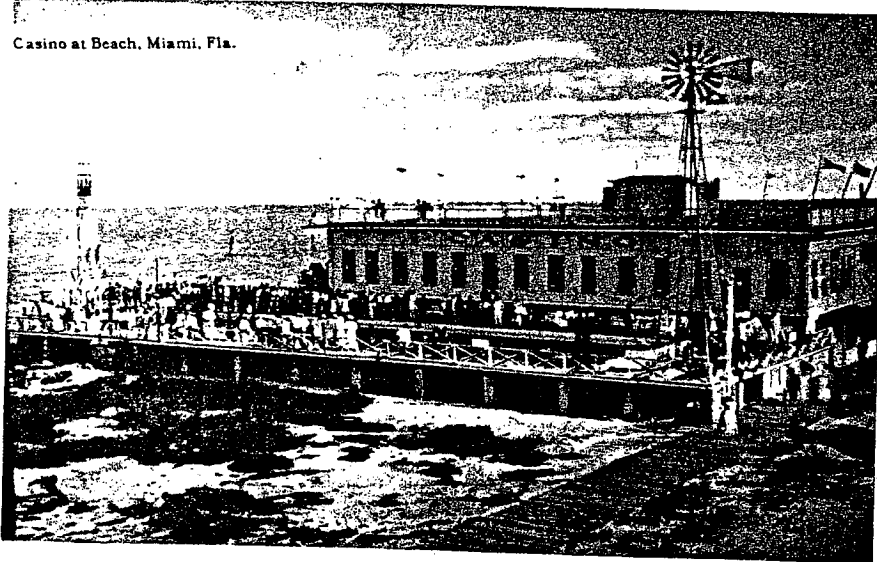
The Biscayne Plaza Theater--at the SW corner of Biscayne Street and Collins Avenue

Collins Arcade--at the SE corner of 5th Street and Collins Avenue

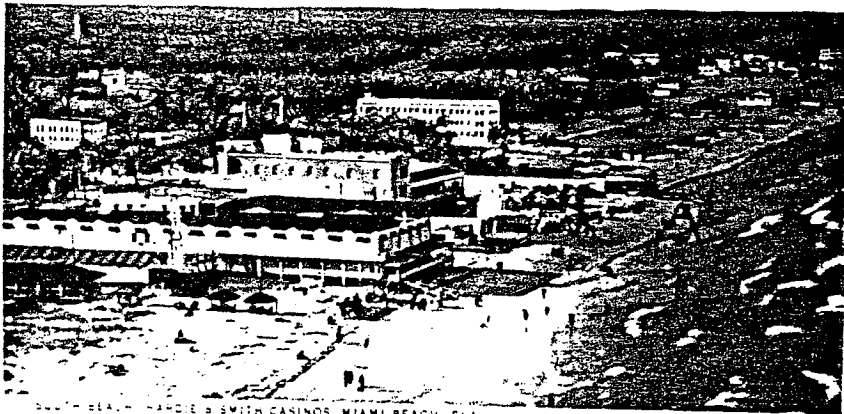
Cook's Casino--at the SE corner of 5th Street and Ocean Drive

Dixie Bathhouse--at the SE corner of 1st Street and Ocean Drive  
The Grandstand and Club House--at the foot of Collins and Government Cut  
The Miami Beach Kennel Club (racetrack)--at the foot of Ocean Drive on Biscayne Street  
The Million Dollar Pier--on the ocean at the east end of Biscayne Street  
Minsky Burlesque--on the Million Dollar Pier

Casino at Beach, Miami, Fla.



Smith's Casino ca.1918 HASF



Hardie & Smith Casinos 1930 HASF

Likewise the 1935 Franklin Survey shows an impressive twenty-six hotels and forty-seven apartment buildings below Sixth Street. Preliminary field analysis reveals several of these structures have escaped the wrecking ball, including but not limited to the following:

- ◆ Hotel Nemo (1926)--100 Collins Ave
- ◆ Hotel Knickerbocker (c.early 1920's)--257 Collins Avenue
- ◆ Brown's Hotel (1915)--112 Ocean Drive (aka Rainbow Hotel, Star Apartments, Atlantic Beach Hotel)
- ◆ Madison Hotel (1922)--259 Washington Ave
- ◆ Hotel Lido (1932)--336 Collins Ave (now the Zilbert Center)
- ◆ Palm Royal Hotel (c.late 1920's)--816 Commerce Street
- ◆ Hotel Meridian (c. 1920's)--426 Meridian Ave
- ◆ Ambassador Hotel (1925)--227 Michigan Ave
- ◆ Hotel Seacrest (c.1920's)--150 Ocean Drive (aka Calvert Hotel, now an annex to the Century Hotel)
- ◆ Hotel Euclid (1937)--320 Euclid Ave
- ◆ Merrill Apartments (1923)--233-238 1st Street
- ◆ Delaware Apartments (1923)--227 1st Street
- ◆ Lorraine Apartments (1930)--941 1st Street
- ◆ Marylan Apartments (1930)--927 4th Street
- ◆ Bell Apartments (1935)--419-423 Washington Ave (aka Ros-Ann Apartments)

a ◆ signifies the building still exists in more or less its original form

Many of the surviving hotels, apartment buildings, commercial buildings, and even bungalows in the proposed Ocean Beach Historic District represent the work of master designers in Miami Beach from the 1920's throughout the 1950's. A preliminary list of architects based on current research includes the following:

L. Murray Dixon  
Henry Hohauser  
Carlos Schoepl  
Albert Anis  
V.H. Nellenbogen  
Anton Skislewicz  
Norden and Nagel

Henry Hohauser and V.H. Nellenbogen, in particular, designed many buildings in Ocean Beach. V.H. Nellenbogen's Savoy Hotel, built in 1935, and Henry Hohauser's Century Hotel built in 1939, are among the finest examples of the Art Deco Style in the City.

Ocean Beach below Sixth Street was clearly not built for the social elite as areas further north were. The Lummus brothers development philosophy was to build a modest resort community by the sea welcoming to the common man. The small scale and simplicity of the architecture is reflective of this attitude and is a significant characteristic of the area. The generally modest Art Deco and Mediterranean Revival hotels on the east side of Ocean Beach were complemented by simple Bungalow blocks on the west side. Handsome two and three story apartment houses reflecting their period of construction filled the center of Ocean Beach. Some of these were small Art Deco gems.

Unlike in other developing areas of Miami Beach, non-gentiles felt welcome to invest and live in Ocean Beach, evident through examination of original building cards and plat survey books. The only unfortunate restriction imposed upon sales at Ocean Beach was that land was to be sold only to anyone who was "white and law abiding."<sup>(8)</sup> Of one hundred and forty-one building permit cards reviewed more than twenty-five percent, or forty cards, showed original owners believed to be of Jewish heritage. The dates of building permits issued to non-gentile owners span from 1922 to 1953, with the dominant period being in the 1930's and the very early 1940's. Examination of the 1935 Franklin Survey Company survey Atlas of Miami Beach to Golden Beach, and the 1952 G.M. Hopkins Company survey Platbook of Miami Beach, Golden Beach, reveals that five Jewish institutions were located in Ocean Beach south of Sixth Street. They include the following:

- The original Beth Jacob Synagogue--311 Washington Ave (1935 survey)-existing and in use today
- Beth Jacob Synagogue Annex--301 Washington Ave (1952 survey)-today home of Mosaic Museum
- Daughters of Israel Ritualism--151 Michigan Ave (1952 survey)--ritual baths, non-existent today
- The Hebrew Academy--550 Jefferson Ave (1952 survey)--non-existent today
- The Jewish Cultural Center--429 Lenox Ave (1952 survey)--building exists today as the 5th Street Club

Eventually a strong Jewish retail, institutional and residential presence manifested itself in Ocean Beach, especially along Washington and Collins Avenues and Ocean Drive. In the middle decades of the twentieth century, these streets were dotted with small Jewish businesses and apartments filled with Jewish tenants.<sup>(9)</sup> In a two block area on Collins Avenue between Third and Fifth Streets, for example, four Kosher markets and delicatessens later opened to serve a growing clientele.<sup>(10)</sup>

The periods during World War I and World War II brought development on Miami Beach to a standstill. However, the period in between the two wars was one of intense

development, and based on building cards on record with the City of Miami Beach, the greatest development boom period in the City's history.

As World War II came to an end and mid-century approached, development in the original Ocean Beach neighborhood began to grow at a slower rate than in the more northerly areas of the Beach. This is especially true in the period following World War II through the 1960's, when newer hotels were being developed on former Millionaire's Row north of 16th Street and upward on Collins Avenue. It was the beginning of the modern resort hotel concept, complete with numerous restaurants, nightclubs, shops and private beaches--all of which drew many tourists away from southern Miami Beach. The nightclubs and restaurants in and around the Ocean Beach neighborhood closed or were converted to other uses, and the small hotels and seasonal apartments came to depend upon a more modest clientele. Minimal improvement was performed on buildings and many structures no longer enjoyed the maintenance they experienced in earlier years. Within the last ten years, however, the impact of historic preservation elsewhere on the Beach has encouraged substantial rehabilitation and adaptive re-use in the area, especially along the proposed Ocean Beach Historic District's boundaries.

Today approximately two hundred and fifty buildings are located within the boundaries of the proposed Ocean Beach Historic District, not including outbuildings. One hundred and fifty-three of these buildings, or sixty-three percent, have been preliminarily identified as contributing to the special character of the proposed Ocean Beach historic district. They embrace eleven architectural styles, which are referred to in the Inventory and Breakdown of styles in the architectural background section, ranging from 1910's Vernacular to the post WWII Garden Style. The majority of contributing buildings, over fifty percent, are of the Art Deco and Mediterranean Revival styles. Collectively these structures reflect and characterize the historical evolution of Ocean Beach south of Sixth Street as a modest and enticing early twentieth century seaside resort community from the construction of the City's first hotel in 1915.

## **IX. ARCHITECTURAL BACKGROUND**

As the first recorded subdivision in Miami Beach, the neighborhood within the proposed boundaries of the Ocean Beach Historic District deserves overdue recognition as the birthplace of the City of Miami Beach.

Analysis shows that the visual image of Ocean Beach today remarkably still illustrates the continuous development of architectural styles in an area built up over time, yet managing

to retain much of its significant open space throughout the years. The result is a visual cohesiveness leading into a logical progression of architectural styles northward from Biscayne Street across 5th Street and into the National Register Architectural District.

- There are still one story cottages forming small urban nodes, set amidst numerous Deco era gems. Blocks of 1920's Mediterranean Revival buildings create a neighborhood remarkable for its continuity, especially given that a number of buildings within the proposed Ocean Beach Historic District have been demolished(11): "in the 1920's Miami Beach architecture consisted primarily of wood frame cottages, Mission style apartment buildings and Spanish-Mediterranean homes and hotels. In the 1930's, after the stock market crash of 1929, a winter seasonal tourist economy developed, catering to visitors from the north with modestly sized apartments and oceanfront hotels."(12) Examples of all these early styles of Miami Beach architecture still exist within the proposed Ocean Beach Historic District.
- The "openness" afforded the neighborhood by its vacant lots has been consistent throughout the history of Ocean Beach. The haphazard urbanity stamped upon the land of Ocean Beach, yet evident today, shows a neighborhood which still reflects its pioneer days. Examination of the Record Surveys of the area as early as 1935 reveals that Ocean Beach looks essentially the same today as it did in the twenties when development really started booming all over Miami Beach. The area was never really completely covered with structures, as has been true of the adjacent Historic "Art Deco" District where practically every lot has long been built upon.(13)
- "An aerial view of the island in 1924 shows moderate development near the Ocean and relatively little development west of Washington Avenue, although dirt roads are lined with trees."(14) "The same view of the island in 1939 shows the development of larger hotels along the oceanfront and an island full of apartment houses. The beach is substantially wider. At the southern end of the island the pier can be seen, just north of the dog track."(15)

- "There wasn't even a Miami Beach back in 1913 when Joseph Weiss established what would become Miami Beach's most famous restaurant. And the place wasn't even called Joe's, let alone Joe's Stone Crab. It was only a short-order sandwich counter located in Smith's Casino...By 1919, however, the restaurant was at last known as Joe's and, having moved a couple of times, it finally came to rest at its present site"(16) at Biscayne Street and Washington Avenue.
- "Miami Beach's first hotel was built by William J. Brown in 1915. Although modified significantly, it remains today as the Star Apartments at 112 Ocean Drive."(17) Many hotels constructed during the height of the Art Deco period in the 1930's are true classics of the style. "The Savoy Plaza Hotel, by Architect VH Nellenbogen in 1935, has a strong art deco theme."(18)
- During the 1920's, on Miami Beach, "the whole place was selling like mad."(19) "South Beach, too, was experiencing a boom in new but smaller hotels. The 55 room Seabreeze at Collins and Fourth Street and the 30 room Marlin at Collins and Fourth Street and the 18 room Carol, also at Collins and Fourth."(20) The former MacArthur Hotel Building fronting Fifth Street from Euclid to Meridian Avenue, designed by T. Hunter Henderson in 1930, still provides magnificent block-long frontage.(21) "New tropical colors accent the Art Deco architecture. Carved chevron banding and floral corner scroll work over first floor stores and apartments above. Cut corner entry. Reversed stepped pyramids cap corners. Consists of two three story buildings connected by an enclosed walkway at the second and third floors. Formerly 96 hotel rooms, the building now has 44 one and two bedroom apartments."(22)
- "Because of its southernmost location in Ocean Beach, the photogenic little Century Hotel at 140 Ocean Drive is often considered an early example forecasting future Miami Beach architecture. Actually, however, it is one of Henry Hohaus's 1939 fantasies, deriving its main impact from the concrete mast with fins that rises above the entrance."(23)

- Still existing in the 500 block of Washington Avenue, "the Paris Theater's marquee had once included a neon Eiffel Tower."(24) The "vertical marquee...was adapted from the word "Variety,"(25) the former name for the theater.(26)
- The Burgos Pharmacy building at 805 Fifth Street, designed by Walter DeGarmo in 1925 is "Spanish Mediterranean. Mission Tile. Corner Tower. Barrel Tile Roof."(27) Originally designed as a Western Union office, demolition for this building may be eminent (Design Review Board approval has been granted for a new building on this site).

Open development sites exist within the boundaries of the proposed Ocean Beach Historic District. These vacant properties are important factors in the designation report as future new development on these lots can greatly reinforce the special character of the historic district. An excellent example is the expansion of Joe's Stone Crab on the vacant lots north of the original restaurant. This project is a clear demonstration of the positive impact of appropriate and sensitive design, in scale with the character of the neighborhood.



The Joe's Stone Crab expansion with a new main entrance on Washington Avenue illustrates how well a new project can be sensitive to a historic structure its neighborhood



Inventory of Architectural Styles in the Proposed District\*

Vernacular (1900-1930s)	1
Bungalow (1910s-1930s)	10
Mediterranean Revival (1910s-1930s)	40
Mediterranean Revival-Art Deco Transitional (1920s-1930s)	7
Art Deco (1920s-1930s)	43
Moderne (1930s-1940s)	6
Classic Revival - Art Deco (late 1930s-1940s)	2
Post World War II Transitional Art Deco (ca. pre-WWII-1960)	11
Post World War II Modern (ca. post WWII-1965)	11
Eclectic (1920s-1950s)	2
Garden Style (1940s-1965)	9

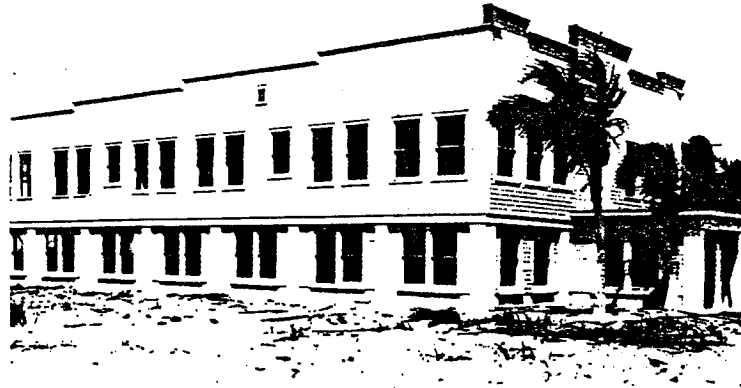
\*Approximately twelve structures are awaiting final stylistic classification

## ARCHITECTURAL STYLES REPRESENTED IN PROPOSED DISTRICT

### Vernacular Style

ca.1900-1930's

Vernacular is not a style "per se," but rather a common method of typical early construction in South Florida. The materials and forms encompassed wood frame and masonry construction. These materials and methods were transferred from abroad with the Beach's early settlers. Through time, many of these structures were replaced.



112 Ocean Drive. Currently modified with stucco on exterior HASF

Wood Frame construction was most evident in the earliest days of Ocean Beach and reflected a secluded resort-like character. Rooms were generous and well ventilated. Tall ceilings, large windows, and sometimes protective overhangs responded to the then untouched environment. Frame vernacular building flourished in the early twentieth century, with most examples in Ocean Beach being built between 1910 and 1920.

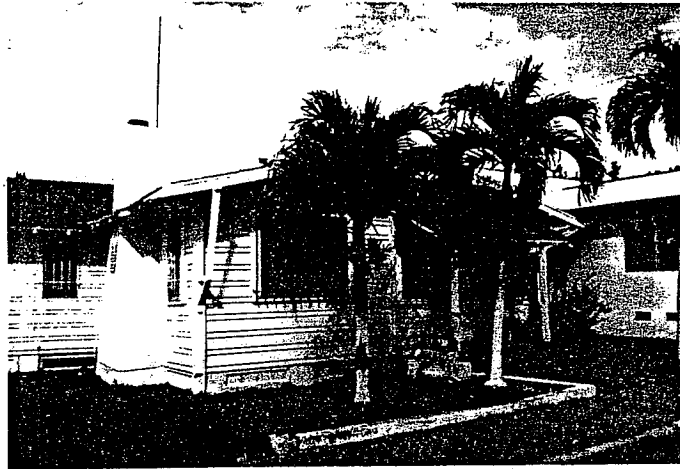
Noted for stark simplicity, vernacular structures are usually rectilinear in form with little or no elaboration. Functional elements supply the only elaboration or decoration except that occasionally modest Classical elements were referenced such as the engaged pilasters that were seen on the Atlantic Hotel at 112 Ocean Drive, built in 1915. Most are one and two stories in height with flat, gable or hipped roof and a single story porch extending across the front. Little or no ornamentation was intentionally applied to residential or commercial structures.

Remaining Examples of "contributing structures" in this style include:

Ocean Drive no. 112

**Bungalow Style**

ca. 1910s - 1930s



815 4th Street

Bungalows were a popular and economical form of middle class home built in Ocean Beach from the earliest development years through the 1930s. Many of these simple structures may have been constructed from mail order house plans gotten from catalogues published in southern California(29) but others were designed by local architects as distinguished as V. H. Nellenbogen. Three such modest residences located at 900, 906 and 918 Fourth Street were designed by Nellenbogen in 1934 but unfortunately demolished in September 1995.

Typically, bungalows were of wood frame construction, one to one and a half stories in height, with gable roofs, overhanging eaves, front porches, and large wood sash windows. They afforded good cross ventilation, a shaded outdoor area, and adapted well to South Florida coastal conditions, generally being elevated two to three feet above grade on foundation walls or masonry piers.

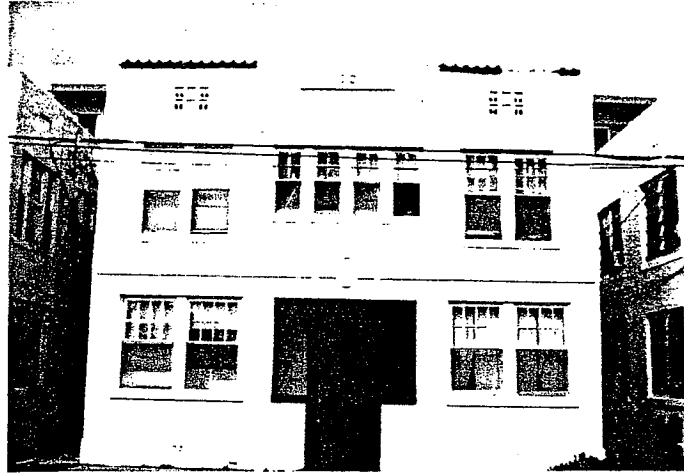
Surface materials used on the exteriors of bungalows in Ocean Beach varied. Narrow wood clapboards, stucco, and even oolitic limestone (locally referred to as "coral rock") provided for a pleasant diversity of outward appearances.

Remaining Examples of "contributing structures" in this style:

Jefferson Avenue	nos. 312 (altered), 361
Meridian Avenue	nos. 242, 313, 327
Washington Avenue	no. 355
4th Street	nos. 815, 828, 912, 919 (Vanity Novelty Garden)

## Mediterranean Revival Style

ca. mid 1910s - early 1930s



727 Second Street

Mediterranean Revival architecture was the "style of choice" for the first major boom period in Ocean Beach. Its connotation of Mediterranean resort architecture, combining expressions of Italian, Moorish, North African and Southern Spanish themes, was found to be an appropriate and commercially appealing image for the new Floridian seaside resort.

During the mid 1910s through the early 1930s the style was applied to hotels, apartment buildings, commercial structures, and even modest residences. Its architectural vocabulary was characterized by stucco walls, low pitched terra cotta and historic Cuban tile roofs, arches, scrolled or tile capped parapet walls and articulated door surrounds, sometimes utilizing Spanish Baroque decorative motifs and Classical elements. Feature detailing was occasionally executed in keystone.

Application of the architectural vocabulary in Ocean Beach ranged from sparing to modestly exuberant, and building massing varied from simple rectangular form to stepped massing with recessed wall planes and tower-like corner features. Wooden casement or double hung windows of several configurations provided additional detail to the facades.

### Remaining Examples of "contributing structures" in this style:

Ocean Drive	nos. 126 (Red Sands (altered), 150 (Century annex), 222, and 312
Collins Avenue	nos. 100 (Hotel Nemo), 108, 157, 211, 221, 257, and 336

Washington Avenue	nos. 259 (The Madison - altered), 411 (Harrison Hotel), and 421
Euclid Avenue	nos. 334, and 400
Jefferson Avenue	nos. 321, 337-339, and 552
Meridian Avenue	nos. 234, 326, and 426
Michigan Avenue	nos. 321, 411, 532, and 560 (altered)
1st Street	nos. 227, and 233
2nd Street	nos. 723, 727, 735, 739, 803, and 819-821
4th Street	nos. 739, 741, 927, 935, and 941
6th Street	nos. 628-644

**Mediterranean Revival - Art Deco Transitional ("Med-Deco")**

(ca. late 1920s - mid 1930s)



344 Ocean Drive--The "Ocean Beach"

"Med-Deco" in Ocean Beach was a synthesis of Mediterranean Revival form and Art Deco decorative detail. This unique hybrid style became a fascinating bridge between the "familiar" and the "new" as the allure of Art Deco found its way into the Beach's architectural vocabulary. Clean ziggurat roof lines and crisp geometric detailing replaced scrolled parapets, bracketed cornices and Classical features on structures of clear Mediterranean Revival form. Likewise, sloped barrel tile roofs rested gracefully on edifices with spectacular Art Deco entrances and facade treatments.

Some of the most celebrated architects in Miami Beach designed structures in this brief-lived style, including V. H. Nellenbogen, Henry Hohauser and T. Hunter Henderson.

The predominant exterior material of Med-Deco was smooth stucco with raised or incised details. Featured stucco areas were often patterned or scored. Keystone, either natural or filled and colored, was frequently used to define special elements. Windows ranged from wood and steel casement to wood double hung.

Remaining Examples of "contributing structures" in this style include:

Ocean Drive	no. 344 (Ocean Beach Apartments - V. H. Nellenbogen)
Collins Avenue	no. 201 (altered)
Washington Avenue	nos. 245, and 350

Euclid Avenue  
5th Street

nos. 328, and 344 (La Belle Apartments - Henry Hohauser)  
nos. 705-745 (Lindberg Hotel - T. Hunter Henderson)

## Art Deco Style

ca. late 1920s - 1930s



140 Ocean Drive--Century Hotel

Art Deco is considered one of the first twentieth century architectural styles in America to break with traditional revival forms. It emanated largely from the impact of the 1925 Paris *Exposition des Arts Decoratifs et Industriels Modernes*, a design fair celebrating the reconciliation between the decorative arts and advancements in technology and industry.(30) Architects searching for design "purity" became eager to explore new possibilities afforded by the rapidly evolving Machine Age.(31) An architectural style unfolded which looked to both the past and the future for its design inspiration.

