

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: January 11, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB21-0478, **601 Washington Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the introduction of a sound barrier wall located at the north and west sides of the 3<sup>rd</sup> level rooftop pool deck.

#### **RECOMMENDATION**

Continue the application to a future date.

#### **BACKGROUND**

On May 10, 2016, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness (HPB 7632) for the substantial demolition and restoration of five structures, the total demolition of three structures and the construction of a new 7-story ground level addition, including variances for the triple stacking of vehicles and to reduce the minimum required rear setback. On July 26, 2016, the Planning Board reviewed and approved a Conditional Use Permit (PB 2320) for the construction of a new 7-story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code. On December 18, 2017, the Historic Preservation Board reviewed and approved modifications to the previously issued Certificate of Appropriateness (HPB17-0159) including facade modifications and a variance to reduce the required street setback for residential uses.

On May 25, 2021, a cure letter was sent to "Washington Squared Owner, LLC," pursuant to the requirements of Section 118-194 of the City Code, for violations of the CUP related to excessive noise. The cure letter requested that the applicant appear before the Planning Board for a progress report. On July 27, 2021, the Planning Board discussed the progress report and scheduled a revocation modification hearing for the September 28, 2021 meeting. On September 28, 2021, the Planning Board discussed and continued the progress report and revocation modification hearing to the November 30, 2021 meeting. On November 30, 2021, the Planning Board discussed and continued the progress report and revocation modification hearing to the January 25, 2022 meeting, at the applicant's request.

On November 9, 2021, The Historic Preservation Board reviewed and continued the subject application to a date certain of January 11, 2022.

## **EXISTING STRUCTURES**

Local Historic District: Flamingo Park

### **601-615 Washington Avenue**

Construction Date: 1934  
Architect: E. L. Robertson  
Classification: Contributing

### **641-647 Washington Avenue**

Construction Date: 1925  
Architect: J. C. Devine (owner)  
Classification: Contributing

### **657-665 Washington Avenue**

Construction Date: 1932  
Architect: E. L. Robertson  
Classification: Contributing

### **669-675 Washington Avenue**

Construction Date: 1933  
Architect: E. L. Robertson  
Classification: Contributing

### **679-685 Washington Avenue**

Construction Date: 1934  
Architect: E. L. Robertson  
Classification: Contributing

### **New Hotel Structure**

Classification: Non-Contributing  
Construction Date: 2021  
Architect: Morris Adjmi Architects

## **ZONING / SITE DATA**

Legal Description: Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 20 and 21 of Block 34, Of Ocean Beach, Fla. Addition No 1, According to the Plat Thereof, as Recorded in Plat Book 3, Page 11, of the Public Records of Miami-Dade County, Florida.

Zoning: CD-2, Commercial, medium intensity  
Future Land Use Designation: CD-2, Commercial, medium intensity

## **THE PROJECT**

The applicant has submitted plans entitled “Historic Preservation Board Modification: Final Revised Submittal”, dated December 10, 2021.

## **COMPLIANCE WITH ZONING CODE**

The application, as submitted, appears to be consistent with the requirements of the City Code.

This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**CONSISTENCY WITH 2040 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the existing **commercial** use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

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

- (1) A recycling or salvage plan for partial or total demolition shall be provided.  
**Not Applicable**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Not Applicable**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Not Applicable**
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Not Applicable**
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.  
**Not Applicable**
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.  
**Not Applicable**
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.  
**Not Applicable**
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

**Not Applicable**

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

**Not Applicable**

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

**Not Applicable**

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

**Not Applicable**

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

**Not Applicable**

**COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.  
**Satisfied**
  - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. Exterior architectural features.  
**Not Satisfied**  
**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level.**
  - b. General design, scale, massing and arrangement.  
**Not Satisfied**

**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level.**

- c. Texture and material and color.  
**Satisfied**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Not Satisfied**  
**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level as well as the character of the surrounding historic district.**
  - e. The purpose for which the district was created.  
**Not Satisfied**  
**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level as well as the character of the surrounding historic district.**
  - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.  
**Satisfied**
  - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.  
**Satisfied**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Applicable**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
  - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably

necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

**Satisfied**

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

**Not Satisfied**

**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level.**

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

**Not Satisfied**

**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level as well as the character of the surrounding historic district.**

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

**Not Satisfied**

**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level as well as the character of the surrounding historic district.**

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

**Not Applicable**

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and

reflection on adjacent properties and consistent with a City master plan, where applicable.

**Not Applicable**

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Not Applicable**

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Satisfied**

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Not Satisfied**

**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level.**

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Not Applicable**

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Satisfied**

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

**Not Satisfied**

**The extent and magnitude of the proposed sound barrier system at the third level rooftop has a significant adverse impact on the Contributing building facades at the ground level.**

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

**Not Applicable**

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Not Applicable**

### **ANALYSIS**

On November 9, 2021, the Board reviewed and continued the subject application to a date certain of January 11, 2022 in order to give the applicant additional time to address concerns expressed by the Board. Since the November meeting the applicant has submitted revised plans including the following modifications:

1. The height of the proposed sound barrier structure has been reduced by 2'-0" and is currently proposed to be a maximum of 10'-0" tall.
2. A portion of the sound barrier located at the northwest corner of the pool deck (adjacent to the Friedman's Bakery cupola) has been further setback from the deck edge.
3. The speakers within the pool deck are proposed to be mounted at a height not to exceed 7'-0".

Staff believes that the modifications outlined above are improvements over the previously proposed plan. Notwithstanding, and as noted previously, staff continues to have design concerns relative to the impact the proposed barrier wall will have on the contributing facades at the ground level, as well as the character of the surrounding historic district. Additionally, staff is concerned that the proposal to continue the existing vine landscaping vertically along the face of the barrier may not be viable and may not be as successful as what is shown in the provided renderings.

If it is concluded that some form of a barrier wall, in conjunction with further modifications to the sound system, will be able to fully contain all noise within the premises, staff believes that the most appropriate design option would be to provide an additional setback from the entire deck edge, in addition to providing natural landscape screening. This would help minimize the adverse visual impact of the barrier structure, while still providing sound mitigation. Additionally, the applicants Landscape Architect will need to substantiate that the natural landscape screen will be viable in this revised option.

As part of the applicant's Planning Board progress report (scheduled to be heard on January 25, 2022) a revised sound study and peer review will be presented. However, as of the writing of this report, the peer review has not been completed. This is an important component, and directly related to the certificate of appropriateness request herein, as the sole purpose for the proposed wall is to address issues with excessive and loud music.

Staff believes that before the Historic Preservation Board considers approving a large, architecturally dominant barrier wall such as that proposed herein, even modified in accordance with staff recommendations, the applicant needs to adjust the internal sound system components to the satisfaction of the City peer reviewer, to ensure that sound will not be audible from anywhere west of Washington Avenue. As such, staff would recommend that the application be continued to a future date, so that the applicant's sound consultant can continue to work with the City's peer



reviewer, to come up with an internal sound system that will not be audible from the west side of Washington Avenue.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **continued** to a future date. In the event the Board should approve the application, it is recommended that any such approval be subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.