Building forms in the Art Deco style were typically angular and clean, with stepped back facades, symmetrical or asymmetrical massing and strong vertical accenting. The preferred decorative language included geometric patterns, abstracted natural forms, modern industrial symbols and ancient cultural motifs employing Mayan, Egyptian and Indigenous American themes.

In Ocean Beach and its immediate environs a unique form of Art Deco employed nautical themes as well as tropical floral and fauna motifs. Ocean liners, palm trees, flamingos and numerous related elements graced the exteriors and interiors of the new local architecture. The favored materials for executing this distinctive "art" decor included bas-relief stucco, keystone, etched glass, a variety of metals, cast concrete, patterned terrazzo, and others. Today this distinctive design vocabulary, which further incorporated glass block, vitrolite and stunning painted wall murals, has become the hallmark of Miami Beach's internationally recognized Art Deco gems.



Remaining Examples of "contributing structures" in this style:

Ocean Drive	nos. 140 (Century Hotel - Henry Hohausen), 201 Collins(may be altered Med.-Rev.), 304, 321 (Simone Hotel), 334, 335 (Sorrento Hotel), 412, 425 (Savoy Plaza), 436, 444, and 460
Collins Avenue	nos. 200 (Bell Ray Apts.), 212, 310, 345, and 361 (President Apts.)
Washington Avenue	nos. 101, 161, 235, 347, 354, 423-437,536 (Henry Hotel), and 540 (Paris Theater - formerly Variety - Henry Hohausen)
Euclid Avenue	nos. 266, 320, and 350
Jefferson Avenue	nos. 307, 316-320, 324-326, 327, and 343
Meridian Avenue	nos. 300, 308-314 (Marlis Apts), 359 (Forman Apts), 410 (Morea Apts), 411, and 540-550
Michigan Avenue	nos. 550, 551, and 559
1st Street	no. 230 (former Crystal Apts - Henry Hohausen - now Pommier Bldg)
6th Street	no. 1020

**Moderne Style (aka "Streamline" Moderne)**  
ca. 1930s-1940s



349-351 Meridian



901-921 3rd Street

As "Art Deco" evolved on the Beach in the 1930s modern transportation and industrial design began to have an even greater impact upon new construction. The "streamlined" character of automobiles, airplanes, trains, buses, liners and even home appliances inspired powerful horizontal design compositions, accentuated by striking vertical features and punctuated by icons of the technological era. Continuous "eyebrows", racing stripe banding, radio tower-like spires, portholes, and deck railings like those found on grand ocean liners, were among the unique features to set this architecture apart from anything before it. The creative incorporation of nautical themes showed this form of Art Deco to be true to its origins in Ocean Beach.

Smooth, rounded corners often replaced sharp ones on Moderne buildings, especially on corner lots. "Eyebrows" swept around them as did other details. Street corners became inviting architectural focal points, whether the special treatment employed was based upon curves or angles.

Like earlier Art Deco buildings, the Moderne style incorporated smooth and articulated stucco, architectural glass block, keystone and a variety of metals used in detailing. Predominating surfaces became smooth, planer and aerodynamic in character.

Remaining Examples of "contributing structures" in this style:

Ocean Drive	nos. 125 (Villa Luisa), 350 (Lord Balfour - Anton Skislewicz)
Meridian Avenue	nos. 349-351, and 421
Michigan Avenue	nos. 521-539
3rd Street	nos. 901-921 (Carlos B. Schoeppl)

**Classical Revival - Art Deco Style**  
ca. 1930s - early 1940s



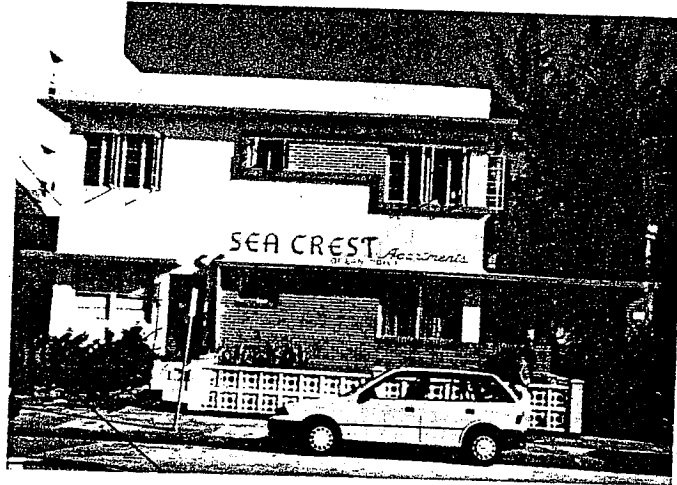
455 Ocean Drive

During the 1930s in America, buildings of a religious or monumental nature often relied upon the form and language of Classical Revival architecture as a means of ensuring a traditional and formidable presence in the community. In Ocean Beach, however, the tide of Art Deco was strong. Buildings that exhibited Classical form, such as the Paramount Plaza (formerly the Hotel Arlington) and the 1936 annex to the Beth Jacob Temple, also displayed architectural features and decorative elements that were significantly influenced by the new Deco architecture of the Beach. Cornices and molding bands on the Hotel Arlington were designed to feel more like the continuous "eyebrows" of the Moderne style. Likewise, the columns of the Arlington were relieved of their Classical capitals and allowed to support the balcony above on clean cylindrical shafts. In the annex to the Beth Jacob Temple bas relief cast stone spandrel panels between the stained glass windows were executed in Art Deco stylized acanthus leaves flanking a central Star of David, and the octagonal drum at the "crossing" on the roof above was graced with eight octagonal windows.

Remaining examples of "contributing structures" in this style:

Ocean Drive	no. 455 (Paramount Plaza - formerly Hotel Arlington - Albert Anis)
Washington Avenue	no. 301 (Beth Jacob Synagogue 1936 annex - Henry Hohauser - now home of MOSAIC)

**Post World War II Transitional Art Deco (aka Post War Deco)**  
ca. post World War II - 1960



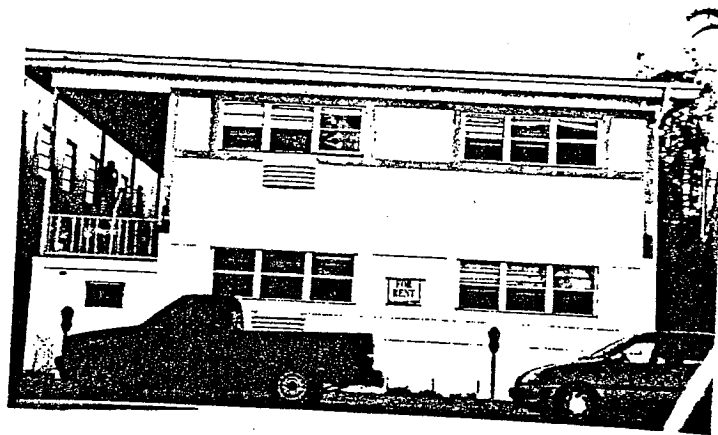
121 Ocean Drive--Sea Crest Apartments

Post War Deco drew significantly from the form and decorative vocabulary of both early Art Deco in Miami Beach and Moderne. Although single block massing was predominant the emphasis could be placed on either horizontal or vertical composition, dependent upon the size of the structure, the character of the site, and the will of the architect. Frequently, continuous eyebrows would be extended to form side or front canopies, either cantilevered or supported on their furthest edge by columns. New decorative materials were introduced which reflected changing tastes nationally, including brick, perma stone, and cast architectural block in a variety of "open" patterns. The latter was particularly favored for rails and screen walls. Although steel casement windows were predominant, aluminum "awning" type windows began appear latter. Many of these delightful structures in Ocean Beach paid wonderful tribute to their architectural origins while effectively addressing changing times.

Remaining examples of "contributing structures" in this style include:

Ocean Drive	nos. 121 (Sea Crest Apartments), and 158
Collins Avenue	nos. 301-309, and 428
Meridian Avenue	nos. 320, 336
2nd Street	nos. 201
4th Street	nos. 801-807
6th Street	nos. 1030, 1040, and 1050

**Post World War II Modern Style (aka Post War Modern)**  
ca. post World War II - 1965



130 Ocean Drive

The Post War Modern style in Ocean Beach exhibited many elements of its companion style of the period, Post War Deco, but clearly established a path of its own in terms of modern functional simplicity. Essentially the strong design personality of Art Deco, as it evolved over two decades on the Beach, significantly gave way to the dictates of function in the Post War Modern seaside resort architecture.

Floor plans were commonly reorganized from interior double loaded corridors to "open air" verandas on one side or more. Single block massing remained a dominant characteristic but new functional exterior elements profoundly impacted on design. Overhanging roof plates and projecting floor slabs became typical of the new "style" along with paired or clustered pipe columns to support them. Symmetrical staircases became significant exterior design features.

Additional design elements and materials were added to the architectural vocabulary, including rounded eaves, rock face feature areas, cast concrete decorative panels, and applied masonry elements denoting marine and nautical themes, such as seahorses and anchors.

Remaining Examples of "contributing structures" in this style:

Ocean Drive	nos. 130
Euclid Avenue	nos. 518, and 536

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OCEAN BEACH HISTORIC DISTRICT

Meridian Avenue  
Michigan Avenue  
2nd Street

nos. 220, 224, 250, 253, 350, and 422  
nos. 419  
nos. 809-815

**Eclectic**

ca. 1920s - 1950s



321 Collins Avenue

Eclectic architecture in Ocean Beach includes buildings which adopt the style(s) of another time and/or another place selected by the architect, at will, for a purpose. Henry Hohauser's fanciful English Tudor style cottage located at 321 Collins Avenue is an amazing example of Eclectic architecture in Ocean Beach. Its sharp gable roofs, half-frame (exposed) timbers, and Gothic window lintel details are clearly not a part of the natural architectural progression on the Beach, but yet they command the desired attention and assure a special place.

Remaining Examples of "contributing structures" in this style:

Collins Avenue	no. 321
Washington Avenue	no. 311 (the original Beth Jacob Synagogue structure)



## The Garden Style

ca. late 1940s - mid 1960s



101 Collins Avenue



Courtyard--Golden Dreams  
65 Washington Avenue

The primary defining characteristic of the Garden Style in Ocean Beach is that the entryway and public walkways are placed on the exterior, where they are open to the natural elements and surround a common garden area. A large central front entry leads to an open symmetrical staircase, ascending to the upper level(s), and behind it the courtyard. The plan is "U" shape and basically consists of two identical two to three story buildings facing onto a shared central garden/courtyard, often with a fountain in the center, and joined at the rear. Visually and structurally the buildings are united by a grand low pitched gable roof (typically) extending like gull wings across the front and over the open central entryway. The roof plate usually overhangs open walkways below and may be conclude in a rounded eave characteristic of late 1950s modern architecture in Miami Beach.(32)

Architectural ornamentation is generally modest and minimal in the Garden Style, normally consisting of cantilevered balconies with ornamental pierced block railings, and sometimes exuberantly detailed wrought iron rails on stairs and along open walkways. Occasionally the grand gabled roof visually rests on broad cut stone engaged pilasters.

In providing a large central open entry and situating the apartment units facing inward on a common garden area, this important modern building style in Ocean Beach provides a sense of community facilitating greater social interaction and

security for its occupants.(32)

Remaining Examples of "contributing structures" in this style:

Collins Avenue	nos. 101, 250-260 (Shalom House), 340-350, and 401(Southern Star)
Washington Avenue	nos. 65-75 (Golden Dreams)
Euclid Avenue	nos. 358 (Tranquility House)
Meridian Avenue	nos. 543, and 655
4th Street	nos. 901-911

## XI. PLANNING CONTEXT

### **Development of Vacant Lots:**

Examination of aerial photographs from the 1920s through the late 1950s, as well as survey books, including the 1935 Franklin Survey Company's Atlas of Miami Beach to Golden Beach and the 1952 G.M. Hopkins Company's Platbook of Miami Beach, Golden Beach, indicate that "open space" was a common factor historically in the development of Ocean Beach south of 6th Street. The least amount appears to have occurred by about mid century, when the area reached its peak development as a seaside resort community. This openness was seen in a number of ways, including private landscaped vacant lots and gardens, some associated with hotels and guest houses, park areas and open public recreational spaces such as Ocean Park, and Pier Park, and in the form of relatively broad avenues, like Collins and especially Washington Avenue. Other open sites seem to have been simply awaiting later development.

The presence of vacant lots over time would appear to be attributable to a number of factors. First of all, lots in Ocean Beach were relatively small when originally platted so prospective entrepreneurs and future residents of comparatively modest means could afford to invest here. This development philosophy or strategy resulted in a more casual development pattern than if large tracts had been developed, leaving numerous vacant lots dispersed among smaller developed sites. Second, air conditioning did not exist in the near-tropical climate of South Florida for the first half of the century. Vacant lots and open spaces provided places for landscaped and shaded outdoor seating and recreational areas. They also allowed for good natural ventilation, not blocking the ocean breezes so critical to buildings before the time air conditioning. Third, by the late 1930s

tourist development was marching uptown along Collins Avenue, slowing down land development south of 6th Street. By the mid 1950s it had shot all the way to 41st Street with the construction of the Fontainebleau Hotel resort complex. This significantly further reduced development in the south. Fourth, disastrous hurricanes in 1926 and 1947 took their toll on early architecture, some of which may not have been rebuilt.

Simply put, however, cities and their respective parts evolve and change over time, due to an array of circumstances. Ocean Beach, south of 6th Street is no exception. Historic district designation does not mean that privately owned vacant lots should remain undeveloped to preserve a current state of "openness". To the contrary, historic district designation is a vehicle which supports and promotes compatible contemporary development on vacant lots which were planned and zoned to be built upon. Appropriately developed new sites, in combination with municipal parks and planned public open spaces create the balance and richness of a successful urban environment.

The effective preservation and management of this area's historic resources is very much dependent upon quality new infill construction. This is essential in creating and maintaining an economically healthy and culturally vibrant urban context which is in sync with the future and sensitive to the past. World class as well as local architects and developers rise to this challenge regularly in historic districts across the nation, and especially right here in Miami Beach's own National Register Architectural District. The enlightened municipal vision which has united historic preservation and appropriate new development in the "Art Deco" District can be applied with equal success south of 6th Street in the Ocean Beach Historic District.

#### **Historic District Designation Promotes:**

##### **Continuous Neighborhood Enhancement**

The neighborhoods within the boundaries of the Ocean Beach Historic District are characterized by a remarkable number of "contributing" buildings reflective of distinctive architectural and development patterns from the earliest days of Miami Beach to the present. Ocean Beach in this area still appears much as it did in its rich past, despite the effects of dramatically changed times. Many significant structures, once neighbored by open spaces or buildings of complimentary scale and character, remain very much dependent upon a compatible and supportive environment in the future, which promotes sensitively designed new projects.

The review and approval of projects in the Ocean Beach Historic District under the City's Design Guidelines and the Historic Preservation Ordinance will ensure smart development which is sensitive to the unique aesthetic character of the area and respectful of its early origins. Miami Beach has one of the finest and most progressive historic preservation ordinances in the nation. It was custom designed to address the special needs of a rapidly redeveloping historic seaside resort community with a view toward wise management of historic resources in tandem with appropriate new development. Historic designation will reinforce and promote continuous quality enhancement of the neighborhoods within the Ocean Beach Historic District below 6th Street just as it has done with remarkable success in the National Register Historic District immediately to its north.

### **Increased Architectural Consideration**

Historic district designation is a means of maintaining unified special character through increased architectural consideration when the construction of new buildings or additions to existing buildings are proposed.

Buildings, old and new, are usually the major defining elements in the makeup of a neighborhood's character. The special character of a neighborhood can be maintained and reinforced by highlighting and preserving the significant architectural features of its contributing building stock and by understanding and being considerate of those special qualities in the design of new construction and infill buildings.

Although some buildings within the boundaries of the Ocean Beach Historic District are more representative of specific "styles" than others, there is an eclectic combination of architectural and historic periods here from the early 1900s to the present day which is special in itself. In several instances individual buildings contain elements of more than one period, and often these acquired elements assume a significance of their own and lend yet another facet to the architecture of Ocean Beach.

In other instances a single contributing structure may not seem to possess a special significance when viewed by itself, but when viewed together with its neighboring buildings it reinforces a unified image of a distinct and attractive neighborhood contributing to the special character of the community's urban fabric.

Historic District designation does not preclude the opportunity for appropriate new development to occur on existing vacant lots, it simply promotes compatible quality construction there.

### **Sensitive New Construction**

New buildings and additions to existing buildings can blend into a neighborhood without imitating or trying to replicate an historic architectural period. By incorporating the important architectural qualities of a particular neighborhood into contemporary design and properly siting the building, a new structure or addition can blend with its surroundings and be compatible with the neighborhood. In addition, by following existing design guidelines, renovations deemed appropriate by the Design Review and/or Historic Preservation Boards can be accomplished without being detrimental to the established character of the structure or to the neighborhood as a whole.

A number of elements work together to define not only a building's character but also a neighborhood. These elements include a building's scale, proportion, massing, directional expression, roof shape, placement on the lot, rhythm of openings, sense of entry, windows and doors, and materials and details. These basic elements found in all architecture and are varied to create different styles.

Understanding these elements and their relationship to each other is essential for designing compatible renovations, additions, and new buildings. Along with current Design Guidelines, historic district designation promotes an understanding of such design features and does not require or recommend reproductions of period architecture. To the contrary, compatible contemporary design is encouraged for new construction and additions.

Historic district designation affirms the Design Guidelines based on simplicity and design quality, and helps property owners make the most appropriate improvements to their properties.

**Compatibility with the Character of the Historic District Which Positively Influences:**

**Proportion and Scale**

Proportion deals with the relationship of the height to the width of the building and with the relationship of each part to the whole. Scale deals with the relationship of each building to the other buildings in the area, the part to the whole, as well as the scale of the pedestrian. When there is a combination of building types surrounding a project site, scale and proportion of the buildings closest to the proposed construction should be observed. Additions to buildings should respect the original scale and proportions.

**Sense of Entry**

Every building has an entry but each may be articulated differently. The entry may be a simple door or it could be steps and a door or it might be more strongly articulated by an enframingent, a portico, porch, or other prominent architectural feature. If the existing buildings have a strong sense of entry, new construction should respect this.

**Massing**

Massing deals with the volumes created by the sections of a building. For example, a simple Moderne structure may be one mass but a Mediterranean Revival building with a tower, wings, hip roof, etc., has varied massing. Placing a boxlike structure in a neighborhood of articulated buildings may not be appropriate. Renovations or additions should respect the massing of existing buildings.

**Roof Shape**

There are several different roof types such as flat, shed, hip and gable. The type and pitch/slope determine the overall roof shape. If one roof shape is predominant, any new buildings should take into consideration this shape and design a new roof that is compatible with the others. Additions and renovations should not adversely affect significant roof shapes, particularly in public view.

### **Rhythm of Openings**

Rhythm of openings refers to the number and spacing of windows and doors in a facade. Most Moderne, Streamline and Vernacular and Garden-Style buildings have regularly spaced openings per floor. Other styles exhibit different rhythms. Any new construction should respect the predominant rhythm of other buildings in the area. Additions to an existing building should be harmonious with the original rhythm of openings. If renovations are planned, this rhythm should not be significantly changed by the removal or addition of openings.

### **Placement on the lot**

A building may be close to the street or further back, parallel to the street or at an angle, and to one side or in the middle of the lot. Predominant siting patterns should be maintained, especially relative to front and side yard setbacks. In some neighborhoods, structures are placed on the front property line, creating a "street wall"; new construction is encouraged to respect prevalent placement characteristics.

### **Directional Expression**

A building may have a vertical emphasis in its principal facade(s), a horizontal emphasis, a balance of the two, or no directional emphasis at all. Additions to existing buildings and new infill construction should be compatible with the predominant directional characteristics of significant structures in the area.

### **Materials and Details**

Materials and details used on a building form an important part of a building's style and character. Materials used on the walls and roofs of new projects should be compatible with those on existing buildings. The use of appropriate materials and textures help new buildings fit into existing neighborhoods and help additions to blend with the original architecture.

**XII. PLANNING, DESIGN AND HISTORIC PRESERVATION DIVISION  
RECOMMENDATIONS**

1. **Criteria for Designation:** The Planning, Design and Historic Preservation Division finds the Ocean Beach Historic District in compliance with the Criteria for Designation listed in Section 19-5 (B) of the Miami Beach Zoning Ordinance 89-2665.
2. **District Boundaries:** At its May 11, 1995 meeting the Historic Preservation Board requested that the proposed boundaries of the Ocean Beach Historic District be expanded beyond those recommended by staff and asked that the proposed expansion areas be investigated.

More particularly, the Board requested that the southern boundary of the proposed historic district be extended southward from 1st Street to Biscayne Street between the centerline of Washington Avenue and the Erosion Control Line of the Atlantic Ocean so that the full southern extent of the original Ocean Beach Subdivision platted in 1912 and the southern extent of Ocean Beach Addition 4 platted in 1914 could be included within the historic district boundaries.

Upon investigation and consideration staff determined that the aforementioned proposed southern expansion area is characterized predominantly by vacant lots (many of which are contiguous), contemporary residential buildings, and a large new beach side recreation facility and parking lot (Penrod's). Although a small and modest Mediterranean Revival style commercial building remains at 36-40 Ocean Drive, it stands in solitary isolation mid block between Biscayne Street and 1st Street. Joe's Stone Crab Restaurant, situated at 227 Biscayne Street on the corner of Washington Avenue, is clearly an architecturally and historically significant structure built in the Mediterranean Revival style in 1921, but it is already being meticulously restored on its exterior and sensitively expanded northward on adjacent lots. When completed it will be a highly compatible neighbor to the historic district. Staff believes that expansion of the proposed Ocean Beach historic district southward to Biscayne Street is unnecessary to either enhance its special character or to maintain its historic cohesiveness.

The board, at its May 11, 1995 meeting, additionally requested that the northern boundary of the proposed Ocean Beach Historic District be made co-terminus with the southern boundary of the existing *Miami Beach Architectural District* (a.k.a. National Register "Art Deco" District) to ensure



a continuity of urban scale and character between the two districts. Staff has examined this request thoroughly and fully concurs with the Board. The creation of the aforementioned northern boundary for the Ocean Beach Historic District will significantly underscore and preserve the historical, social and architectural progression of development in early Miami Beach, from the southern regions of Ocean Beach northward to 23rd Street and provide for a "seamless" and cohesive transition which might otherwise be lost to inappropriate development.

Finally, in light of demolition activity which has been approved or already occurred since May 1995 along the western end of 4th Street, staff has re-studied this area and recommended adjusted historic district boundaries. These new boundaries continue to include a significant concentration of surviving contributing structures united by the historical and architectural development of this western residential area.

The Historic Preservation Board, at its October 26, 1995 meeting, adopted the boundary recommendations of the City of Miami Beach Planning, Design and Historic Preservation Division, and recommends historic district designation in accordance with Section 19-5 of the Miami Beach Zoning Ordinance 89-2665, with boundaries shown on Map 1 and more fully described in Section IV (General Description of Boundaries).

3. **Areas Subject to Review:** All building elevations and public areas of interiors, site and landscape features, public open space and public right-of-way. All vacant lots included within the boundaries of the historic district.

Regular maintenance of public utilities, drainage, and mechanical systems, sidewalks and roadways shall not require a Certificate of Appropriateness.

4. **Review Guidelines:** The Planning, Design and Historic Preservation Division recommends that a decision on an application for a Certificate of Appropriateness shall be based upon compatibility of the physical alteration or improvement with surrounding properties and where applicable in substantial compliance with the following:

- a. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time;
- b. Other guidelines/policies/plans adopted or approved by

resolution or ordinance by the City Commission.

- c. City of Miami Beach Design Guidelines as adopted by the Joint Design Review/Historic Preservation Board October 12, 1993 and Amended June 7, 1994.

ENDNOTES:

1. The term casino is a lexicon of the early 1900's and describes a building used for dancing and other entertainment, but not necessarily for gambling.
2. Kleinberg, Howard. Miami Beach. Miami Beach: A History. 1994 p. 22.
3. ibid. 27-28.
4. Redford, Billion Dollar Sandbar: A Biography of Miami Beach. p.94.
5. Kleinberg, Howard. Miami Beach. Miami Beach: A History. 1994. p. 29.
6. ibid. 29.
7. ibid. 31-32.
8. The Miami Herald, Mostly Sunny Days: A Miami Herald Salute to South Florida History. p.99.
9. George, Paul Dr. "Building a Place in the Sun: Miami Beach Jewry, 1913-1945." p.3.
10. Allman, TD. Miami: City of the Future. 1987. p.221.
11. Marcus, Arthur. "Ocean Beach Historic District." Historical Data Base Expansion Committee Report. p.1
12. Miami Design Preservation League, Miami Beach Art Deco Guide. 1987, p.6.
13. Marcus, Arthur. "Ocean Beach Historic District." Historical Data Base Expansion Committee Report. p.2.
14. Miami Design Preservation League, Miami Beach Art Deco Guide. 1987, p.30.
15. ibid. p.31.
16. Allman, TD. Miami: City of the Future. 1987. pp.113-114.
17. Kleinberg, Howard. Miami Beach: A History. 1994. pp.21-22.
18. Miami Design Preservation League, Miami Beach Art Deco Guide. 1987, p.179.
19. Kleinberg, Howard. Miami Beach: A History. 1994. p.87.
20. ibid. p. 93.
21. Marcus, Arthur. "Ocean Beach Historic District." Historical Data Base Expansion Committee Report. p.2.
22. Miami Design Preservation League, Miami Beach Art Deco Guide. 1987, p.181.
23. ibid. p.181
24. ibid. p.179.
25. ibid. p.179.
26. Marcus, Arthur. "Ocean Beach Historic District." Historical Data Base Expansion Committee Report. p.3.
27. Miami Design Preservation League, Miami Beach Art Deco Guide. 1987, p.181.
28. A contributing building is 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.
29. Metropolitan Dade County, From Wilderness to Metropolis, 2nd Edition, 1992, Metropolitan Dade County Office of Community Development Historic Preservation Division, p. 180
30. ibid. p.187.
31. Capitman, Barbara, Kinerk, Michael D. and Wilhelm, Dennis W., Rediscovering Art Deco U.S.A., A Nationwide Tour of Architectural Delights, 1994, New York, Viking Studio Books, p.2
32. Giles, Christine. An Essay on 65-75 Washington Avenue. A Garden Style Apartment Building Designed by Gerald Pitt in 1963. 1995.

## Tab 2

**Work Permit BC1704919**  
**Building - Commercial**

Status: Void Date: 6/10/2021

Site Address: 310 MERIDIAN AVE Applied: 08/07/2017

Parcel #: 0242030095190 Issued:

Expiration Date:

Total Job Value: \$710,000.00 PIN: 40485

Contractor: CARMEN MENDEZ  
1700 CONVENTION CENTER  
DRIVE MIAMI BEACH, FL

Owner: 310 MERIDIAN LLC C/O R.A  
ALVARO CASTILLO B., P.A.  
1390 BRICKELL AVE 200  
Miami, FL 33131

Description: Renovation and remodel of existing apartment bldg- interior and change of use to hotel.  
Complete interior renovation. Renovation of bathrooms and kitchens, new doors and  
windows. 18 doors, 54 windows.

Inspector Area: Class Code:

Statement of Work	Quantity	Total Fee
Permit 20% Initial Charge - Building	14,200.00	\$2,840.00
Permit 20% Initial Charge - Fire	4,970.00	\$994.00
Permit 20% Initial Charge - Planning	4,970.00	\$994.00
Total of All Fees:		\$4,828.00
Total of All Payments:		\$0.00
Balance Due:		\$4,828.00

## Tab 3

BC1704920

MIAMI BEACH

## Permit Application

## Building Department

1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139  
Office: 305.673.7610 Fax: 305.673.7857  
<http://www.miamibeachfl.gov/building/>

Applicant Information (Blue or Black Ink Only)			
Office Use Only		Parcel / Folio Number:	
Submittal Date: _____		02-4203-009-5190	
Permit #: _____			
Property Address	Unit #	Master Permit Number (If applicable)	Violation # (If applicable)
310 Mendenhall Ave			
Permit Type (select one)		Permit Request (select all that apply)	
<input checked="" type="checkbox"/> Building <input type="checkbox"/> Electrical <input type="checkbox"/> Mechanical <input type="checkbox"/> Plumbing <input type="checkbox"/> Roofing <input type="checkbox"/> Phased Permit <input type="checkbox"/> Demo Yr built _____ <input type="checkbox"/> Generator <input type="checkbox"/> Special Event <input type="checkbox"/> Fire		<input checked="" type="checkbox"/> New Permit <input type="checkbox"/> Change of Contractor <input type="checkbox"/> Change of Architect/Engineer <input type="checkbox"/> LEED <input type="checkbox"/> Permit Extension <input type="checkbox"/> Permit Renewal <input type="checkbox"/> Permit Revision <input type="checkbox"/> Change of Use <input type="checkbox"/> Private Provider <input type="checkbox"/> City Project	
Property Information (select one)		Occupancy Classification	
<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Residential: Single-Family Residential or Duplex			
Total Value		New Construction/Addition	
	Square Footage	Alteration/Reconfiguration of Space	
	Value of Work \$		
	8800 TPA		
Description of Work			
partial int. demo, renovation and remodel of existing apartment units to hotel suites. 18 doors, 54 windows CHANGE OF USE PATIO, kitchen + new doors + windows			
Property Owner		Contractor	
Name		Name	
Martin Urruela		Joseph Robert Ortega	
Address		Address	
1110 Brickell Ave		240 Galen drive Apt 304	
City		City	
State		State	
Zip Code		Zip Code	
200		FL 33149	
Driver's License/ State Identification Number		State Identification Number/License	
4640-560-86-370-0		CGC1524799	
E-Mail Address:		E-Mail Address	
martin@marelagroup.com		JO@preferredbuildersgroup.com	
Daytime phone		Daytime phone	
305-439-5299		305-401-9258	
Architect		Structural Engineer	
Name		Name	
Alfredo Ruiz		Youssef H. Hachem	
License Number		License Number	
AA26002760		No. 43302	
E-Mail Address		E-Mail Address	
alfredo@urbanrobot.net			
Daytime phone		Daytime phone	
786-246-4837		305-969-9423	
Notice & Certification			
<p>This application is hereby made to obtain a permit to do the work and installations as indicated. I certify that all work will be performed to meet the standards of all laws and construction regulations in this jurisdiction. I understand that a separate permit must be secured for Electrical, Elevator, Fire, Mechanical, Plumbing, Signs, Wells, Pools, Furnaces, Boilers, Heaters, Tanks, Air Conditioners, etc.</p> <p><b>Owner's Affidavit:</b> I certify that all the foregoing information is correct. Owner Certifies that the aforementioned Contractor has the authorization to perform the work as specified above.</p> <p><b>Lessee's Affidavit:</b> Lessee certifies that he has full consent and authorization from owner of subject property to perform the abovementioned work and to hire above captioned contractor.</p> <p>In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as the Environmental Division of Miami-Dade County; Permitting, Environment and Regulatory Affairs; Water &amp; Sewer Department; Department of Environmental Protection; South Florida Water Management District; Miami-Dade County Impact Fee water management districts; state agencies; and/or federal agencies.</p> <p>Under penalties of perjury, I declare that to the best of my knowledge, the facts stated in this document are true. Any information found to be false may cause the revocation and/or denial of the permit and/or Certificate of Occupancy.</p>			
OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of perjury, I declare that all the information contained in this permit application is true and correct.			
<input type="checkbox"/> Owner/Lessee for new permits (Documentation establishing ownership may be requested) <input type="checkbox"/> Master Permit Contractor of Record (For sub-permit change of contractor)			
<p><b>WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT IS REQUIRED FOR ANY WORK WITH COST EXCEEDING \$2500.00.</b></p>			
Signature of Owner or Owner's Agent		Signature of Qualifier	
MARTIN URRUELA		JOSEPH ORTEGA	
PRINT NAME: MARTIN URRUELA		PRINT NAME: JOSEPH ORTEGA	
STATE OF FLORIDA COUNTY MIAMI-DADE		STATE OF FLORIDA COUNTY MIAMI-DADE	
Sworn to and subscribed before me this 16TH day of MAY, 2018		Sworn to and subscribed before me this 16TH day of MAY, 2018	
by MARTIN URRUELA		by MARTIN URRUELA	
Signature of Notary Public		Signature of Notary Public	
Dennis Curran		Dennis Curran	
Print Name: DENNIS CURRAN		Print Name: DENNIS CURRAN	
(SEAL) Personally known or Produced Identification		(SEAL) Personally known or Produced Identification	
State of Florida-Notary Public Commission # GG 197988 My Commission Expires April 09, 2022		State of Florida-Notary Public Commission # GG 197988 My Commission Expires April 09, 2022	
Excellence Miami Beach			



## Detail by Entity Name

Florida Limited Liability Company  
310 MERIDIAN LLC

### Filing Information

**Document Number** L16000222756  
**FEI/EIN Number** 81-4721618  
**Date Filed** 12/08/2016  
**State** FL  
**Status** ACTIVE

### Principal Address

1390 BRICKELL AVE., STE. 200  
MIAMI, FL 33131

### Mailing Address

1390 BRICKELL AVE., STE. 200  
MIAMI, FL 33131

### Registered Agent Name & Address

ALVARO CASTILLO B., P.A.  
1390 BRICKELL AVE., STE. 200  
MIAMI, FL 33131

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

310 MERIDIAN MANAGER LLC  
1390 BRICKELL AVE., STE. 200  
MIAMI, FL 33131

### Annual Reports

<b>Report Year</b>	<b>Filed Date</b>
2017	03/22/2017

### Document Images

[03/22/2017 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[12/08/2016 -- Florida Limited Liability](#)

[View image in PDF format](#)



## Detail by Entity Name

Florida Limited Liability Company  
310 MERIDIAN MANAGER LLC

### Filing Information

<b>Document Number</b>	L16000220771
<b>FEI/EIN Number</b>	NONE
<b>Date Filed</b>	12/06/2016
<b>State</b>	FL
<b>Status</b>	ACTIVE

### Principal Address

C/O 1390 BRICKELL AVENUE, SUITE 200  
MIAMI, FL 33131

### Mailing Address

C/O 1390 BRICKELL AVENUE, SUITE 200  
MIAMI, FL 33131

### Registered Agent Name & Address

ALVARO CASTILLO B., P.A.  
C/O 1390 BRICKELL AVENUE, SUITE 200  
MIAMI, FL 33131

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

URREUELA, MARTIN  
C/O 1390 BRICKELL AVENUE, SUITE 200  
MIAMI, FL 33131

Title MGR

URREUELA, JUAN  
C/O 1390 BRICKELL AVENUE, SUITE 200  
MIAMI, FL 33131

### Annual Reports

**No Annual Reports Filed**

### Document Images

[12/06/2016 -- Florida Limited Liability](#) [View image in PDF format](#)

## Tab 4



Joseph I. Pardo  
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Main: (305) 358-1001  
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Facsimile: (305) 358-2001

July 26, 2021

**Via E-Mail**

Alina T. Hudak  
City Manager, City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
[CityManager@miamibeachfl.gov](mailto:CityManager@miamibeachfl.gov)

**Re: 310 Meridian Avenue Apartment-Hotel Conversion**

Dear Manager Hudak,

I write to you on behalf of several *South of Fifth* residents who have been directly and adversely impacted by the City's issuance of Building Permit (No. BC1704920) approving the conversion of an abandoned non-conforming apartment building located at 310 Meridian Avenue into an apartment-hotel (the "Project"). For the reasons set forth below, the Building Permit should not have been issued and must be rescinded.

**THE PROPERTY & THE PROJECT PLANS**

The subject property is located at 310 Meridian Avenue and is a contributing historic two-story property located *South of Fifth* in the R-PS2 zoning district and in the City's Ocean Beach Historic District (the "Subject Property"). Until it was abandoned several years ago, the Subject Property was a residential apartment building. The proposed plans for conversion of the Subject Property (the "Project Plans") call for a gut renovation of the entire building both inside and out as well as the overall redevelopment and change of use of the property into a 16 unit "apartment-hotel." As shown in the photos below, the demolition of the Subject Property is extensive and well underway:



Inevitably, the Subject Property will be used for transient Short Term Rentals (“STR”).

### CITY OVERSIGHT

We have identified, at a minimum, three (3) significant errors made by Staff in granting the Building Permit (which includes a demolition permit) for the Project:

#### 1. The City Wrongfully Waived the Certificate of Appropriateness Requirement

Pursuant to the City Code, a Certificate of Appropriateness “shall be required prior to the issuance of any permit for new construction, demolition, alteration, rehabilitation, renovation, restoration, signage or any other physical modification affecting any building, structure, improvement, landscape feature, public interior or site . . . located within an historic district[.]”<sup>1</sup> A *Certificate of Appropriateness* is “a certificate issued by the historic preservation board indicating that new construction, alteration or demolition of an historic structure or an improvement within an historic district is in accordance with chapter 118, article X of this Code.”<sup>2</sup>

With respect to the Subject Property, the following facts are undisputed:

- The conversion of the Subject Property involves substantial alterations to a contributing historic structure within a historic district;
- City Code requires a Certificate of Appropriateness (“COA”) prior to permit issuance;
- the Historic Preservation Board neither reviewed the Project Plans nor issued a COA for the Project;

We understand that your Staff maintains that the Planning Department reviewed the Project Plans and that the mere issuance of the Building Permit to the permit applicant served as a *de facto* COA.<sup>3</sup> As explained below, Staff is wrong and misguided for several reasons.

---

1 § 118-561, City Code.

2 § 114-1, City Code.

3 In contrast, the correct process is reflected by the following two projects on the same block as the Subject Property, both of which submitted applications for Certificate of Appropriateness which were recently heard at a July 13, 2021 Historic Preservation Meeting:

HBP21-0465 – 360 Meridian Avenue. A Certificate of Appropriateness for the modification of a single north-facing façade of a *non-contributing* multi-family building in an historic district. City Staff (Ms. Deborah Tackett) explained at the HPB meeting that this “very minor” application would convert the property’s windows to sliding glass doors. The change would be “almost imperceivable . . . from the pedestrian point of view.”

HPB21-0462 – 326 Meridian Avenue. A Certificate of Appropriateness for the partial demolition of an accessory structure on this contributing historic property. Ms. Tackett highlighted the adaptive reuse of this historic property, which only included “some demolition” to the accessory structure.

Comparing the work contemplated in these two (relatively minor) COA applications to the Subject Property’s Project Plans (very significant redevelopment) clearly demonstrates that the work at the Subject Property, a complete gut

First: Section 118-561 of the Code mandates that a COA “shall be required *prior to* the issuance of any permit” for construction, demolition, or renovation of structures located within a historic district

*. . . which did not occur.*

Second: Section 118-562 of the Code mandates that a COA application “shall be on a form provided by the planning department”

*. . . which did not occur.*

Third: Section 118-562 provides that COA applications must contain certain information and exhibits which “are needed to allow for complete evaluation” of the COA application

*. . . which did not occur.*

Fourth: Section 118-564(d) provides that an approved COA “shall be in written form and attached to the site plan and/or the schematics submitted as part of the applications.” A copy of such COA “shall be kept on file with the board and shall be transmitted to the building official”<sup>4</sup>

*. . . but no such record exists.*

Fifth: Section 118-562(a) provides that copies of all filed COA applications “shall be made available for inspection by the general public.”

*. . . yet no such record was produced.*

The process of approving the Building Permit and calling it a Certificate of Appropriateness (instead of a separate and distinct review of a comprehensive COA application) is contrary to the plain language of the City Code, and is an apparent attempt by Staff to “sweep under the rug” its failure to critically evaluate the Subject Property for compliance with the City’s Land Development Regulations. In effect, the City improperly waived its own Code requirement of an application for, and subsequent approval of, a COA. Because a COA was not validly approved *prior to* the issuance of the Building Permit, the Building Permit must be rescinded.

## **2. The Subject Property Must Conform to Current Land Development Regulations**

The Code provides a mechanism for bringing non-conforming buildings into compliance with current Land Development Regulations. Specifically, nonconforming buildings which are repaired or rehabilitated by less than 50% of the value of the building (as determined by the building official) are subject to less stringent standards than those nonconforming buildings which are repaired or rehabilitated by more than 50% of the value of the building.<sup>5</sup> “The intent [of the

---

renovation and redevelopment of a contributing historic property, should have required an appropriate COA application and appearance before the Historic Preservation Board for a public hearing.

<sup>4</sup> §118-564, City Code.

<sup>5</sup> §118-395(b), City Code.

nonconformance provisions] is to encourage nonconformities to *ultimately be brought into compliance* with current regulations.”<sup>6</sup> The Florida Building Code utilizes the same 50% threshold to determine whether an existing building must be brought into compliance with the current Building Code.<sup>7</sup>

Pursuant to the Building Code, the Building Official is responsible for setting the final valuation for a permit.<sup>8</sup> This valuation is determinative not only of the permit fees, but also (with respect to the requirements under both the City Code and the Building Code) applicable to repair and rehabilitation of nonconforming buildings.

On its face, the Project’s permit application contemplates a “value of work” of \$710,000; supporting documentation submitted to the City during the permit approval process includes an appraisal<sup>9</sup> dated January 24, 2018 that valued the existing improvements at \$1,460,000. A simple review of the Project Plans reveals that the work contemplated includes, among other things, complete interior demolition and replacement, replacement of all HVAC, plumbing, windows, and doors, floors and interior finishes, in addition to installation of life safety systems including fire alarms and sprinklers. It is inconceivable that this work can be performed for less than \$730,000 (i.e., under the 50% threshold).

All of this assumes that the appraisal provided by the applicant was valid and accurate, rather than a fraudulent submission to the City in attempt to remain under the 50% threshold. Tellingly, in 2020 the Miami-Dade County Property Appraiser valued the improvements at \$902,000, *substantially lower* than the appraised valuation provided to the City. Then, within nine months from the date the Building Permit was issued, the applicant filed a petition contesting the Property Appraiser’s valuation, contending that \$902,000 was *still too high* a value for the existing improvements. Based on the evidence presented and testimony provided at the Value Adjustment Board hearing, the Special Magistrate agreed with the applicant and issued a decision recommending the valuation of the improvements be reduced to \$365,563.00.<sup>10</sup>

The Building Permit, as issued December 16, 2019, reflects the same “value of work” (\$710,000) on the permit application, and the Building Official apparently accepted both this value of work and the value of the existing improvements without any further inquiry, effectively waiving the requirements for bringing the Subject Property into conformance with the Code.

It is the responsibility of the Building Official to critically review and establish the value not only of proposed work but also of the existing building, and ultimately determine whether a repair or

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<sup>6</sup> §118-390(a), City Code (emphasis added).

<sup>7</sup> The Florida Building Code uses the same 50% threshold to determine whether construction on an existing building constitutes “substantial improvement.” §202, Florida Building Code 2017 (“Substantial Improvement. Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started.”).

<sup>8</sup> §109.3, Florida Building Code, 2017.

<sup>9</sup> The appraisal itself is questionable, as explained below.

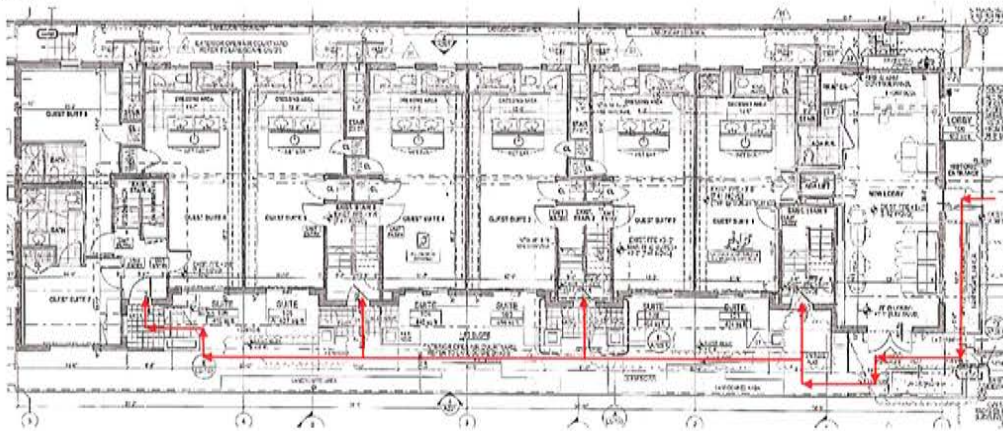
<sup>10</sup> See Recommendation of Special Magistrate.



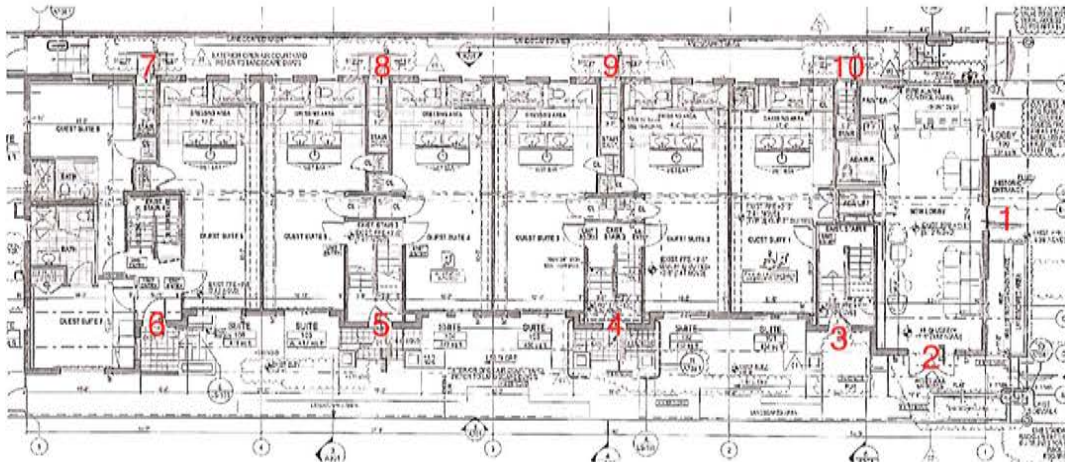
rehabilitation is in excess of 50% of the value of the building. Whether through error on the part of the Building Official, or an abuse of discretion, it appears this critical review never took place. The Building Permit must be rescinded so that review can occur.

### 3. City Staff Approved a Hotel Where Such Use is Prohibited

Hotels are not permitted in the City's R-PS2 zoning district.<sup>11</sup> "Apartment hotels" are permitted, and are defined under the City Code as "having an inner lobby through which **all tenants must pass to gain access.**"<sup>12</sup> Despite this requirement, the Project Plans plainly show that **only** "Guest Suite 1" is accessible from the proposed lobby and that tenants of all units *may bypass the lobby altogether*:



In fact, the Project Plans contemplate not one, but *ten separate entrances to the building*:



As provided by the City Code, "no use is permitted on a parcel . . . unless it can be located on such parcel in full compliance with all of the performance standards and other requirements of these

<sup>11</sup> §142-693, City Code.

<sup>12</sup> §114-1, City Code (emphasis added). This requirement stands in stark contrast to a "hotel" and a "suite hotel" where "ingress or egress *may or may not be through a common lobby*." §114-1, City Code (emphasis added). Notably, hotels and suite hotels are not permitted in R-PS2. §142-693(a), City Code.

land development regulations applicable to the specific use and parcel in question.<sup>13</sup> By definition, the Project does not conform to the City Code; the Project Plans do not contemplate an Apartment Hotel, as defined in the Code, they contemplate a Hotel – a use which is strictly prohibited in the R-PS2 zoning district.<sup>14</sup> Nevertheless, Staff approved the Project Plans and issued the Building Permit. Accordingly, the Building Permit must be rescinded.

### **ENFORCEMENT & REVOCATION**

The Land Development Regulations of the City of Miami Beach “shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare.”<sup>15</sup> It is the duty of the administration to enforce the provisions of these Land Development Regulations and to refuse to approve any permit for any building or for the use of any premises, which would violate any of the provisions of these Land Development Regulations.<sup>16</sup> Further, it is public policy of the City of Miami Beach to preserve historic properties located in the City.<sup>17</sup>

As explained above, the Project Plans were mistakenly approved due to clear oversights by City Staff.

The City Code contemplates such shortcomings. The Building Official is vested with the authority to stop work on projects which violate these Land Development Regulations.<sup>18</sup> The Code provides that any property owner who makes an alteration to an historic property or property located in an historic district without a certificate of appropriateness “must make application to the historic preservation board . . . prior to any further work taking place on site.” *See* § 118-533, City Code (emphasis added). The Historic Preservation Board, in turn, “shall determine whether the property shall be returned to its condition during the period of historic significance prior to the alteration.” *Id.* (emphasis added). Because a Certificate of Appropriateness was not validly issued, the plain language of Section 118-533 makes clear that these obligations of the Owner and the City are mandatory.

I urge you to critically review the enclosed Project Plans (including the photos of work in progress at the Subject Property) and take immediate action to prevent any further work that does not fully comport with City Code, the Land Development Regulations, and the City’s policy objective of preserving historic properties.

\*

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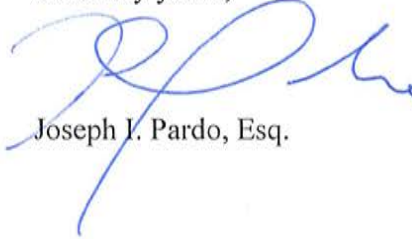
13 §142-692, City Code.  
14 §142-693, City Code.  
15 §114-2(b), City Code.  
16 §114-7(a), City Code.  
17 *See* § 118-501, City Code.  
18 §114-2(d), City Code.



Letter to City Manager Alina Hudak  
July 26, 2021  
page 7

If you have any questions for which I can be of assistance, please contact me at your convenience.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'JP', with a long horizontal stroke extending to the right.

Joseph I. Pardo, Esq.

Encls.  
Recommendation of Special Magistrate

Cc (via e-mail):

Thomas Mooney, Planning Director ([ThomasMooney@miamibeachfl.gov](mailto:ThomasMooney@miamibeachfl.gov))  
Ana Salgueiro, Building Official ([AnaSalgueiro@miamibeachfl.gov](mailto:AnaSalgueiro@miamibeachfl.gov))  
Deborah Tackett, Historic Preservation Chief ([DeborahTackett@miamibeachfl.gov](mailto:DeborahTackett@miamibeachfl.gov))  
Jack Finglass, Chair of the Historic Preservation Board ([JackFing@msn.com](mailto:JackFing@msn.com))  
Rafael A. Paz, Chief Deputy City Attorney ([RafaelPaz@miamibeachfl.gov](mailto:RafaelPaz@miamibeachfl.gov))  
Nicholas Kallergis, First Assistant City Attorney ([NickKallergis@miamibeachfl.gov](mailto:NickKallergis@miamibeachfl.gov))  
Mayor Dan Gelber ([DanGelber@miamibeachfl.gov](mailto:DanGelber@miamibeachfl.gov))  
Commissioner Micky Steinberg ([MickySteinberg@miamibeachfl.gov](mailto:MickySteinberg@miamibeachfl.gov))  
Commissioner Mark Samuelian ([MarkSamuelian@miamibeachfl.gov](mailto:MarkSamuelian@miamibeachfl.gov))  
Commissioner Michael Góngora ([Michael@miamibeachfl.gov](mailto:Michael@miamibeachfl.gov))  
Commissioner Steven Meiner ([stevenmeiner@miamibeachfl.gov](mailto:stevenmeiner@miamibeachfl.gov))  
Commissioner Ricky Arriola ([RickyArriola@miamibeachfl.gov](mailto:RickyArriola@miamibeachfl.gov))  
Commissioner David Richardson ([DavidRichardson@miamibeachfl.gov](mailto:DavidRichardson@miamibeachfl.gov))



# DECISION OF THE VALUE ADJUSTMENT BOARD VALUE PETITION

DR-485V  
R. 01/ 17  
Rule 12D-16.0 02  
F.A.C.  
Eff. 01/17

County

The actions below were taken on your petition.

☐ These actions are a recommendation only, not final ☐ These actions are a final decision of the VAB  
If you are not satisfied after you are notified of the final decision of the VAB, you have the right to file a lawsuit in circuit court to further contest your assessment. (See sections 193.155(8)(l), 194.036, 194.171(2), 196.151, and 197.2425, Florida Statutes.)

Petition #

Parcel ID

Petitioner name

Property  
address

The petitioner is: ☐ taxpayer of record ☐ taxpayer's agent  
☐ other, explain:

**Decision Summary** ☐ Denied your petition ☐ Granted your petition ☐ Granted your petition in part

Value Lines 1 and 4 must be completed	Value from TRIM Notice	Before Board Action Value presented by property appraiser Rule 12D-9.025(10), F.A.C.	After Board Action
1. Just value, required			
2. Assessed or classified use value,* if applicable			
3. Exempt value,* enter "0" if none			
4. Taxable value,* required			

\*All values entered should be county taxable values. School and other taxing authority values may differ. (Section 196.031(7), F.S.)

## Reasons for Decision

Fill-in fields will expand or add pages, as needed.

Findings of Fact

Conclusions of Law

☐ **Recommended Decision of Special Magistrate** Finding and conclusions above are recommendations.

Signature, special magistrate

Print name

Date

Signature, VAB clerk or special representative

Print name

Date

If this is a recommended decision, the board will consider the recommended decision on \_\_\_\_\_ at \_\_\_\_\_  
Address

If the line above is blank, the board does not yet know the date, time, and place when the recommended decision will be considered. To find the information, please call \_\_\_\_\_ or visit our web site at \_\_\_\_\_

☐ **Final Decision of the Value Adjustment Board**

Signature, chair, value adjustment board

Print name

Date of decision

Signature, VAB clerk or representative

Print name

Date mailed to parties

**Findings of Fact for Petition 2020-20240:**

subject is a parcel of 7,000 sf improved with 17 units of 7,013 sf built in 1940. pa land sales are not adequate. improved sales are from different area. tp presented proforma income indicating little building contribution to land. pa proforma rent estimate is high.

Land Value: Before \$1,470,000.00, After \$1,470,000.00

Building Value: Before \$902,000.00, After \$365,563.00

Extra Value: Before \$0.00, After \$0.00

## **Tab 5**

LTC No. **381-2021**

## LETTER TO COMMISSION

**TO:** Mayor Dan Gelber  
Members of the City Commission

**FROM:** Rafael A. Paz, Acting City Attorney  
Alina T. Hudak, City Manager



**DATE:** September 14, 2021

**SUBJECT:** Apartment Hotels  
310 Meridian Avenue  
226 Jefferson Avenue  
333 Jefferson Avenue

---

At the request of several members of the City Commission, this Letter to Commission ("LTC") has been drafted to address the inquiries the Mayor and City Commission, and City staff, have received from the public in connection with active permits to renovate and/or remodel existing apartment hotels in the South of Fifth Street neighborhood for the following addresses: 310 Meridian Avenue, 226 Jefferson Avenue, and 333 Jefferson Avenue. With respect to the specific questions submitted by the public, this LTC includes information that is both responsive and relevant to those questions and the City Commission's consideration of all of the pertinent issues.

### **A. Background – Apartment Hotels**

Apartment hotels were included in the LDRs some years ago to better identify buildings that had a balanced mix of apartment and hotel units. When areas of the City were more seasonal in nature, these types of buildings were popular as some of the units would be occupied during the late fall, winter and early spring months, by seasonal visitors. In the past, apartment hotel uses have provided options for older, historically significant buildings to be renovated, preserved and restored. Apartment Hotels are defined as follows under Sec. 114-1 of the City Code:

*Apartment hotel means a building containing a combination of suite hotel unit, apartment units and hotel units, under resident supervision, and having an inner lobby through which all tenants must pass to gain access. An apartment hotel must contain at least one unit apartment.*

Recently, on August 18, 2021, the Planning Board transmitted a proposed Ordinance to the City Commission with a favorable recommendation to prohibit apartment hotel uses in the R-PS1 and R-PS2 zoning districts. As such, zoning in progress has been initiated, **and no new building permit application may be accepted, and no new permit may be issued, for any apartment hotel use in these districts.**

The property at 226 Jefferson Avenue is located within the R-PS1 Zoning District, and the properties at 310 Meridian Avenue and 333 Jefferson Avenue are located within the R-PS2 Zoning District. Additionally, 310 Meridian Avenue and 333 Jefferson Avenue fall within the boundaries of the Ocean Beach Local Historic District and both structures on these properties are classified as contributing.

Under the current requirements of the Land Development Regulations (LDRs) of the City Code, hotels, suite hotels, and the short-term rental of residential apartment units are prohibited in the R-PS1 and R-PS2 districts. However, until August 18, 2021, as detailed above, apartment hotels were permitted in these zoning districts.

#### **B. The Office of the Inspector General's Independent Review of this Matter**

In response to the public's request for an independent investigation of the permitting/approval process for the subject properties, the Mayor referred this matter to the Office of Inspector General, which has opened an investigation.

**This LTC confirms that the Inspector General is conducting a full independent review of this matter, as requested by hundreds of members of the public in communications to the City.** Under the City Charter, the Inspector General is expressly charged with investigating any matter involving any issue related to the performance of any City employee's duties, and has full authority to review and investigate any complaint submitted by any member of the public. The Inspector General is currently interviewing City personnel in connection with the issuance of the respective Building Permits, including the Planning Department's review of the construction documents in connection with its review and approval for a Certificate of Appropriateness in accordance with Section 118-563 of the City Code.

#### **C. City of Miami Beach Regulatory Officials Acting in their Regulatory Capacities (Semi-Autonomous Personnel)**

##### **1. Summary.**

The City's review of building permit applications is a regulatory function that requires an objective application of the Florida Building Code and the City's LDRs. The relevant city officials who are charged with this function as it relates to apartment hotels are the Building Official and the Planning Director, who act in their regulatory capacities as semi-autonomous personnel when they execute these functions. Neither the Mayor, the City Commission, the City Manager, nor the City Attorney have the legal authority to countermand the determinations of these semi-autonomous personnel. This has been the official opinion of the City Attorney's Office since at least 1993. See City Attorney Opinion dated December 6, 1993, attached as Exhibit A. We discuss the authority of each of these individuals and entities immediately below.



**2. The Building Official is the Only Official who may Administer Building Regulations.**

The Building Official is the only city official empowered to administer and execute building regulations under the Florida Building Code, which has been expressly adopted as the building code of the City in City Code Section 14-401. More specifically, pursuant to Section 468.604(1) of the Florida Statutes:

It is the responsibility of the Building Official to administer, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code. **The Building Official shall faithfully perform these responsibilities without interference from any person.** (Emphasis added).

As a general matter, the Building Official's interpretation and enforcement of the Florida Building Code, as it is relevant here, is subject to review by the Board of Rules and Appeals. See Miami-Dade County Code Section 8-4(a).

**3. The Planning Director is the Only Official who may Administer the Land Development Regulations.**

Similarly, pursuant to Article I, Section 2 of the City's Related Special Acts and Chapter 114 of the City's LDRs, the Planning Director is the only city official empowered to administer and interpret zoning regulations. Generally, the Planning Director's interpretation of the City's LDRs may only be reviewed by the City's Board of Adjustment.

These officials' regulatory decisions are of a semi-autonomous nature inasmuch as the exclusive right of review is pursuant to appeal to administrative boards and, if needed, subsequent court review.

**4. The City Commission Does Not Have Authority to Direct the Outcome of Decisions by the Building Official or the Planning Director.**

Under the City Charter, the powers of the City Commission are enumerated in §2.03, the powers of the Mayor are enumerated in §2.06, and the powers of the City Manager are enumerated in §4.02. Neither the City Charter nor the City Code grant express power to the Mayor, City Commission or the City Manager to direct the outcome of administrative determinations made by the City's regulatory officials, namely the Building Official, the Planning Director (and, not relevant here, the Fire Chief). Rather, the review of such decisions by regulatory officials acting in their regulatory capacities is subject to administrative remedies and/or an appellate review process.

**Neither the City Code nor Charter recognize any procedure for the City Commission, or any City official, to reverse a regulatory approval of the Building Official or Planning Director.**

Inasmuch as neither the City Charter nor City Code expressly grants the City Commission or City Manager the power to review such regulatory decisions, and in view of the clear limitations on review of these decisions, review by the applicable administrative bodies (and subsequent rights of judicial review in the courts) is the exclusive procedure for review of these determinations.

For all these reasons, under Florida, County, and City law, neither the Mayor, City Commission nor City Manager (nor, for that matter, the City Attorney) have the authority to direct the determination of administrative interpretations or decisions of a regulatory or semi-autonomous nature made by either the Building Official or the Planning Director in the performance of their duties.

Notwithstanding the foregoing, as set forth more fully below in Section E, the City Commission, in its legislative capacity, may consider a wide variety of measures to prospectively address the concerns relating to the foregoing issues, including, but not limited to, the quality-of-life concerns expressed by many residents.

#### **D. The Building Permits for the subject properties**

As set forth above, the Building Official is charged with enforcement of the Florida Building Code and Florida Statutes, Chapter 553. The process for obtaining (and revoking) a building permit begins and ends with the Building Department (subject to the administrative or judicial review noted above). As part of the process, review and approval by the City's Planning Department is required, and that review and approval was performed here.

**Once a building permit is issued, the property owner who has relied upon an issued permit is entitled to rely on the City's regulatory approval.** *Sakolsky v. City of Coral Gables, 151 So.2d 433 (1963)* (municipality was precluded under doctrine of equitable estoppel from rescinding permit, even though holder might have had reason to believe that municipality's official mind might be changed by municipal election and political controversy regarding high rise zoning, where holder materially changed his position and incurred substantial expense in reliance on permit which had been intentionally and lawfully issued by proper municipal officers).

The Building Official's ability to lawfully revoke an issued building permit is extremely limited, as set forth in Section 105.6 of the Florida Building Code, which provides as follows:



**105.6 Denial or revocation.** Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the *Florida Building Code*, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency.

(Emphasis added).

The specific questions raised by members of the public and commissioners, and our analysis of the underlying issues, is set forth below.

#### **1. Questions Relating to the Property Value and Permit Job Value**

Some residents and commissioners have raised questions regarding the City's method of calculating value for purposes of applying "the FEMA 50% rule."

The so called "FEMA 50% Rule" is required by the NFIP (National Flood Insurance Program), FEMA's flood insurance program, which provides affordable flood insurance to property owners.

For instance, if a community needs federally backed flood insurance to be made available to its citizens, then they must adopt and enforce the rules as required by the NFIP. The City of Miami Beach has adopted the NFIP rules, including the FEMA 50% rule, in City Code Sections 54-37("Basis for establishing the areas of special flood hazard") and 54-48(1)(a)("Specific Standards [for Residential Construction]")

The FEMA 50% rule applies to any home or building where the lowest floor is below the 100-year flood elevation. In residential properties, only parking, building access and limited, incidental storage are allowed below the flood level.

If an improvement to an existing structure costs more than 50% of the original structure's current value ("substantial improvement"), it must be brought into compliance with the flood damage prevention regulations, in order to be insured. This includes elevating the building to, or above, the 100-year flood elevation.

The building department, for purposes of analyzing the FEMA 50% rule when reviewing

a building permit application, relies on the FEMA "Actual Cash Value" (ACV) formula, which is the cost to replace a building on the same parcel with a new building of like-kind and quality, minus depreciation due to age, use, and neglect. The Building Department has routinely relied on certified independent third-party appraisals and cannot impose a different standard for review of valuation after a permit has already been issued. Indeed, the property owner is allowed by City Code to decide whether to use the county tax value or the appraised value. See City Code Section 54-35 (Definition of market value). However, due to the age of older buildings and the depreciation used by the county, as well as the higher land values of older buildings, in some cases the county assessed value is quite low and using the county figure would cause the 50% rule to come into play with even minor repairs and property improvements such as installing impact windows or a new roof. For that reason, the ACV formula has traditionally been employed by the Building Department.

The building department is audited by CRS every 3 years as well as FEMA or State Flood Plane Management Office every 5 years. These audits include a review of construction documents, which includes the appraisal values.

Applying the ACV formula, the construction cost ratios are as follows for the permits at issue:

Property Address	Permit #	Building Market Value	Construction Cost	Construction Cost Ratio
310 Meridian Ave	BC1704920	\$1,460,000.00	\$710,000.00	48.63%
226 Jefferson Ave	BC1910387	\$218,972.00	\$81,500.00	37%
333, 337, 343, 345 Jefferson Ave. This property has 4 detached structures.				
333 Jefferson Ave	BC1704595	\$702,831.00	\$173,484.00	25%
337 Jefferson Ave	BC1704595	\$513,893.00	\$173,484.00	34%
343 Jefferson Ave	BC1704595	\$539,053.00	\$128,020.00	24%
345 Jefferson Ave	BC1704595	\$560,560.00	\$173,484.00	31%

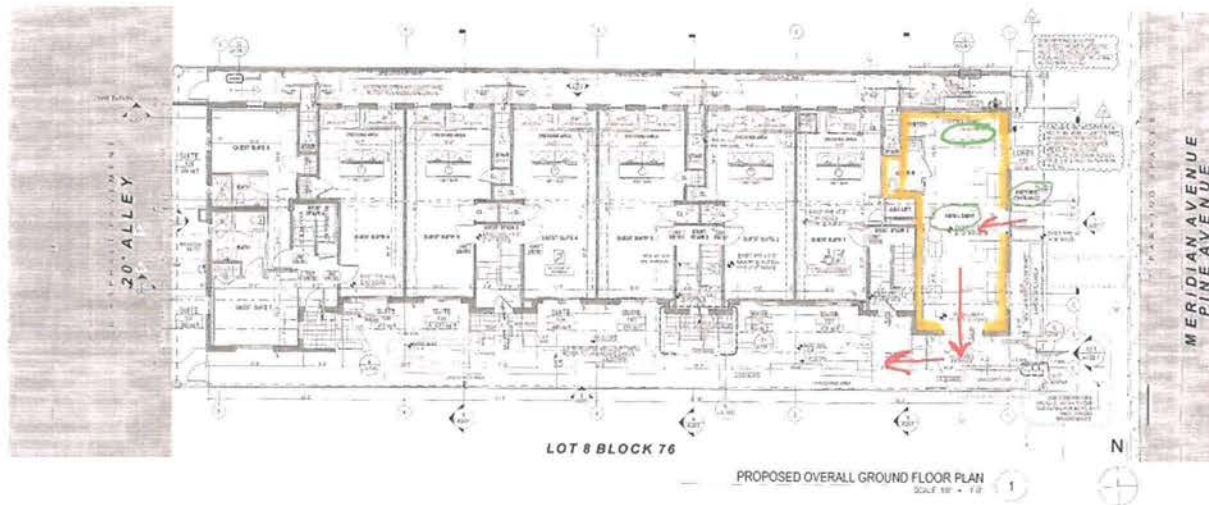
**Should the City Commission desire to enact Planning and Zoning related legislation with additional requirements for review of property values, it may certainly do so.**

## 2. Questions Relating to Whether the Plans For Each Property Included a Ground Floor Lobby

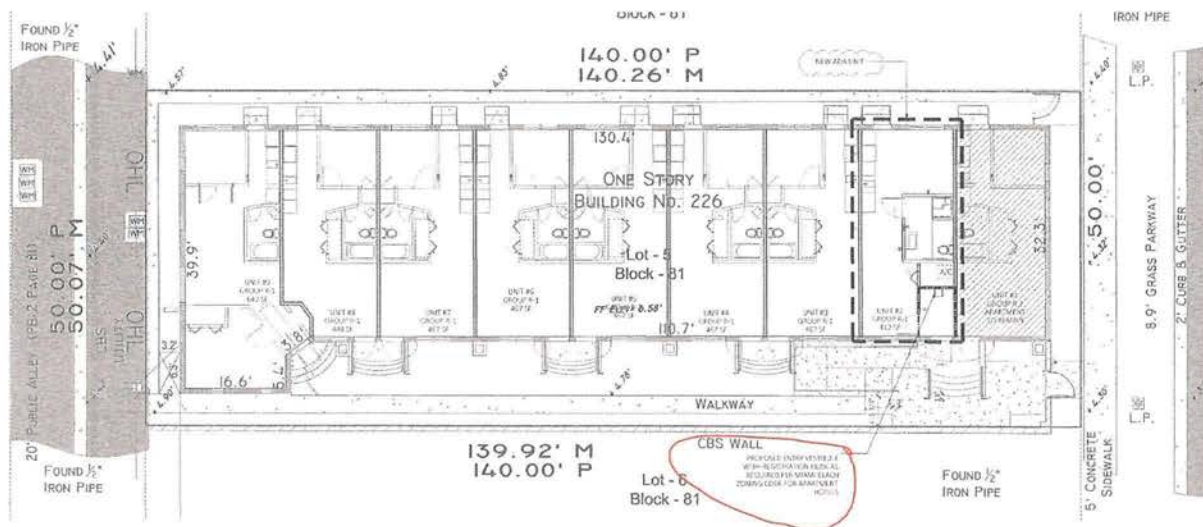
Additionally, there have been questions and concerns about whether a lobby is required in each Project. Staff reviewed each Project and has determined that all units are accessed through a lobby which is consistent with the requirements in the LDRs.

The permitted lobby plans for each of the subject properties are as follows, and highlighted below:

### 310 Meridian Avenue - lobby floor plan

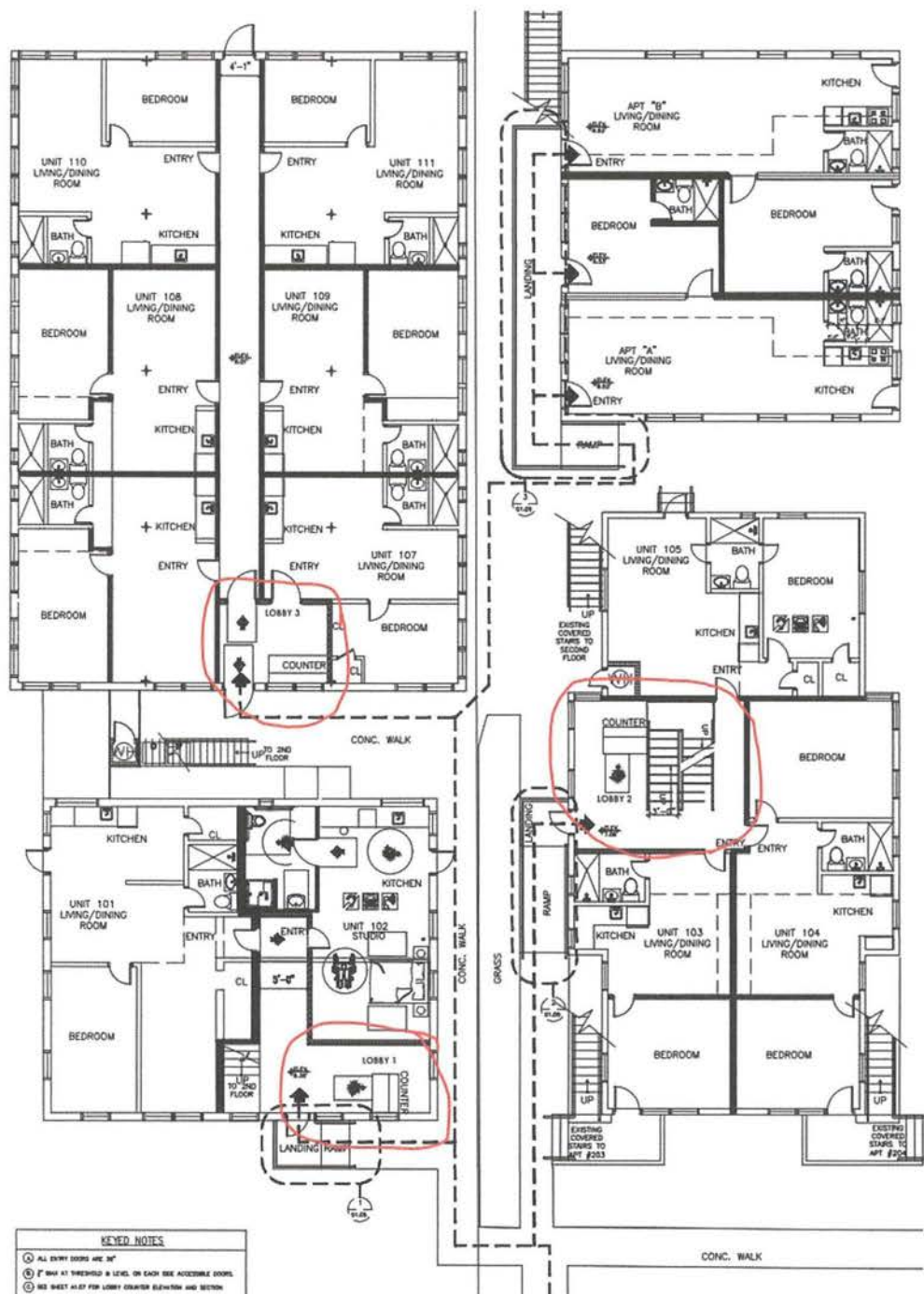


### 226 Jefferson Avenue - lobby floor plan





### 333 Jefferson Avenue - lobby floor plan



07.

A

B

C

D

E

Based on the foregoing, and given the very exacting standard for revocation of a building permit under the law, the City Attorney's opinion is that the Building Official is acting well within the scope of her regulatory authority in concluding that the circumstances relating to 310 Meridian, 226 Jefferson Avenue, or 333 Jefferson Avenue do not warrant the revocation of the issued permits, or the issuance of a stop work order, based on the specific matters outlined above. However, these active construction sites are being monitored by the Building Department to ensure that the work being performed does not exceed the scope of the approved permits.

### **3. Questions Concerning Certificate of Appropriateness Review and Approval.**

As part of the Planning Department's review of building permit applications, the approval of a Certificate of Appropriateness is required in connection with any modification to a building or structure (the "Project") that is located in a designated historic district. Depending on the scope of work proposed, a Certificate of Appropriateness may be approved either by the Historic Preservation Board ("HPB") or by staff. The HPB's jurisdiction is limited to the exterior components of the building or structure and public interior spaces. Interior non-public spaces are not within the HPB's jurisdiction. If HPB review is required, then a full set of schematic design plans is presented to the HPB and the resulting approval serves as the Certificate of Appropriateness for the Project. If the Project involves work that, pursuant to the requirements in section 118-563(d) of the City Code, can be approved administratively, for a staff-level Certificate of Appropriateness, the approved building permit, which was reviewed and signed off by the Planning Department, serves as the Certificate of Appropriateness. The Planning Department's sign-off is the final confirmation that an application satisfies the Certificate of Appropriateness criteria in section 118-564 of the City Code, and all other requirements of the City's Land Development Regulations.

Members of the public have asked whether, for staff-level Certificates of Appropriateness, a separate application form is required. The City's longstanding practice has been to streamline applications for building permits and staff-level Certificates of Appropriateness by permitting applicants to:

- (i) submit **one** application that satisfies both the Building and Planning Departments' requirements, with that application including all of the information required for the certificate of appropriateness criteria to be reviewed by Planning Staff; and
- (ii) obtain **one** approval—a building permit—which evidences approval by the Building Department, Planning Department (including, if applicable, a staff-level Certificate of Appropriateness), and any other department whose review of a particular application may be required.

Importantly, based on the application process the City has in place, a substantive certificate of appropriateness review is conducted with every application, and was in fact conducted with respect to the three subject properties, as the underlying information is contained in the applicant's plans.

**E. Legislative Options for the City Commission's Consideration at its September 17, 2021 Meeting.**

In light of the Planning Board's transmittal to the City Commission of the Ordinance prohibiting apartment hotels in the R-PS1 and R-PS2 districts, **Zoning in Progress is in effect and no new application for any apartment hotel in these districts may be accepted. First Reading by the City Commission is scheduled for September 17, 2021.**

If the Ordinance is adopted following two readings by the City Commission, apartment hotels will be prohibited in R-PS1 and R-PS2, and any existing apartment hotels that were legally established would be deemed "legal non-conforming."

In addition, a discussion item has been placed on the September 17, 2021 City Commission meeting agenda regarding strategies for addressing quality-of-life issues with existing and potential future apartment hotels in the RPS-1 and RPS-2 districts:

- Exploring modest and context sensitive incentives to encourage the re-conversion of buildings to residential apartment uses, such as height or other incentives.
- Developing a comprehensive strategy to address negative behaviors in the R-PS1 and R-PS2 districts. Police, Code and Parking would need to participate in this discussion.
- Implementing a strategy to address cut-thru traffic, speeding and reckless driving. This would include a combination of traffic calming measures, as well as enforcement.

Once the Inspector General has concluded his independent review, the City Commission may also want to discuss any recommendations the Inspector General may provide, as it considers how to build on the City's current building permit review process prospectively.

If there are any additional questions or new issues raised, both the Administration and City Attorney's Office are committed to reviewing any such questions objectively, in an effort to provide the City Commission with our collective recommendations and best advice.

RAP/SHR/NK/ag

CITY OF MIAMI BEACH

TO: LAURENCE FEINGOLD  
CITY ATTORNEY

FROM: JEAN OLIN  
FIRST ASSISTANT CITY ATTORNEY

SUBJECT: REVIEW OF SEMI-AUTONOMOUS DECISIONS MADE BY CITY  
EMPLOYEES

DATE: DECEMBER 6, 1993

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Pursuant to Mayor Gelber's request, I have researched the issue of whether in Miami Beach's form of government it is appropriate for determinations of a semi-autonomous nature made by certain City employees to be subject to direction of the City Administration and/or elected officials. As is explained more fully below, such direction is outside the powers of the City Manager and/or elected officials.

The power of review over decisions made by certain City employees is established in the City Charter and Code. The constitutional doctrine of separation of powers into the legislative, executive and judicial branches of government concerns the administration of certain laws by municipal corporations, except as qualified or limited by particular provisions of applicable laws including the Charter and Code. Therefore, the Commission and City Manager may perform and are required to perform those duties as are prescribed in the City's laws or as made applicable by legislative act or which may be implied, or which are indispensable to enable the municipal corporation to perform the purposes of its creation. McQuillin's on Municipal Law, §12.126.

Under the Miami Beach City Charter, the City Commission's powers are as follows:

All powers of the City shall be vested in the City Commission except those powers specifically given to the Mayor, the City Manager, and to the City Attorney, as provided in this Charter and except those powers specifically reserved in this Charter to the electors of the City. Moreover, the City Commission shall have all powers and privileges not inconsistent herewith, granted to the City Commission of cities and towns by the general laws of the State of Florida, and



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CITY ATTORNEY  
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shall have power to do and perform all things necessary for the government of the City not inconsistent with the Constitution of the State of Florida, the Constitution and laws of the United States, and the terms and provisions of this Charter.

Miami Beach City Charter, §2.03, "Powers of the City Commission."

The Mayor shall be the presiding officer at the meetings of the Commission and shall bear the title of Mayor and shall have a voice and a vote in the proceedings of the City Commission but no veto power, and he/she may use the title of Mayor in any case in which the execution of legal instruments in writing or other necessity arising from the general laws of the state so requires; he/she shall sign all deeds, contracts, bonds or other instruments of writing to the which the City is a party when authorized to do so by ordinance or resolution of the City Commission, but he/she shall not have the administrative or judicial functions and powers of the Mayor under the general laws of the state.

Miami Beach City Charter, §2.06, "Duties of Elected Mayor."  
The City Charter also provides that the City Manager ...

shall be the chief executive officer and head of the administrative branch of the city government. Except as specifically provided otherwise in this Charter, the City Manager shall be responsible to the City Commission for the proper administration of all affairs of the City. The functions and powers of this office shall be:

- (a) To see that the laws and ordinances are enforced.

\* \* \*

- (h) To have general and special supervision and control, subject to the control by



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CITY ATTORNEY  
PAGE 3  
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the City Commission, of the several departments now existing, except for the Legal Department, or hereafter to be created, and the City Manager shall be purchasing agent of the City, with authority to delegate such duty.

\* \* \*

- (j) The City Manager shall account to the City Commission for the conduct and acts of the several departments now existing, or hereafter to be created, and he/she shall have supervision and control of the heads of the said departments, and such heads as appointed by the City Manager shall be accountable to the City Manager for the conduct and acts of their departments, except for the Legal Department.

\* \* \*

Miami Beach City Charter, §4.02, "City Manager - Functions and Powers." Moreover, Miami Beach City Code Section 2-4 "[City Manager] - To Have Wide Latitude in Relation to Organizational Units and Administrative Officers" provides:

The City Manager shall have, within the limitations of the Charter of the City and the implications of the division or office titles, wide latitude in prescribing the functions of the various organizational units of the City's service and the duties of the administrative officers of the City.

Neither the City Charter nor the City Code grant express power to the City Commission or the City Manager to direct the outcome of administrative determinations made by City employees of a semi-autonomous nature but rather assign this power of review to an appellate process.

Clearly, semi-autonomous powers may be delegated to administrative officials. State v. Jacksonville, 133 So. 117 (Fla. 1931). An ordinance that delegates a part of the police power to

an official may be valid, even though it confers upon the official a certain discretion in the exercise of that power, provided the administrative discretion is sufficiently limited by rules and standards. See, City of Miami v. Save Brickell Avenue, Inc., 426 So.2d 1100 (Fla. 3d DCA 1983). Accordingly, certain administrative officers of the City of Miami Beach have, by the implications of their office titles, semi-autonomous power to make specific decisions which are not subject to interference by the City Manager or the City Commission.<sup>1</sup> The Planning/Development, Design and Historic Preservation Director as well as the Building Director are empowered to administer and execute zoning and building regulations and ordinances, both being governed by the provisions of applicable laws and regulations and the issuance and review of relevant matters. In these instances, such officials are making administrative decisions which are of a semi-autonomous nature inasmuch as they offer a right for review via administrative boards and, if needed, subsequent court review.<sup>2</sup>

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1

It should be noted that in Jennings v. Dade County, 589 So.2d 1337 (Fla. 3d DCA 1991) rev. den., 598 So.2d 75 (Fla. 1992), it was held that ex parte communications are inherently improper to quasi-judicial proceedings and that quasi-judicial officers should avoid all such contacts where they are identifiable. Adherence to procedures which ensure fairness "is essential not only to the legal validity of the administrative regulation, but also to the maintenance of public confidence in the value and soundness of this important governmental process. See, 2 Am. Jur. 2d "Administrative Law" §351.

<sup>2</sup>**Planning and Zoning Director:**

- Miami Beach City Code, §16-7(A)(1):

The Board of Adjustment shall have the following powers and duties:

To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance with the exception of appeals pursuant to §17-4(G) and §18-2(I)(1). In the event of an administrative appeal to the Board of Adjustment, the Planning and Zoning Director may engage the services of an attorney for the purposes of representing the administrative officer that made the decision that is the subject of the appeal. ...

- Miami Beach City Code, §16-9, "Appeal of Board's Decision":  
The decision of the Board of Adjustment shall be final

In a number of administrative appeals such as zoning and building there is often a hierarchy of authorities so that a review of action by an administrative official may be had within the system itself by a higher or superior agency. Within the City of Miami Beach, the Director of Planning/Development, Design and Historic Preservation and the Building Director, are authorized to make decisions with regard to interpretations of the City's Zoning

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and there shall be no further review thereof except by resort to a court of competent jurisdiction by a petition for writ of certiorari.

**Building Official:**

- South Florida Building Code, §201.1 "Powers, Duties and Appointment of Building Official":

- (b) Powers and Duties. The Building Official is hereby authorized and directed to interpret and enforce all of the building provisions of this Code subject to the powers vested in the Board of Rules and Appeals as set forth in §203.

\* \* \*

- South Florida Building Code, §202.13(d) "Unsafe Structures Board":

- (d) Duties and Powers of the Board. The Board shall have the following duties, functions, powers and responsibilities:

- (1) Hear and determine appeals from actions and decisions of the Building Official pursuant to the provisions hereof.

\* \* \*

- South Florida Building Code §203.4 "Duties of Board of Rules and Appeals".

- (a) Appeal from decision of Building Official: The Board shall hear all appeals from the decisions of the Building Official wherein such decisions are on matters regulated by this Code from any person agreed thereby...

- South Florida Building Code §203.7 "Court Review":

Any person aggrieved by a decision of the Board of Rules and Appeals, ... may apply to the appropriate court to correct errors of law of such decisions ...

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CITY ATTORNEY  
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Ordinance and South Florida Building Code -- pursuant to the Zoning Code and South Florida Building Code, review of these decisions may be appealed to the City's Board of Adjustment and Unsafe Structures Board or Board of Rules and Appeals, respectively. Absent Charter or Code provisions to the contrary, the higher administrative authorities are therefore solely empowered to review decisions of these officials. See, Fla. Jur. 2d, "Building, Zoning and Land Control" (1st ed. Zoning Laws, §29).

Laws designating both the City of Miami Beach Planning Director and Building Official with powers to make administrative decisions of this nature are consistent with the City's Charter and Code.<sup>3</sup> Inasmuch as neither the Charter or Code expressly grant the City Manager or the City Commission the power of review over such decisions, and in view of the clear limitations upon review of these administrative decisions as set forth within the City's Zoning Ordinance and South Florida Building Code, independent determinations by the Planning/Development, Design and Historic Preservation Director and the Building Director, limited only by review thereof to the applicable administrative bodies (and subsequent rights of judicial review to the courts) is the proper procedure for review of decisions made by these employees.<sup>4</sup>

#### CONCLUSION

Neither the City Charter or Code grant the City Manager or City Commission power to direct the determination of administrative decisions of a semi-autonomous nature made by certain City employees within the City of Miami Beach. Limited review of such decisions must be directed to the administrative bodies specified by law, with subsequent appeal to the courts.

Notwithstanding anything set forth herein, it is clear that the City Manager is empowered to review the performance of various departments of City government; in performing this

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<sup>3</sup>Regulations may, within appropriate limitations, authorize administrative officers to perform functions that are that are designed to effectuate a valid legislative purpose, when the administrative function so authorized are consistent with organic law. Florida Motorlines, Inc. v. Railroad Commissioners, 129 So. 876 (Fla. 1930).

<sup>4</sup>In 1990, the Miami Beach City Commission recognized the independence of decisions made by the City's Building Official when it refused then-Commissioner Abe Hirschfeld's request to second guess and rescind that Official's decisions.

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CITY ATTORNEY  
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function, the City Manager may make reasonable review and inquiry so long as such actions do not interfere with or inhibit the autonomy of certain officials as heretofore set forth under our Charter or Code. Similarly speaking, the City Commission may make whatever reviews or inquiries they deem appropriate as long as such reasonable inquiries do not violate the City Manager form of government.

JO/ks  
{a:jomisc2\cmreview.mem}

CITY OF MIAMI BEACH

TO: MAYOR SEYMOUR GELB ER  
FROM: LAURENCE FEINGOLD *Laurence Feingold*  
CITY ATTORNEY  
SUBJECT: SUPPLEMENTAL MEMORANDUM - CMB SEMI-AUTONOMOUS PERSONNEL  
DATE: JANUARY 10, 1994

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You have asked to be supplied with the titles of any other City directors or departments<sup>1</sup> that are subject to review by administrative boards and the courts but not by the City Manager or the City Commission -- in this regard, please note the following:

Fire Chief

The City of Miami Beach Fire Chief and his inspectors, when making determinations regarding requirements of the South Florida Fire Prevention Code ("SFFPC") and in interpreting other codes or regulations which regulate fire prevention and fire safety, are acting in a semi-autonomous capacity since said decisions are reviewed exclusively by the Dade County Fire Prevention and Safety Appeals Board.

The South Florida Fire Prevention Code provides for exclusive jurisdiction within the Dade County Fire Prevention and Safety Appeals Board of all appeals concerning actions or decisions of any fire official of any jurisdiction in Dade County, Florida, with respect to the South Florida Fire Prevention Code or any municipal ordinance, code or regulation which regulates fire prevention or safety, and grants the Board the power and authority to affirm, modify, or reverse the action or decision which was appealed.

SFFPC Section 14-46(D)(1).

Exclusive jurisdiction in the Dade County Fire Prevention and Safety Appeals Boards also granted with regard to appeals governing numerous other determinations made by the Chief Fire

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<sup>1</sup>My December 6, 1993 memo to you explained the semi-autonomous nature of the City's Planning/Development, Design and Historic Preservation Director and the City's Building Director.

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Official or his designee of any jurisdiction in Dade County, Florida.

Id. at Subsection (3) and (6). The exclusivity of this review process is specifically stated within Subsection 13 of Section 14-47 of the South Florida Fire Prevention Code:

[N]otwithstanding any provision of the Code of Metropolitan Dade County, Florida, the South Florida Fire Prevention Code, any municipal ordinance or any other county ordinance except as provided in Subsection 1 herein, no other county or municipal officer, agent, employee or board shall exercise any of the powers granted to the Dade County Fire Prevention and Safety Appeals Board by this Article, the South Florida Fire Prevention Code, or by state law, rule, or regulation, as all of same may be amended from time to time.

#### Police Chief

Sections 25-37.1 through 25-37.8 of the Miami Beach City Code designate the City's Chief of Police as the City Official in power to declare that a state of emergency exists within the boundaries of the municipality and may exercise emergency powers set forth within said Code Sections. The only City Commission review authorized by the Code involves instances in which the Commission has terminated a state of emergency prior to the expiration of 72 hours, and/or the Commission's concurrence of the Police Chief's request to extend a state of emergency. The Police Chief's powers in state of emergency are thus the only Code-sanctioned instance in which the Chief's powers are semi-autonomous in nature.

#### CONCLUSION

Accordingly, the following City officers shall be regarded as having powers semi-autonomous in nature:

- Planning/Development, Design and Historic Preservation Director (in actions interpreting the City of Miami Beach Zoning Ordinance)
  - Building Official (in actions interpreting the South Florida Building Code)
  - Fire Chief (in actions interpreting the fire
-

MAYOR SEYMOUR GELBER  
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JANUARY 10, 1994 .

codes); and

- Police Chief (limited to State of Emergency)

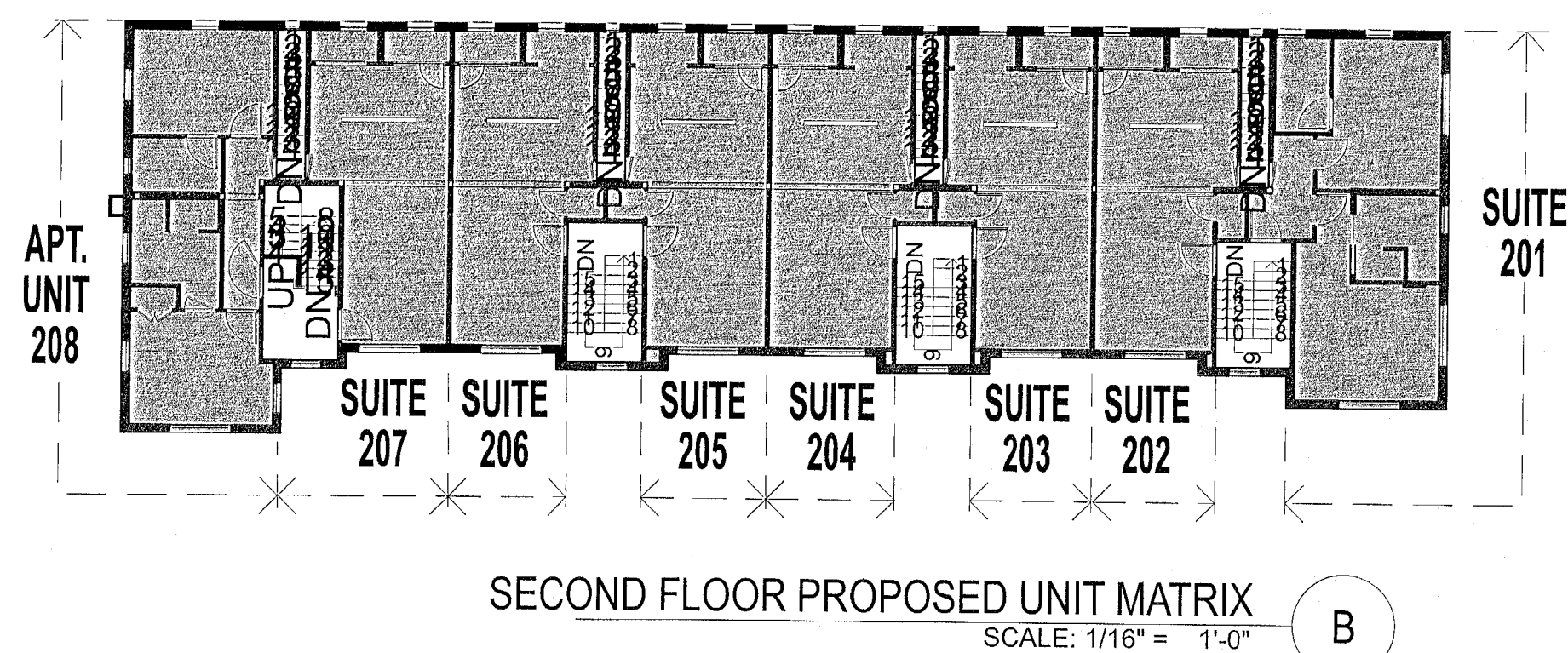
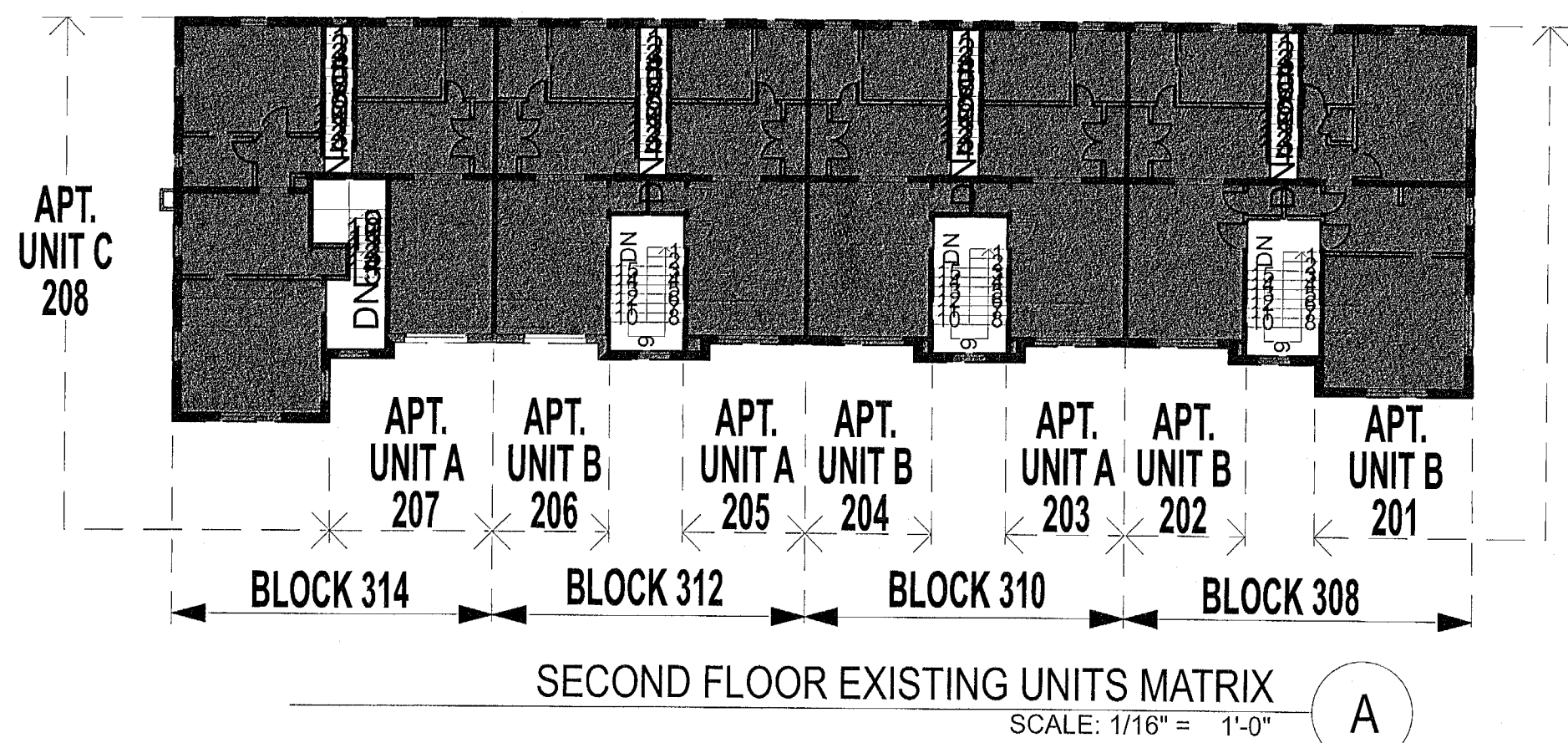
cc: Roger M. Carlton  
City Manager

LF:JO/ks  
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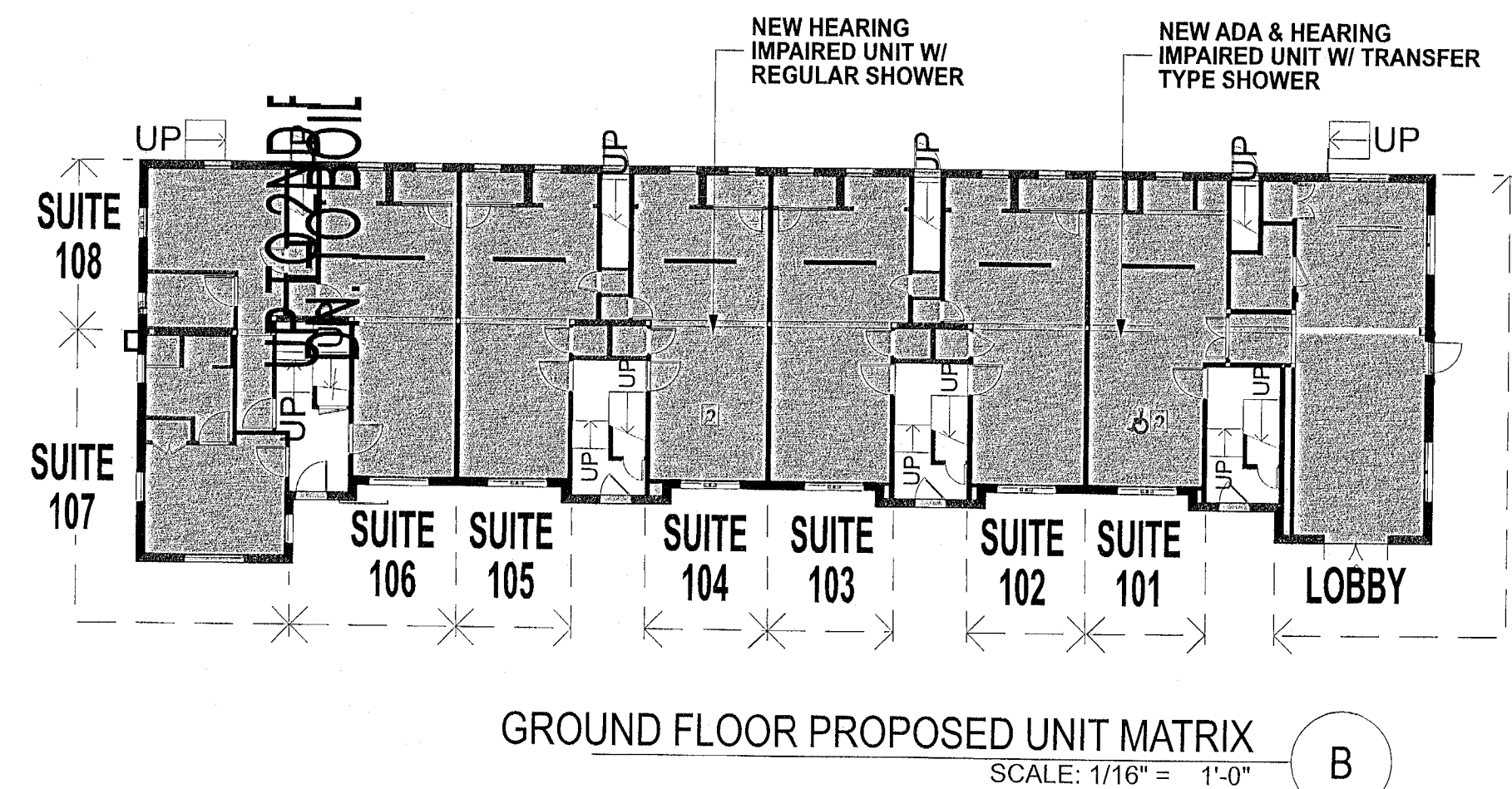
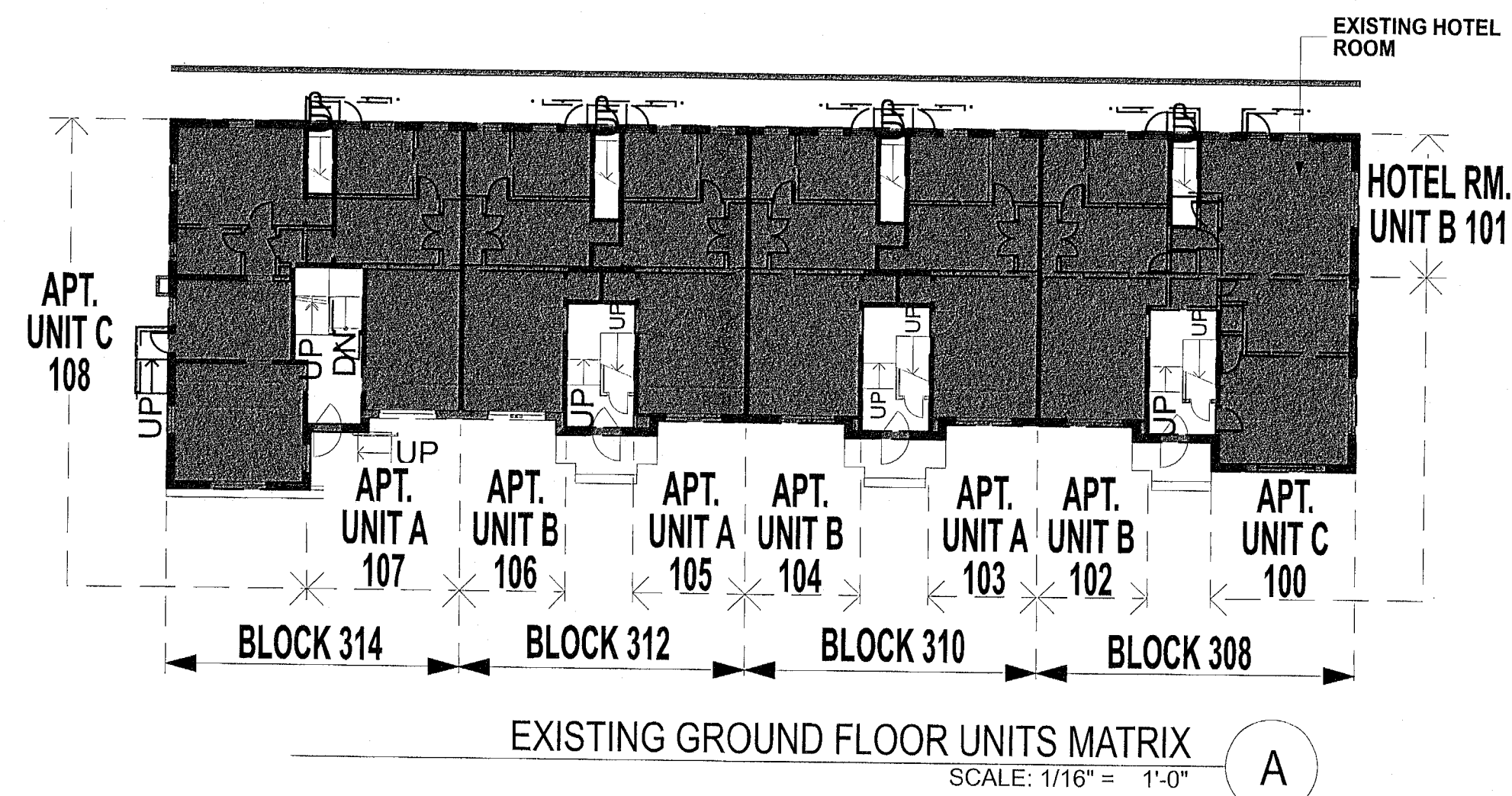


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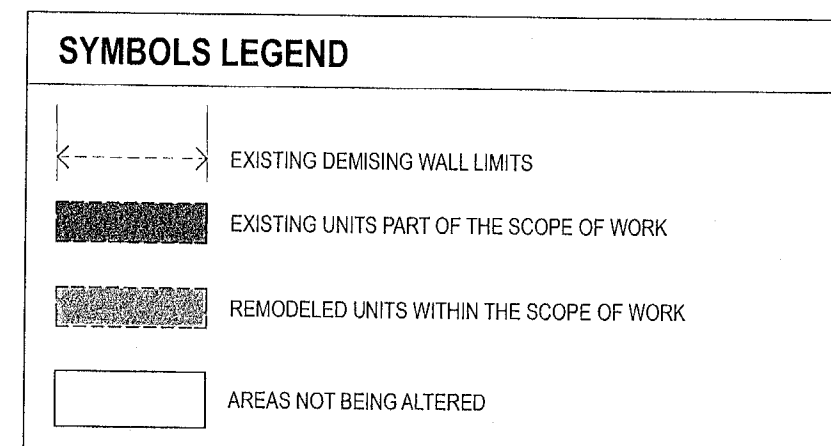




SECOND FLOOR UNITS MATRIX CHART - UNITS FROM (R-2) TO (R-1)									
TOTAL # OF EXISTING UNITS [R-2] PER THIS FLOOR = 8					TOTAL # NEW GUEST SUITES [R-1] PER THIS FLOOR = 7 & 1 APARTMENT [R-2]				
LOCATION	EXIST. UNIT No	SIZE (SQ.FT.)	DIMENSIONS	STATUS	LOCATION	NEW UNIT No	STATUS	DIMENSIONS	NEW SIZE (SQ.FT.)
BLOCK 308	UNIT B-201	611	17'-7"x36'-8"	REMODELED	GUEST SUITE 1	201	REMODELED	36'-8"x17'-7"	620
	UNIT B-202	437	32'-0"x14'-4"	REMODELED	GUEST SUITE 2	202	REMODELED	32'-0"x14'-4"	440
BLOCK 310	UNIT A-203	442	32'-0"x14'-9"	REMODELED	GUEST SUITE 3	203	REMODELED	32'-0"x14'-9"	444
	UNIT B-204	447	32'-0"x14'-4"	REMODELED	GUEST SUITE 4	204	REMODELED	32'-0"x14'-4"	449
BLOCK 312	UNIT A-205	437	32'-0"x14'-0"	REMODELED	GUEST SUITE 5	205	REMODELED	32'-0"x14'-0"	439
	UNIT B-206	428	32'-0"x14'-4"	REMODELED	GUEST SUITE 6	206	REMODELED	32'-0"x14'-4"	430
BLOCK 314	UNIT A-207	401	32'-0"x14'-3"	REMODELED	GUEST SUITE 7	207	REMODELED	32'-0"x14'-3"	403
	UNIT C-208	607	40'-0"x15'-0"	REMODELED	APT. [R-2]	208	REMODELED	40'-0"x15'-0"	585
EXISTING UNITS PART OF SCOPE OF WORK = 8					SCOPE OF WORK FINAL UNITS = 8				



GROUND FLOOR UNITS MATRIX CHART - UNITS FROM (R-2) TO (R-1)									
TOTAL # OF EXIST. UNITS [R-2] PER THIS FLOOR = 8 & 1 HOTEL ROOM [R-1]					TOTAL # OF NEW GUEST SUITES [R-1] PER THIS FLOOR = 8				
LOCATION	EXIST. UNIT No	SIZE (SQ.FT.)	DIMENSIONS	STATUS	LOCATION	NEW UNIT No	STATUS	DIMENSIONS	NEW SIZE (SQ.FT.)
BLOCK 308	UNIT B-101 [HOTEL RM]	281	15'-8"x17'-7"	ALTERED	NEW LOBBY	100	NEW	36'-8"x17'-7"	637
	UNIT C-100	343	21'-1"x15'-3"	ELIMINATED					
	UNIT B-102	439	32'-0"x14'-4"	REMODELED	GUEST SUITE 1	101	REMODELED	32'-0"x14'-4"	434
BLOCK 310	UNIT A-103	452	32'-0"x14'-9"	REMODELED	GUEST SUITE 2	102	REMODELED	32'-0"x14'-9"	452
	UNIT B-104	454	32'-0"x14'-4"	REMODELED	GUEST SUITE 3	103	REMODELED	32'-0"x14'-4"	456
BLOCK 312	UNIT A-105	442	32'-0"x14'-0"	REMODELED	GUEST SUITE 4	104	REMODELED	32'-0"x14'-0"	442
	UNIT B-106	437	32'-0"x14'-0"	REMODELED	GUEST SUITE 5	105	REMODELED	32'-0"x14'-0"	437
BLOCK 314	UNIT A-107	412	32'-0"x14'-3"	REMODELED	GUEST SUITE 6	106	REMODELED	32'-0"x14'-3"	416
	UNIT C-108	606	40'-0"x15'-0"	REMODELED	GUEST SUITE 7	107	ALTERED	23'-1"x15'-0"	300
					GUEST SUITE 8	108	NEW	17'-0"x15'-0"	306
EXISTING UNITS PART OF SCOPE OF WORK = 9					SCOPE OF WORK FINAL UNITS = 8 PLUS 1 NEW LOBBY AREA				



GROSS AREA OF ALTERATION CONSTRUCTION	
STORY	AREA
GROUND FLOOR EXISTING	3,584.56
SECOND FLOOR EXISTING	3,811.00
	7,395.56 sq ft

GROSS AREA OF PROPOSED CONSTRUCTION	
STORY	AREA
GROUND FLOOR PROPOSED	3,877.40
SECOND FLOOR PROPOSED	3,812.18
EXIST. MECHANICAL ROOM	98.96

REFER TO SHEET LS-100 FOR THE NUMBER OF TRANSIENT LODGING UNITS COMPLIANCE CHART PER SECTION 224.4 AND TABLE 606

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LANDSCAPE ARCHITECT

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INTERIOR DESIGN

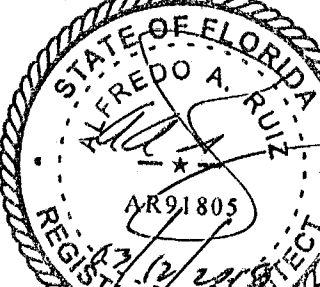
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310 MERIDIAN  
HOTEL RENOVATION  
310 MERIDIAN AVENUE :: MIAMI BEACH, FL 33139

REVISIONS

REV	DESCRIPTION	DATE
01	CITY COMMENTS	10/20/17
02	PERMIT COMMENT	03/12/18

SEAL



FLORIDA ARCHITECT: ALFREDO A. RUIZ  
REGISTRATION No. AR 51805

1705

PROJECT NO.

28-JULY-2017

DATE

AR / SV / JJ / IH / EL /

BRAND / CHECKED

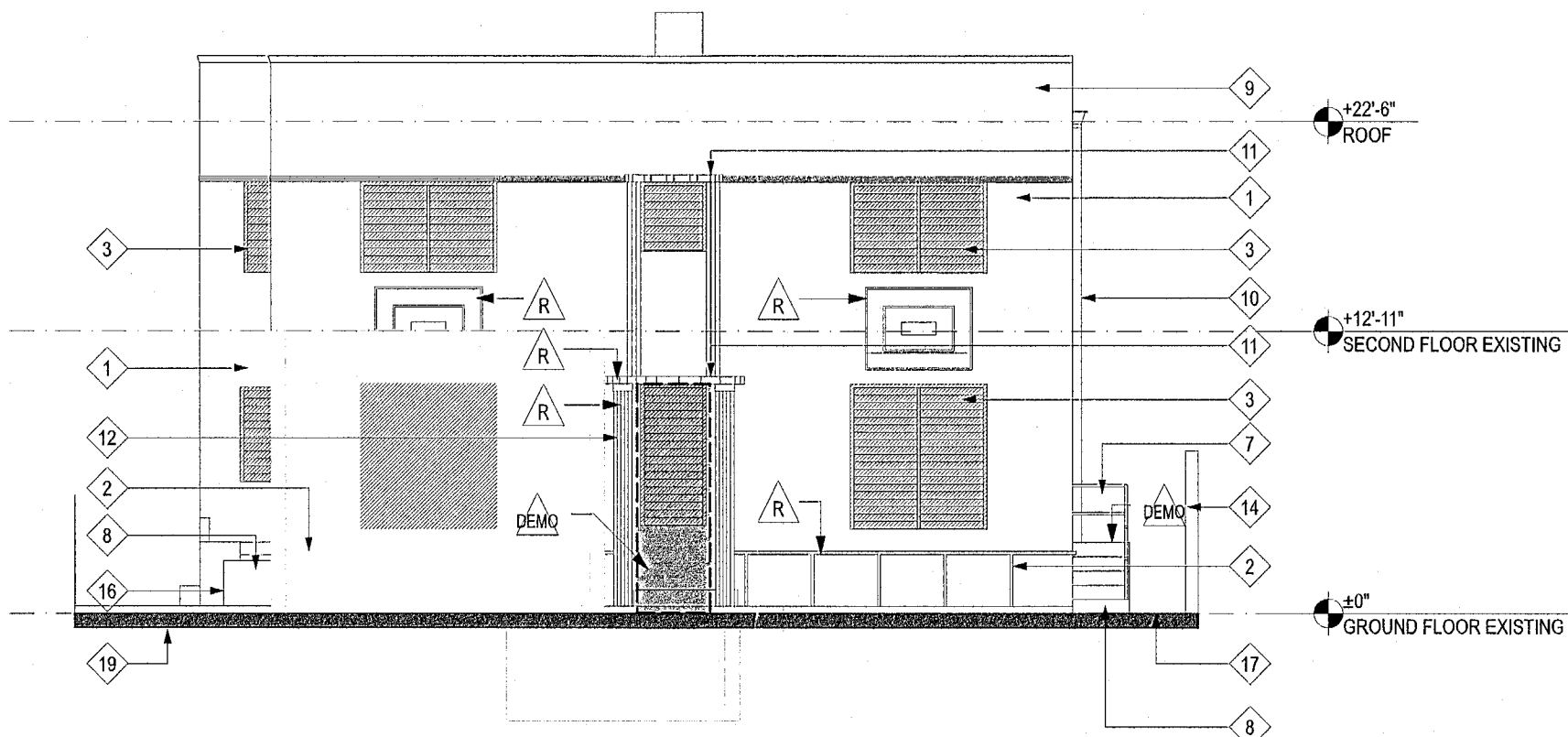
UNITS MATRIX -  
GROUND &  
SECOND FLOOR  
EXISTING AND  
NEW UNITS CHART

A000

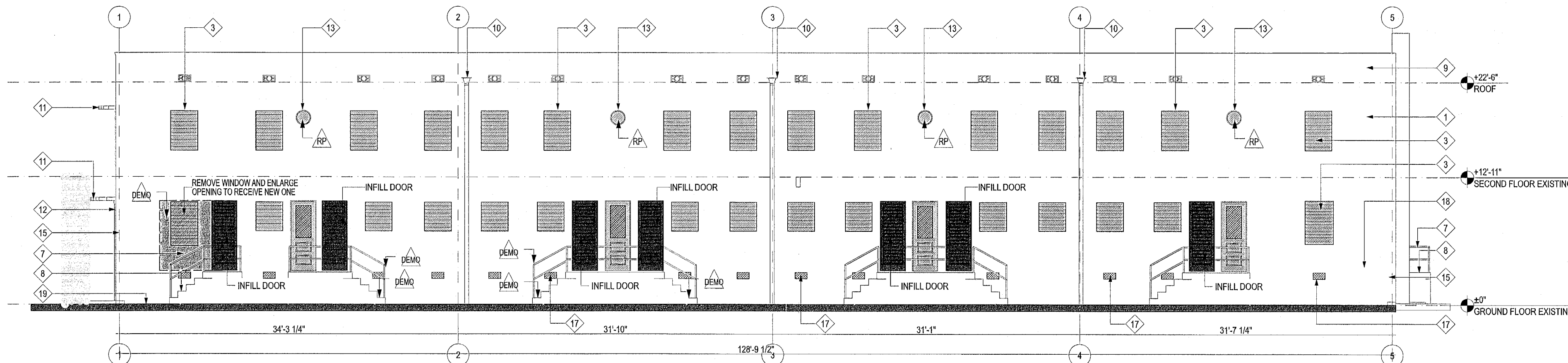


## **Tab 7**

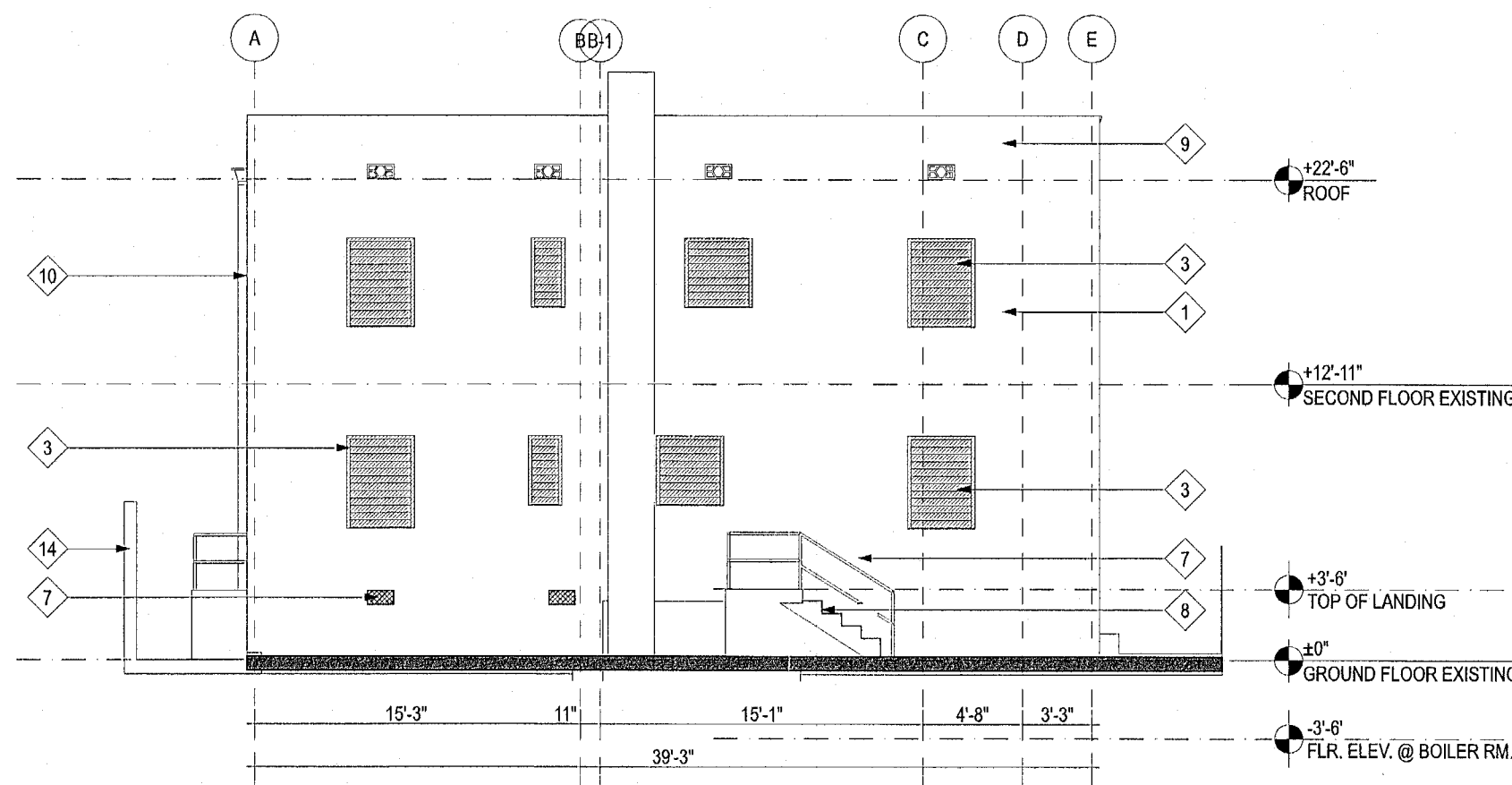




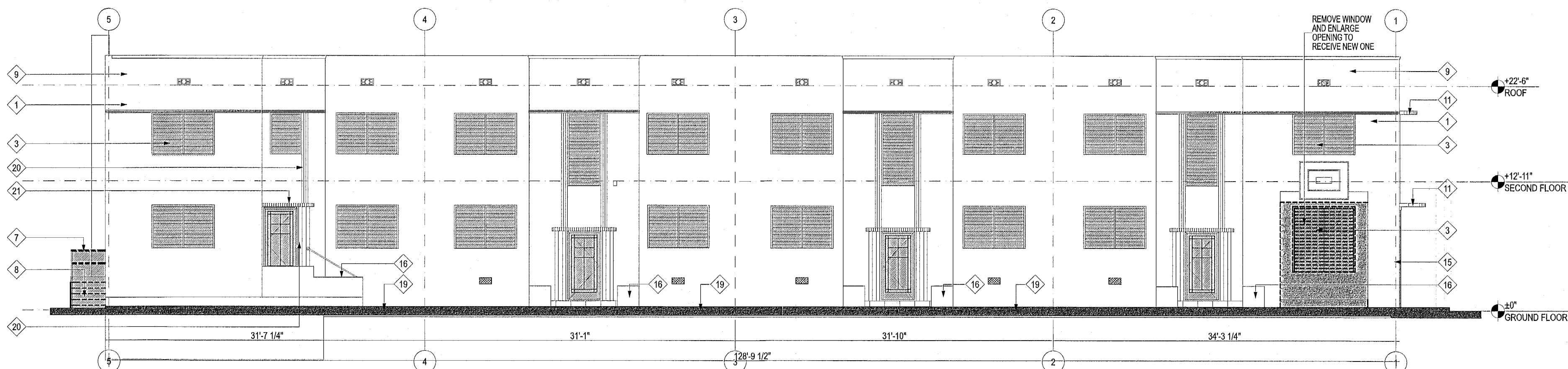
EAST (MERIDIAN AVE) ELEVATION  
SCALE: 1/8" = 1'-0" 1



NORTH (SIDE) BLDG. ELEVATION  
SCALE: 1/8" = 1'-0" 2



WEST (ALLEY SIDE) ELEVATION  
SCALE: 1/8" = 1'-0" 3



SOUTH (SIDE) ELEVATION  
SCALE: 1/8" = 1'-0" 4

HISTORIC FACADE KEY LEGEND

- 1 PAINTED SMOOTH STUCCO
- 2 CONTINUOUS STUCCO SCORE LINE
- 3 JALOUSIE WINDOWS
- 4 ALUMINUM WINDOW
- 7 ALUMINUM RAILING
- 8 EXTERIOR CONCRETE STEPS AND UNIT REAR ENTRY LANDING
- 9 ROOF PARAPET WITH CONTINUOUS DECORATIVE MOLDING
- 10 CONDUCTOR HEAD AND RWL
- 11 CONCRETE EYEBROW WITH DECORATIVE SCALLOPED EDGE
- 12 CONCRETE DECORATIVE PILASTER
- 13 ROUND FIXED WINDOW
- 14 7FT. HIGH MASONRY PROPERTY WALL
- 15 CHAIN LINK ENTRY SWING GATE
- 16 PLANTING AREA
- 17 CRAWL SPACE SCREENED VENTILATION OPENING
- 18 METERS
- 19 COURTYARD CONCRETE WALKWAY
- 20 DECORATIVE STUCCO BANDS
- 21 CONTINUOUS DECORATIVE MOLDING

ARCHITECT  
INTERIOR DESIGNER  
LANDSCAPE ARCHITECT

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INTERIOR DESIGN

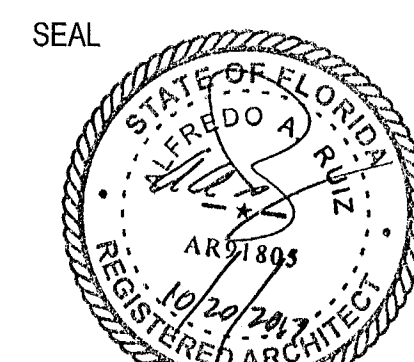
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REVISIONS

REV DESCRIPTION DATE  
01 CITY COMMENTS 10/20/17

SEAL



FLORIDA ARCHITECT: ALFREDO A. RUIZ  
REGISTRATION No.: AR 91805

1705

PROJECT NO.

28-JULY-2017

DATE

AR / SV / JJ / IH / EL /

DRAWN / CHECKED

AS BUILT -  
EXTERIOR  
ELEVATIONS

AB-102



## Tab 8

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## **INTRODUCTION**

The following Design Review guidelines represent the suggested approaches to various design situations. The Guidelines are supplemental to regulations listed in the City's Zoning Ordinance, Design Review guidelines contained in neighborhood plans, and where appropriate, the U.S. Secretary of Interior's "Standards for Rehabilitation". The Guidelines are used by staff and the Design Review Board/Historic Preservation Board as part of their review of applications for Design Review and Certificates of Appropriateness (historic buildings). The Guidelines should be read in their entirety as in most cases multiple sections apply to individual design situations.

The Design Review Board and Historic Preservation Board periodically review and amend the Guidelines. Applicants submitting a project for review should check with the Board staff to determine if the Guidelines are current.

## **GOALS**

- \* Preservation and rehabilitation which contribute to the character of the historic districts.
- \* Encourage new construction to be contemporary and compatible with surrounding properties in scale, height, setbacks and massing but not in style.
- \* To upgrade the quality of design within the historic districts as well as throughout the City.

## **AIR CONDITIONING EQUIPMENT**

Every effort should be made to relocate air-conditioning units to the rear of the building or mounted on the roof (screened from the street). Air-conditioning units located above entry doors or in display windows and walls are unsightly, drip water on the sidewalk, stain walls and are noisy. In all, they give an unprofessional, unattractive appearance to the individual store and the street as a whole.

1. National Register or Local Historic Site or District -
  - a. Central air conditioning is encouraged throughout the entire building.
  - b. Air conditioning equipment which is flush-mounted with a wall (maximum 1/4" projection) which faces an interior with an existing building or rear lot line is permitted, provided it cannot be seen from the street and all grilles are selected or painted to match the building.. In this regard, a diagonal line shall be drawn from the center of the adjacent properties, at the curb, to the subject building. All areas within view of this line should not incorporate any type of wall a.c. unit.
  - c. For those buildings which abut a vacant lot, Board approval for flush mounted units shall be required.
  - d. No air conditioning equipment is permitted on elevations that face a public street or on portions of elevations which have significant architectural features.
  - e. Window a.c. units are discouraged throughout the building.
  - f. All air conditioning equipment located on the roof shall not be visible from the street.
  - g. For those structures where wall air conditioning units were original to the building, the replacement of said units, with flush mounted units, may be left as an option to the property owner, although conversion to central a.c is still encouraged. Said replacement of wall units shall also include internal condensation drains. Historic records documenting the originality of wall units shall be required if the owner opts to retain them.
2. Other areas, including single family, not in National Register or Local Historic Site or District - Same regulations as listed above for new construction and rehabilitations.
3. Equipment mounted on the roof should be located in an area that screens it from views at street level. Large equipment should be screened or be enclosed with an architectural treatment that is compatible with the design of the building. The screening should conceal it from the view of surrounding mid/high rise buildings.



## **AWNINGS AND CANOPIES**

Overhead protection from rain and sun should be provided for pedestrians. In commercial districts, awnings most often provide this protection. Awnings also have an impact on the appearance of the storefront and building and tend to bring pedestrians closer to shop windows and entrances.

1. Buildings/storefronts should have awnings or other means to provide pedestrians with sun/rain protection unless physically unsuited.
2. Awnings should be a consistent height and depth to form a continuous canopy along the sidewalk. If the formation of a continuous row covers or impedes architectural features and embellishments, recesses or openings may be necessary.
3. Variation in awning shape, for reason of compatibility with architectural form or detailing, is acceptable as long as the awning can be integrated with the standard awnings on either side.
4. In the case of a building containing multiple storefronts, it is preferable to have one continuous awning the full length of the building. This will not detract from the individual character of each storefront and will result in a more attractive overall building. In some instances (when the architectural features of the building differentiate separate stores) it may be preferable for individual stores or windows to have their own awning; however, all awnings on the building shall have the same form, fabric and color.
5. High gloss vinyl (plastic) awnings and awnings with horizontal ribbing are discouraged.
6. Fabric awnings/canopies can be painted. This allows greater flexibility in building appearance, improves faded or patched awnings, and increases the life span of the fabric.
7. The awning/canopy support structure is highly visible and should be maintained at the same high level as other components of the building. Rusting/peeling support structures should be cleaned and repainted. Rotted or broken supports should be replaced. If a new awning/canopy support system is to be added, simple pipe systems are preferred over decorative ones. Faded and dirty awnings should be cleaned or replaced. Awnings should be supported by poles connected to the building underneath the awning and awnings needing vertical support columns are generally discouraged.
8. Solid color or broad striped fabric patterns are preferred. Narrow striped, flowered, or other patterns are discouraged.
9. The awnings on corner buildings should continue around the corner for compatibility with building form and pedestrian patterns.
10. Backlit awnings/canopies are strongly discouraged. These awnings, because of their high visibility, become attention getting devices - such as a sign, rather than a means to provide comfort and protection for the pedestrian. Such awnings overwhelm the appearance of the buildings they are located on, detracting from architectural qualities.

Awnings which incorporate subtle downlighting in a manner which creates a discreet peripheral washing of the awning, may be appropriate in some instances.

11. Awnings may extend over a public sidewalk if the building presents a substantially flush facade on the sidewalk. It may not be appropriate to attach awnings to buildings which have a porch or terrace (with or without roof) fronting on the sidewalk. The awning should not extend over sidewalks which are 5 ft. or less. In all cases awnings should be compatible with the design of the buildings.

Awnings proposed for installation on buildings with front porches are reviewed with particular consideration given to the relationship of the proposed awning to the street, the mass and scale, height of the porch and the proposed awning and the existing setback of the structure. The maximum distance for projection over the sidewalk of an awning in a historic district is 3' to 5' depending on the shape of the awning and whether or not it is retractable.

12. Awnings should reflect the shape of the window or door they cover.
13. Awnings/canopies placed on historic buildings should be similar in form to the original type. Contemporary domed or "waterfall" shape awnings may not be appropriate.
14. Signs on awnings/canopies shall be consistent with Sign criterion 9.
15. The size of awnings should be proportional to the scale of a building and the surrounding streetscape.
16. Metal awnings should be contemporary in design and shall be subject to the same restrictions and guidelines as other awning material.
17. All awnings should incorporate straight valences; scalloped awnings may be appropriate in some instances, depending on the architecture of the building and the type and shape of awning used.

## **BALCONY ENCLOSURES**

This section refers to the enclosure of a balcony (open to the air on at least one (1) side, with or without screening) on a residential building or building originally designed for residential use. The enclosure of balconies are generally discouraged because:

1. It substantially alters the architectural pattern, rhythm, light and shade of the building design.
2. Balconies were not originally designed to meet the requirements of interior space and their enclosure may result in serious structural and/or water damage.
3. Enclosure of balconies may alter the Floor Area Ratio (FAR) and set back requirements of a building.

The Design Review Board will consider balcony enclosures if all the following conditions are met:

1. There are existing balcony enclosures on the building elevation in question.
2. The proposed enclosure does not front on a public street. A balcony may not be enclosed if any portion of that balcony fronts on a public street.
3. The application is approved by the building owner and/or condominium association and includes the enclosure of all balconies on the elevation in question. Applications for individual balcony enclosures should not be considered. The Board will evaluate the impact of the enclosures of the overall building design, therefore, matching enclosures are encouraged. Applications include full building elevations.
4. Applications should include zoning calculations for the new FAR and set backs created by the enclosures.
5. Applications should include structural data indicating load capacity and construction details.
6. Applications should address interior sprinkling and fire safety systems.
7. Applications should include roof and water run-off construction details.
8. Applications should demonstrate that the redesigned unit meets the light and ventilation requirements of the Building Code.
9. All requests for balcony enclosures should require full Design Review Board approval and may not be approved administratively.

If the above conditions are met, the following guidelines will be used to evaluate projects:

1. The original architectural rhythm and pattern of the elevation is maintained or enhanced.
2. All finishes on the enclosure should match those of existing visible wall, windows, etc.

3. All enclosures should be consistent in design, except if a specific pattern which requires certain differences in enclosures is desired.

## CONSTRUCTION

### General Guidelines

The relationship between entrances, windows, upper stories and building cornices is important. Alterations can disturb the symmetry of design, clarity of entrance, and appearance of the total building. As such, construction plans should address the following:

#### New Construction:

1. Buildings should have a recognizable entrance facing the public street. This entrance should be visible to pedestrians even if vehicular entrances are located elsewhere and include some type of entrance surround.
2. All projects should consider the overall form, pattern and detail of the building. Box buildings are not encouraged and new structures within historic districts should consist of simpler forms to be compatible with neighboring structures. These include contemporary buildings with minor abstractions of previous architectural styles in the district. Exact replications of Historic Buildings are strongly discouraged.
3. New structures outside the historic districts should be compatible with any neighborhood or redevelopment plan and should not attempt to replicate past architectural styles and vernaculars.
4. Design and location of balconies should reinforce the building form.
5. Roof top air conditioning units and other appurtenances should be screened.

#### Rehabilitations and Additions (Historic Buildings):

The utilization of archival data is paramount to the success of any rehabilitation and/or restoration of an existing historic structure. The City's Building Department has microfilm record on a number of properties within the historic districts. For those which no microfilm data is available, it is suggested that historic photographs be researched. These photographs may be obtained in the research section of the Historical Museum or in the Florida Room of the Metro-Dade Public Library. Both of these institutions are located in the Cultural Center in Downtown Miami. Also, the Miami Design Preservation League and Dade Heritage Trust have staff members and research capability which could also be of assistance.

1. Rehabilitation of historic structures should promote a retention of the buildings' original appearance, depending on the condition of the building and past alterations, as well as the availability of archival data. For buildings which have been somewhat altered over time, rehabilitation should be based on the building's original appearance, if documentation is available. If documentation is not available, the design should be consistent with the architectural character of the building.
2. For buildings which have been altered over time to such an extent that few, if any, of the design features which contributed to its historical status remain, the rehabilitation should

incorporate either an overall contemporary look, with minor abstractions from the previous design or a restoration to its original appearance, based on historic documentation.

3. Ground level alterations and additions in the front and/or street sides are not encouraged. Minor alterations on these elevations may be possible, depending on their sensitivity to the original design and the extent of the alterations. Adjustments in fenestration, door and balcony openings is strongly discouraged, particularly on buildings originally designed as residential structures. (see #5 below)
4. Roof top additions should be as discreet as possible, and not visible from across the street, particularly from the front and street sides. (see #10, Line-of-Sight Study, on the next page) Said additions should be simple as well as distinct in style from the existing building, while bearing some relationship in terms of window patterns and roof line.
5. For structures which endeavor an adaptive re-use to a restaurant and/or retail storefront, the following shall apply:
  - a. The architectural integrity of the building should be maintained. Alterations and modifications should be confined to awnings, paint schemes and signage.
  - b. "Buzz-Sawing" new or larger openings on principal facades is discouraged. New openings should be limited to secondary facades.
6. Remove building sidings and other non-historic additions such as brick planters, electrical and plumbing fixtures and jalousie windows and porch enclosures to expose and restore original architectural elements and fenestration patterns, if possible.
7. The removal of non-historic massive railings with excessive iron and concrete and their replacement with simplified decorative wrought iron and pipe rails is encouraged.
8. On storefronts, restoration of cornices, knee walls and other architectural features is encouraged.
9. Do not alter roof type or design.
10. Line of Sight Study - This study is required for rooftop additions of buildings in the National Register District. The purpose of the study is to define the building envelop in which construction may occur. The methodology is to start at the centerline of the sidewalk (located across the street, each street for corner properties). Draw a line measured from 6 ft. above the sidewalk connecting to a point on the parapet. The line is continued forming a triangular space in which construction may occur.
11. Any improvement proposed for a historic building located within a historic district shall comply with the U.S. Secretary of the Interior's Standards as amended.
12. Gutters and downspouts should either be concealed within the structure or painted to match the building.
13. Pipes located in the garage portion of the building should be concealed from view.

14. All alterations performed in order to comply with the Americans with Disabilities Act, should be in a manner which has a limited impact on the overall character and structural integrity of the building. Individuals are strongly encouraged to work with City staff in order to address this issue and come up with creative solutions.
15. All alleyways abutting a particular building or property are encouraged to be rehabilitated, particularly when the alley will be a primary point of ingress and egress. Improvements may include, but are not required to be, trash enclosures, paving overlay, repair of all potholes and cracks, and in some instances the utilization of landscaping.

Rehabilitations (Non-Historic Buildings):

1. If constructing a new elevation, the primary elements of the facade should be re-created, retaining the architectural character of the period in which the building was constructed. An exact replication of the previous architectural style, or other architectural styles within the City is not encouraged.
6. Line of Sight Study - This study is required for rooftop additions of buildings in the National Register District. The purpose of the study is to define the building envelop in which construction may occur. The methodology is to start at the centerline of the sidewalk (located across the street, each street for corner properties). Draw a line measured from 6 ft. above the sidewalk connecting to a point on the parapet. The line is continued forming a triangular space in which construction may occur.
7. Any improvement proposed for a building located within a historic district shall comply with the U.S. Secretary of the Interior's Standards as amended.
8. Gutters and downspouts should either be concealed within the structure or painted to match the building.
9. Gutters and downspouts should be concealed within the structure or painted to match the color of the building.
10. Pipes located in the garage portion of the building should be concealed from view.
11. All alterations performed in order to comply with the Americans with Disabilities Act, should be in a manner which has a limited impact on the overall character and structural integrity of the building. Individuals are strongly encouraged to work with City staff in order to address this issue and come up with creative solutions.
12. All alleyways abutting a particular building or property are encouraged to be rehabilitated, particularly when the alley will be a primary point of ingress and egress. Improvements may include, but are not required to be, trash enclosures, paving overlay, repair of all potholes and cracks, and in some instances the utilization of landscaping.

## **BUILDING LOCATION AND SCALE**

1. Additions to the front or street sides of historic buildings is generally discouraged. Additions to said sides of non-historic buildings are encouraged to conform or relate to the setbacks of the abutting properties.
2. Building Heights for additions and new construction are encouraged to relate to the height of abutting buildings.
3. Building footprints should take into account pedestrian and vehicular circulation. This includes unencumbered pedestrian access to all public spaces. Overbuilding of lots is strongly discouraged.
4. New construction should differentiate itself from neighboring buildings in terms of architectural style while the scale, rhythm, height and setbacks, as well as the location of windows, doors and balconies bear some relationship to neighboring buildings and maintain some semblance of compatibility.
5. Differentiations between office-commercial and residential entrances in mixed use buildings is strongly encouraged.



## **BUILDING SURFACE MATERIALS**

The surface of a building is a key factor in its appearance and relationship to adjacent buildings. In commercial and hotel areas, building surfaces are often altered, sometimes more than once to "update" a building's appearance. These updated materials have included aluminum or wood siding, ceramic tile, and stone/brick veneers which conceal the original facades. These surfaces rarely are successful over time, making the building appear more dated than it was before.

1. Remove new facades, metal and wood siding, and veneers. Restore original building surface if possible.
2. The surfaces of multiple storefronts within a larger building should be consistent from storefront to storefront. Individuality will be apparent through window displays and signs.
3. New construction should utilize surface materials compatible with the South Florida region including stucco, tile, clear glass, oolitic limestone, etc. Use of field stone, metal or plastic surfaces or other materials more typical of northern environments may not be appropriate.
4. Even though it may not be original to the building, placing stone, marble, ceramic tile or other impervious material on stucco bulkheads is encouraged to reduce maintenance and improve the appearance of the buildings. Tile should be simple in design to be compatible with the building design. Small squares, multicolored and patterned tile are discouraged. Tile should not be used to cover vitrolite, keystone, marble, or other historic material.
5. With regard to historic buildings the following shall apply in reference to the retention and restoration of original surface materials.:
  - A. If the original exterior building material remains, it should be retained and restored; or,
  - B. If the original exterior building material is not present but is known, it should be restored; or,
  - C. If the original exterior building material is not known, a new treatment consistent with materials common to the period/building style should be considered.
  - D. For Streamline Moderne or Art Deco Buildings, smooth stuccoed walls with incremental stepping and curvilinear eyebrows are appropriate.
  - E. For Mediterranean Revival Buildings, rough, or in some cases, smooth stucco walls are appropriate.

## **ROOFING MATERIAL**

For existing historic buildings within the historic district, the roofing material original to the building shall be retained or replaced.

For non-historic buildings both inside and outside of the historic districts, the following shall apply:

1. All single family and existing mediterranean revival buildings should use a flat or barrel tile roof.
2. For multi-family and commercial structures which utilize standing seam metal roofs, the following is suggested:
  - a. The design of metal roofs should relate to and enhance the architectural style of the building.
  - b. The material and design of metal roofs should be sympathetic to adjacent buildings.
  - c. Stainless steel or permanently colored metal is more desirable than metal which is intended to be painted.

## **OCEANFRONT AND BAYFRONT**

1. Buildings should provide view/light/breeze corridors to the ocean or bay.
2. Building pedestal should not form a continuous sheer wall along the beach. Decorative surfaces, multi-level decks, berming and sufficient setbacks shall reduce the impact of the pedestal.
3. Because of greater viewing distances and the high visibility, it is particularly important that buildings be designed with a distinctive form. Stepped form and distinctive roof lines create a more interesting skyline and increase building recognition.
4. Pool decks should include landscaping to provide shade and tropical image.
5. All oceanfront projects should include a dune district landscape plan. This plan should:
  - a. utilize native/adaptive oceanfront species
  - b. wood or wood-like construction only
  - c. lighting
  - d. retain the beach character, sod should not extend seaward of the bulkhead line.
6. Where possible, projects are encouraged to provide walkways along the rear of the property which can be integrated into the City's Bicycle and Walkway Plan. When necessary, security measures are permitted; however, views towards the bay and ocean are encouraged to be as open as possible.

## **OFFICES**

The following guidelines refer to those districts where professional offices are permitted.

1. The ground level portions of office buildings fronting on a street shall contain storefronts in conformance with the retail storefront section of these guidelines.
2. Commercial uses in ground floor space is encouraged.
3. Reflective/mirrored glass is not encouraged.
4. Buildings shall not have unfinished surfaces visible to the public.

## RETAIL AND STOREFRONTS

1. Retail construction should include a strong pedestrian connection to existing/proposed sidewalks. These pedestrian connections should be located to continue existing pedestrian patterns.
2. Off-street parking should occur behind or on the side of retail construction, allowing stores to front partially or wholly on the sidewalk. (See Parking guidelines for additional guidelines.)
3. The face of new retail construction should be aligned with existing, neighboring buildings. Allowances for courtyards, recessed entrances, etc. may be made.
4. New retail construction should comply with all other guidelines including parking, awnings, surface material, etc.
5. The conversion of existing non-retail historic structures to a retail or commercial use should not result in architectural alterations to the building. The use should adapt to the building and not the building to the use. (see pages 8 & 9)
6. For properties with existing or proposed retail storefronts, the following shall apply:
  - a. Retail construction containing multiple storefronts should have a consistent sign program, including type, size and location of signs throughout the development. Knee walls are encouraged for new construction and are required for rehabilitation projects for those properties that originally included this feature.
  - b. New retail construction should include a substantial percentage of its street frontage in shop windows. The bottom of the windows should not be lower than 24 inches above the sidewalk elevation. This height could be modified based upon the nature of the use and importance of screening merchandise such as drugs, hazardous materials, etc.
  - c. Rehabilitation of existing storefronts should include restoration and replacement of original architectural features. (see pages 8 & 9)
  - d. Pedestrian entrances should be easily recognizable in new retail construction.
  - e. All storefronts within a building should be uniform and be contained within structural bays or the lintel of the building.
  - f. All storefronts should be defined and separated by uniform horizontal lintels, vertical piers and knee-walls.
  - g. Storefront design, relief features and decorative treatments should complement adjacent storefronts and relate to the detailing of the entire building or block.
  - h. Individual storefront windows within a large building should not be filled in.
  - i. Signage for storefronts should be uniform according to type (e.g. channel letter) but not necessarily style or color. The design of all signs, though, should be respectful of a building's architecture. The size of any sign should be

proportionate to the storefront (e.g. 1 sq. ft. signage per 1 linear ft. storefront). Please refer to the sign section of these guidelines for specific sign types.

## **SATELLITE DISHES**

Satellite Dishes should be mounted where least visible to the general public. If ground mounted, dishes should be located in the rear or interior side yards and densely screened with landscape where feasible. If roof mounted, the dish should be as close to the middle of the roof as possible, or a parapet should be installed to screen the view of the dish, if necessary, whenever possible. The color of the dish should match the color of the building, otherwise black or white coated dishes are encouraged.

## **SERVICE STATIONS**

Service Stations often have a negative impact on commercial streets. These businesses are needed in the commercial district and should be expected to contribute to the improved appearance of the street. Newer stations have been designed with landscape buffers and greater attention to building materials. However, service stations have had a tendency toward excessive, large paved areas, multiple signs and large numbers of automobiles stored on the property forming unscreened, ill-placed parking lots.

1. Service stations should only have those signs necessary to identify themselves to the motorist and gasoline price signs required by law. Multiple signs facing the same direction or visible to the same circulation route are discouraged. Permitted accessory use signs, such as a "Food Mart" or "Car Wash" may be permitted. Advertising signs for specific products are not permitted.
2. Service stations should provide landscape islands, buffers, and screens to improve the appearance of the station on the street;
3. Only those automobiles being serviced should remain on site. These should be screened as would any parking lot;
4. Service stations shall follow the same design guidelines as other business establishments.
5. The entire property where a service station exists should have all parking spaces and driveways defined by continuous concrete curbing and landscaping in order to prevent the excess parking of cars. All areas not used as driveways or bona-fide parking spaces should be landscaped.



## **WINDOWS**

1. Windows (office or storefront) are among the most important elements in establishing an active, successful commercial district. Existing windows should not be eliminated or decreased in size.
2. For window replacement outside the City's locally designated historic, the following shall apply:
  - a. Window replacement in existing buildings is encouraged to replicate original window patterns and finishes.
  - b. Jalousie windows may be replaced with more efficient and secure window types.
  - c. If replacements for casement windows are not available or would result in economic hardship, awning windows with the same mullion pattern may be substituted.
  - d. Minimal tinting to meet energy codes or other regulatory requirements may be acceptable if compatible with the architectural character of the building.
3. For window replacement within one of the City's designated historic districts or a historic site, the following shall apply:
  - a. Microfilm of the subject building shall be required to determine the original window pattern and finish; this material is available at the City's Building Department.
  - b. Window replacement in existing buildings is should replicate original window patterns and finishes.
  - c. Jalousie windows should be replaced with more efficient and secure window types which resemble the building's original windows.
  - d. If original to the building, jalousie windows may be retained or replaced with new jalousie windows, at the discretion of the property owner. If a different type of replacement window is desired, it should be simple in design and be either horizontal awning or, in the case of exterior hallways and balconies, 1/1 single-hung or sliding. Colonial style and other similar replacement windows are discouraged.
  - e. If replacements for casement windows are not available or would result in economic hardship, awning windows with the same mullion pattern may be substituted.
  - f. Dark or reflective tinting and reflective coatings are discouraged in any local or National Register historic site or district.

## **CRIME PREVENTION**

The U.S. Government "Crime Prevention Through Environmental Design Program" (CPTED) incorporates architectural solutions to reducing the opportunity of crime. Elimination of recessed entryways, provision of adequate lighting and proper design of spaces will reduce the possibility of criminal activity.

1. Building mounted lighting shall be installed on alley frontage and side yards. This is particularly encouraged at service/delivery entrances.
2. Windows in the alleys or sides provide the appearance of natural surveillance and may discourage break ins. Such windows should not be blocked up.
3. See through fences/gates of metal pickets should be located to discourage uncontrolled access to service/delivery areas.
4. Hiding places and blind corners should be eliminated from site/building, where possible.
5. See Hurricane and Security Shutters for further guidelines in Crime Prevention.
6. The concept of natural surveillance, visibility by the public (shoppers, pedestrians, motorists, and/or personnel) shall be incorporated into the design where possible.
7. Landscaping should be designed to discourage crime. Tree heights/spread should allow sufficient visibility, not completely block views of/from doors and windows, shrubs should not be planted where they may become hiding places.
8. Fences within a local or National Register historic site or district should be set back from the front property line to allow for a traditional landscape barrier. Fences should be largely transparent. Low fences/walls are preferred.

## **FENCES**

### **Temporary Construction**

All chainlink fences should be black vinyl coated. Construction walls/fences are encouraged to contain art work and graphics as approved by the Design Review Board. Commercial advertisements are prohibited. Names of architects, contractors, designer, financing institutions, etc. are permitted if consistent with the Zoning Ordinance.

### **Perimeter Fences and Walls**

Within a local or National Register historic site or district, the following shall apply:

- a. Fencing is discouraged. If proposed, however, it is encouraged to be composed of wrought iron or aluminum. Simple designs consistent with the architecture of the period are encouraged.
- b. CBS/stucco walls should incorporate quoining, scoring or other decorative treatment.
- c. Acceptable paint on wrought iron or aluminum fencing includes white, black or matched to the color of the building.
- d. Fences should be set back from the front property line to allow for a traditional landscape barrier and be largely transparent. Low fences/walls are preferred.

Outside the historic districts, the following shall apply:

- a. Wood and chainlink fencing may be used on interior side yards and rear yards only. These fence types shall not be used within the front yard set back or extend beyond the front wall of a building or face any public right-of-way.
- b. Wood fences should be painted to match the building and all chainlink fences should be vinyl coated in black.
- c. Fences may be composed of any material which is consistent with the Zoning Ordinance. It is suggested that contractors review Section 6-25,B-8 of the Zoning Ordinance.

## **LANDSCAPING**

The creation of landscape areas within a property is strongly encouraged. Besides being an asset to the environment and providing shade, landscape can help articulate a property as well as enhance the architecture of a building.

With regard to landscape designs for new construction and existing buildings, the following shall apply:

1. Having a landscape plan drawn, signed and sealed by a Florida Registered Landscape Architect is strongly encouraged.
2. A landscape plan should reflect and enhance a building's architecture, but not overpower it.
3. Blank walls and other unattractive areas of a site or building should be heavily screened with landscaping. This may or may not include the use of decorative lattice work.
4. Large parking areas and driveways should be heavily landscaped along the perimeter and with interior and terminal islands.
5. All landscape plans should reflect 100% property wide irrigation.

## LIGHTING

Proper lighting can be one of the most powerful methods of establishing a business image with the public during evening hours. Even if a store is closed during the evening, lighting of the building, signs, and windows is an effective marketing tool.

Lighting is also important in residential projects. It increases visibility of recreation facilities, enhances the views for residents and improves security and safety.

1. Within a typical storefront, those elements which need illumination include signs, entrances, window displays, and the interior. The levels of illumination for each of these areas should be varied. It is unnecessary to provide intense, glaring illumination to attract attention to the storefront. In some cases, lighting levels lower than adjacent businesses, but with carefully placed highlights, are more dramatic and attention-getting. In residential projects, light levels should clearly denote entrances, high security areas and walkways and other circulation systems.
2. Lighting should not be so intense as to draw more attention than the objects it illuminates. Lighting should not be used as a method to make a building stand out or used as an attention getting device. Therefore, indirect lighting and hidden spotlights are usually the most effective.
3. In addition to signs and merchandise, it is often desirable to light the structure itself. Many buildings possess attractive and unique architectural details which should be enhanced with discreet architectural/decorative lighting.
4. The second story interiors of two story commercial buildings should be illuminated in the evening even if they contain only storage or vacant space. Light coming from second floor windows (through curtains or shutters) provides a comfortable feeling of presence in the neighborhood, and eliminates the deserted feeling many commercial areas have after the shops are closed.
5. Backlighting of translucent awnings is discouraged. Lighting designed to light the sidewalk may be installed under awnings constructed of an opaque material (see page 5, #10).
6. Alleys and rear/side delivery areas should have lighting which remains on all evening hours.
7. Lighting on buildings and in parking lots should be white light.
8. Decorative lighting of landscape, landscape features, pool decks and recreation areas is encouraged.
9. All parking areas shall have sufficient lighting to provide a safe and functional environment.
10. Light fixtures in parking lots shall have a maximum height of 20 feet.
11. See Section on Neon for design guidelines.



## **MIXED USE ENTERTAINMENT DISTRICTS (MXE)**

It is the intent of MXE zoning to accommodate small to mid-size buildings in older, pedestrian oriented, waterfront neighborhoods. MXE zoning was developed to maintain the scale and historic character of these neighborhoods by expanding traditional uses of existing buildings to make them economically viable.

1. Existing buildings should be treated in a manner consistent with their period of construction. Rehabilitation of character defining architectural elements and public/semi-public interiors shall be maintained, or restored if necessary, as originally designed. An allowance for contemporary materials to replace deteriorated original materials, if necessary, may be considered if the new material closely resembles the original.
2. Existing buildings should not be made to appear older (more historic) or newer than they are. Each building shall be treated as a product of its own time. Additions to existing buildings should be compatible but contemporary.
3. New construction should be compatible in scale, setback and orientation with existing buildings but shall be contemporary in design.
4. All buildings in the MXE District should be well integrated with adjacent public sidewalks. Building entrances should be visible and accessible to pedestrians.
5. Semi-public areas such as lobbies, restaurants, cafes, etc. should be oriented to adjacent sidewalks and/or waterways.
6. Properties which include waterfront outlots should landscape and maintain the outlots as part of any rehabilitation or new construction project.
7. New construction, if taller than neighboring buildings, should be terraced to maintain perception of compatible scale. Whenever possible, it should be setback to reduce visibility from the street.
8. If outdoor music is part of a project, the area in which the music is intended to be heard should be designed in a manner to contain the music as best as possible on site. All outdoor music must meet the noise limits set forth in the City Code and Zoning Ordinance.

## **NEON**

1. The use of neon as a method to accent architectural details is encouraged; however, the cumulative effect of neon should not overpower the architecture of the building or be used in a manner which gives the impression that an architectural feature exists when in fact it does not. The brightness of the neon should be considered in evaluating this criteria.
2. Neon which is used to border windows or create a false sense of architecture is discouraged.
3. See SIGN section when neon is used as an advertising device.



## **PAINT COLOR**

The color of a storefront and/or building helps to establish a mood or feeling about the business or residence. It also reinforces both the individuality of the building and its relationship to its block, area and City. In recent years, buildings painted in multiple pastel hues has become a Miami Beach trademark. This multi-colored treatment creates a tropical image as well as a lively, carefree feeling which is consistent with a resort city; however, it is not necessarily appropriate to all architectural styles or to the desired image of all businesses. Light colors, however, are required by the Zoning Ordinance. Applicants are encouraged to study the City's official color chart before submitting color plans.

1. Paint color should be used to highlight architectural forms and details, but not to create them. Architectural murals and other trompe l'oeil may be appropriate for a particular building and will be considered on a case-by-case basis.
2. The color relationship between adjacent buildings should be compatible (not necessarily identical).
3. When a commercial building contains more than one storefront, the building shall have integrity of color. It should not be subdivided to reflect the storefronts.
4. Pastel colors are encouraged. Dark tones as well as glaring bright colors should be avoided.
5. Stone or tile surfaces shall not be painted. Choice of paint color on adjacent stucco surfaces should be chosen for compatibility with the stone/tile color. Where stone or tile surfaces have been painted, they should be carefully stripped, using water pressure/chemical methods, and re-sealed.
6. For historic and non-historic buildings within the historic districts, lighter pastels in accordance with the Miami Beach Paint chart are strongly encouraged. The only exception to this is Mediterranean Revival buildings, for which lighter earth tones are more appropriate.
7. For buildings outside the historic districts, all colors should have a light base and minimize the number of colors used for trim.

## **PARKING FACILITIES**

For at-grade parking lots, the following shall apply:

1. Landscape plans shall meet the minimum standards of Section 8 of the Zoning Ordinance. It is strongly encouraged to have a landscape plan for any parking area drawn, signed and sealed by a Florida Registered Landscape Architect.
2. With the exception of temporary parking lots, the landscaped areas of an at-grade parking lot should be defined with a six (6) inch curb.
3. Parking lots in the front or side yards of residential buildings in the National Register or local historic districts are discouraged. Parking in the rear or in off-site lots is encouraged.
4. Parking lots associated with commercial uses are encouraged to be located on the side or rear of the main building when such properties are located on streets that have a strong pedestrian orientation.
5. Parking lots in historic districts, where appropriate, are encouraged to use the alley as a means of entrance and exit.
6. Within the historic districts, the closing of existing curb cuts is generally encouraged and the construction of new curb cuts is generally discouraged.

For parking garages and structures, the following shall apply:

1. The ground floor of parking structures should contain commercial uses with storefronts and architectural detailing so as not to appear as a garage on elevations that face a street. The placement of commercial uses must receive zoning approval.
2. The multiple levels of parking structures should be parallel to grade on primary and waterfront elevations.
3. The primary elevations of parking structures should be designed to be compatible with neighboring buildings.
4. Stairways and elevators, which are the most commonly vandalized areas of garages, should be glass enclosed or open and clearly visible to the street or other populated areas.
5. Ramps, stairwells and any other portion of a garage should be buffered with the use of decorative grilles and screens.
6. Parking garages within the historic districts are encouraged to be located on sites which are non-historic, non-contributing and blighted.

### **Service Bays, Mechanical (HVAC) Equipment and Delivery Areas**

1. For new construction, all Service Bays, Mechanical (HVAC) Equipment and Delivery Areas, to the greatest extent possible, should be fully enclosed and located within the interior of the subject building or structure.
2. For new construction, all Service Bays, Mechanical (HVAC) Equipment and Delivery Areas should be located away from, and not be visible from streets, waterways, beachfronts, sidewalks and adjacent properties which have a residential or hotel component.
3. In the event existing or proposed Service Bays, Mechanical (HVAC) Equipment and Delivery Areas are visible from adjacent properties which have a residential or hotel component, a large, sound proof barrier wall, buffered by landscaping on both sides, where feasible, should be constructed. The height and size of any wall should be limited to the dimensions permitted under the code; however, in the event code limitations do not allow for adequate sound and visual abatement, a variance may be considered by the Board of Adjustment.
4. A dense landscape buffer shall be provided in between all existing and proposed exterior service/delivery areas and adjacent residential properties. Continuous concrete curb, bollards and bumper guards should be utilized to protect all landscape areas from vehicular intrusion.
5. The sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies shall not take place within any service bay or delivery area, unless the property is located in the I-1 district or is a licensed automotive repair/servicing facility.
6. Exterior service bays and delivery areas should not be used for the storage of vehicles or materials.
7. Driveways and loading spaces associated with exterior service bays and delivery areas shall be located so that any vehicle using such space does not intrude on or hinder the use of travel lanes, walkways, public or private streets, or adjacent properties.

## **SHUTTERS/SECURITY GRILLS**

### **Hurricane and Security - Non-residential Property**

1. Roll-up or accordion shutters are permitted on the ground floor fronting a public street when constructed of a see-through, non-solid grate material. The casing for the grilles should be painted to match the building and should not damage or obscure architectural, historic or decorative material.
2. Roll-up or accordion shutters of a solid nature, meeting hurricane protection requirements may be installed on upper floors if all windows are included and the same shutter is used on all windows. These shutters may also be used on ground floor windows which do not front upon a public street.
3. Only removable shutters with removable tracks are permitted on the ground floor of non-residential buildings (or commercial or office uses within a residential building) on those elevations fronting on a public street.
4. Security bars are not encouraged but may be installed on the inside of windows and painted to match the mullion pattern and window surrounds.
5. For all buildings within designated historic districts which endeavor to install hurricane shutters, the following shall apply:
  - a. All shutters on the first and second levels of historic buildings shall consist of removable tracks and panels; said shutters may only be installed in the event of a hurricane warning or hurricane watch.
  - b. All third level and above windows on historic buildings shall replace existing glass with force resistant laminated glass, subject to the approval of the Miami Beach Building Department. Said replacement shall mimic the historical mullion pattern, original to the window.
  - c. The laminated glass described above may also be used in lieu of removable storm shutters on the first and second levels of a given historic structure.
  - d. Roll-up or accordion shutters may also be permitted, but only if they are integrated into the interior of the wall, are not visible on the exterior when open and do not change window or door openings.

### **Hurricane and Security - Residential Property**

1. Roll-up or accordion shutters should match window size exactly. The same type shutter shall be used throughout the building.
2. No part of the shutter, storage box, track or associated hardware should damage or obscure architectural, historical or decorative material.

3. In cases of small residential buildings, single family homes or commercial uses in residential buildings, an awning is encouraged to screen the view of the storage box or roll-up shutters.
4. If installed in a multi-family building, the application should be approved by the building owner or condominium association. Only one type of shutter shall be approved per building.
5. Roll-up or accordion shutters on balconies should be installed abutting the building wall, not balcony railings. Shutters shall not be used to enclose balconies.
6. All shutter tracks and storage boxes should be painted to match the building color.
7. For security purposes, basement windows and/or other below grade openings may be blocked with glass blocks. This may not be permitted if it would require removal of an existing historic material (to be determined on a case-by-case basis).
8. Security bars are not encouraged but may only be installed on the inside of windows. Bars must meet building/fire safety requirements and painted to match the window mullion and surrounds.
9. For all buildings within designated historic districts which endeavor to install hurricane shutters, the following shall apply:
  - a. All shutters on the first and second levels of historic buildings shall consist of removable tracks and panels; said shutters may only be installed in the event of a hurricane warning or hurricane watch.
  - b. All third level and above windows on historic buildings shall replace existing glass with force resistant laminated glass, subject to the approval of the Miami Beach Building Department. Said replacement shall mimic the historical mullion pattern, original to the window.
- c. The laminated glass described above may also be used in lieu of removable storm shutters on the first and second levels of a given historic structure.
- d. Roll-up or accordion shutters may also be permitted, but only if they are integrated into the interior of the wall, are not visible on the exterior when open and do not change window or door openings.

## **SIDEWALK CAFES**

Location of dining tables on the public right of way can have a positive effect on the character of the street as well as the individual businesses. Sidewalk cafes must be associated with an adjacent licensed restaurant and comply with all other Zoning Requirements.

1. Placement of tables, chairs, and other permitted items shall be such that 50% of the sidewalk width, with a minimum of five (5) feet, is maintained at all times as an unobstructed pedestrian path.
2. Tables shall not be located in front of another business without the written approval of that business.
3. Sidewalk cafe service shall not be via take-out windows. Service shall be by waiter only.
4. Food preparation/sale shall not occur outside of the enclosed restaurant. Food preparation shall not be permitted in the outdoor portion of a restaurant.
5. The tables form sufficient advertisement, no additional signs for the sidewalk cafe are permitted. Signs on table umbrellas is not permitted. Sandwich board signs are not permitted.
6. Sidewalk cafe furniture shall be substantial enough not to blow over with normal winds.
7. All furniture shall be stored inside the restaurant whenever the business is closed.
8. All outdoor furniture and fixtures shall be approved by the Division of Planning, Design and Historic Preservation.
9. Beside tables and chairs, the only additional items located within the right-of-way may be movable potted plants and one (1) menu board not to exceed four (4) square feet.
10. All disposable table materials such as plates, glasses, and napkins shall be imprinted with the name of the cafe. This regulation is intended to control litter.
11. Awnings associated with sidewalk cafes shall comply with the guidelines in that section.
12. Sidewalk cafes shall receive a Revokable Permit subject to the procedures established by the City.
13. Please refer to chapter 39 of the Miami Beach Code for all applicable rules and regulations regarding sidewalk cafes.

## SIGNS

Signs should provide the potential customer with specific information in a simple, straightforward and attractive manner. This information includes the business name, address, and possibly, the type of product. Generally, additional information only confuses the customer and detracts from the appearance of the building. This is especially true on vehicular streets where traffic moves rapidly. Simple signs are far more effective.

1. Eliminate excessive signs, including signs left from previous tenants.
2. Many building facades contain architectural elements whose purpose is to frame or otherwise highlight signs. If such elements exist, they should be utilized.
3. Do not obscure architectural detailing with signs.
4. Signs should be constructed of individual channel letters or neon. Neon logos or pictorial displays in the historic districts should be de-emphasized in relation to sign copy. All signs should be flush mounted, though, in some instances, discreet raceways may be acceptable. Plastic panels or other types of background devices, including the use of paint, are strongly discouraged. Within small centers, where the maximum size of each sign is twenty (20') square feet, it is suggested that the maximum height of all letters not exceed eighteen (18") inches.
5. Painted wall signs, in general, are discouraged. However, in the event these types of signs are sought, the following criteria shall apply:
  - A. Copy shall be limited to script or stylized letters only and the design of said sign must be composed by a graphic artist or graphic designer and executed by a professional sign painter. Block or helvetica letters, as well as background images or borders shall not be allowed.
  - B. Painted signs may only be applied directly to flat, solid stucco surfaces or other such existing surface as may be approved by staff. Painted signs may not be applied to fluted, metal, plastic, wood or other non-stucco surfaces, as may be proposed to be attached.
  - C. External devices used to illuminate painted signs are generally discouraged; however, if necessary, it is suggested that said devices be discreet, uniform and compatible with the architecture of a given structure.
6. Panel signs, general advertising signs, pole signs or box signs are not encouraged. Roof top signs are prohibited. Transformers should be obscured from view.
7. Paper signs attached to the shop window are discouraged.
8. For pedestrian customers, the business name, and hours of operation should be discreetly printed on the display window glass. The name of business should be printed in letters not to exceed four (4) inches in height. Hours of operation shall be printed in numerals not to exceed two (2) inches in height.
9. The name of the business may be printed on one (1) sign suspended under an awning. The sign shall not exceed a total of three (3) square feet with letters not to exceed six (6) inches in height. Such signs shall have a minimum height clearance above the sidewalk of seven (7) feet, six (6) inches.

10. Within historic districts, or in the case of historic buildings, restoration of the original sign is encouraged. Historic signs may have to be modified to meet the Zoning Ordinance regulations. Reviews of such signs are on a case by case basis. Considerations include the quality, size, and location of the historic sign and the design of the historic building.
11. Awning signs should consist of the name of the business and numerical address only, located on the awning valance. Letters should not exceed 6" in height and total sign area should not exceed three (3) square feet. An awning sign may exceed this size if it is the only sign for the business. Size is to be determined through the Design Review process and cannot exceed that permitted in the Zoning Ordinance. These regulations also apply to canopies; however, signs may be located on the one panel facing the street only.
12. Signs on professional office buildings containing multiple offices or principals should consist of one primary building or office name per street frontage. The names of individual offices or principals may be listed on an office directory the total size of which shall conform to one (1) accessory use sign.
13. Signs on professional office buildings containing one (1) office/principal are limited to one (1) primary sign per street frontage. Use of a logo to replace the primary sign is encouraged.
14. Signs should not be located in upper floor windows or upper levels of the building elevation (except building identification signs or a sign associated with the principal tenant of a building). Buildings which have upper level commercial or retail uses shall submit a sign program in which all signs can be accommodated at the ground floor entrance. No other exterior signs for second floor uses are permitted unless approved by the Design Review Board and consistent with the Zoning Ordinance.
15. Multi-floor residential buildings which have been converted in their entirety to commercial use which have exterior "catwalk" entrances may have exterior signs (subject to all other guidelines) at the business entrances, but in no other location. The overall size of the signage in this regard should be proportional to the width of the storefront. The guideline is in effect if entrances front a public street or parking facility, otherwise such signs are not permitted.
16. When a building has multiple uses or storefronts, signs should be of a consistent size, type and location. Specifically, the following shall apply:
  - A. On new construction, all signage should embrace the following:
    1. A combination of some form of individual or channel letter such as front lit, back lit or open face.
    2. Variations in letter style, size, color and material.
    3. All signage should be located in a similar vicinity, unique to each storefront

This is not to suggest that creativity in types of signs be impeded, only that a relationship between the various entities within a building be established. Specifically, a regimented uniform sign program, consisting of the exact same style, color and type of sign, is strongly discouraged.
  - B. On existing structures which do not have a comprehensive sign plan, some degree of cohesive design should be established over time. This may include having proposed skeleton neon signs



placed in open channels or having non-illuminated individual letter signs incorporate the same width as channel letter signs.

C. Painted signs may be utilized on existing buildings which do not have a previously mandated uniform sign program. External devices used to illuminate these signs are generally discouraged; however, if necessary, it is suggested that said devices be discreet, uniform and compatible with the architecture of a given structure.

17. Signs located in the interior of the store shall be set back a minimum of 10 feet from windows except for neon signs which are consistent with No. 17.
18. In commercial or mixed used entertainment districts, one secondary sign is permitted in the window (facing the street) when the primary sign cannot be viewed by pedestrians because of an awning or overhang. The secondary sign must be composed of neon and approximately 2 sq. ft. Neon window signs may be mounted on a clear plastic back. Black or other colored backgrounds are discouraged.
19. Change of copy on existing box, panel or pole sign is not encouraged. It is recommended that these sign types be eliminated and more appropriate signs be installed.
20. Sandwich sign boards are discouraged.
21. No portion of a sign should extend above the parapet and all Signs should be located immediately above the use they identify.
22. All signs, including temporary signs, shall conform to the Zoning Ordinance.

## **WINDOW DISPLAYS: MERCHANDISE IN WINDOWS**

Window displays of merchandise (not including signs) are not subject to Design Review; however, one of the most important impressions a business makes on the pedestrian customer is with the window display. The methods in which merchandise is shown or, in some cases not shown, provides the customer with a mass of information and impressions about the store and its merchandise. The following information is provided for the applicants consideration.

The purpose of a window display includes capturing the pedestrian customers' attention, establishing a positive and professional image for the business, informing the potential customer of the merchandise available in the store, and enticing them to make a purchase. Simply putting merchandise in a window without careful planning sends a message to the potential customer that the merchandise is uninteresting and was selected without care, that the customer's wants are not being considered, and that the store is run in a nonprofessional manner.

1. The merchandise selected for window display is a sample of what can be found in the store. It is not necessary to display all available merchandise in the window at one time.
2. Window displays help establish the customer's feeling for the store as well as the merchandise. The merchant should choose color, background, props, and lighting that create the appropriate image, be it innovative, progressive, traditional, conservative, sophisticated, etc.
3. Window displays should be changed frequently. Merchandise should be changed weekly or biweekly. The overall display (background, props, lighting) can be used through several merchandise changes, but some modification should occur periodically. Displays which remain unchanged are soon taken for granted and items become faded and dusty and stop attracting customers.
4. Signs in window displays shall be consistent with Sign criterion 15.

# **CITY OF**

# **MIAMI BEACH**

# **DESIGN GUIDELINES**

Adopted by the Joint Design Review/Historic Preservation Board

October 12, 1993

Amended June 13, 2000

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## **Tab 9**

