

ISSUE 1: Whether a building permit application can also serve as a *de facto* application for a Certificate of Appropriateness?

Rationale: If the answer is *No*, then the BOA should conclude that a COA was never issued for the Property and **REVERSE** the Planning Director's Determination.

ISSUE 2: Whether the Property's gut renovation is a "minor repair" under City Code § 118-563(d)?

Rationale: If the answer is *No*, then the BOA should conclude that the City Staff exceeded its authority in granting a COA and **REVERSE** the Planning Director's Determination.

ISSUE 3: Whether the Property's renovation plans comply with applicable historic preservation guidelines?

Rationale: If the answer is *No*, then the BOA should conclude that the COA required Historic Preservation Board approval and **REVERSE** the Planning Director's Determination.

ISSUE 1: Whether a building permit application can also serve as a *de facto* application for a Certificate of Appropriateness?

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 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.

Third: 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”

. . . but no such record exists.

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

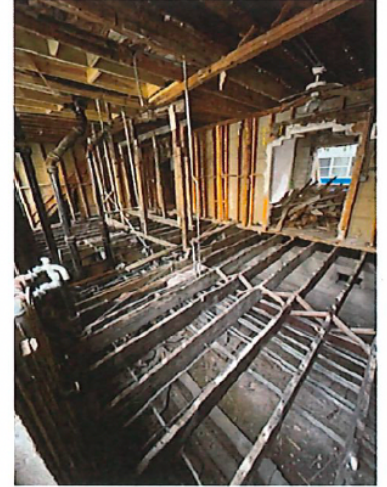
. . . yet no such record has ever been produced (because it does not exist)

**DIVISION 3. - ISSUANCE OF CERTIFICATE OF
APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE
OF APPROPRIATENESS FOR DEMOLITION**

Sec. 118-561. - General requirements.

(a) A certificate of appropriateness issued under this chapter shall be required prior to the issuance of any permit for . . . alteration, rehabilitation, renovation, restoration . . . or any other physical modification affecting any building . . . located within an historic district[.]

ISSUE 2: Whether the Property's gut renovation is a "minor repair" under City Code § 118-563(d)?



Sec. 118-563- Review procedure

(d). . .[A]ll applications for certificates of appropriateness 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) shall be reviewed by the staff of the board. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. **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) Facade 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.

ISSUE 3: Whether the Property's renovation plans comply with applicable historic preservation guidelines?

SEE TAB 1, the historic designation report that designated the Property as a *contributing structure* in the City's *Ocean Beach Historic District*.

OCEAN BEACH HISTORIC DISTRICT

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

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.

WHAT DO THE EXPERTS SAY?

CITY OF MIAMI BEACH LAND USE AND ZONING REVIEW

***PREPARED BY CECELIA WARD, AICP
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October 18, 2021

FINDINGS: Part I.

- Staff utilized the application for a building permit as its administrative review of a COA and issuance of a COA for 333 Jefferson Avenue and 310 Meridian Avenue.
- However, the City's LDRs require a distinct and separate application and review for the issuance of a COA, as reflected in Article X Historic Preservation.
- Additionally, subsection 118.562 (b) Application of that section of the code, requires an application for a COA on a ***form provided by the planning department***, which currently does not.



Joseph M. Centorino, Inspector General

TO: Honorable Mayor and Members of the City Commission
FROM: Joseph M. Centorino, Inspector General

DATE: January 5, 2022
RE: Report on Permitting Issues at 310 Meridian Avenue
OIG No. 21-40

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Legal Conclusions

Independent Counsel retained by the OIG reached the following conclusions in the attached opinion:

A. Planning Department

Page 15 of 18

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- a. Failure of the Planning Department to utilize a separate application for a Certificate of Appropriateness was not in compliance with the Land Development Regulations.
 - b. Failure of the Planning Director to issue and publish a written decision of the administrative approval of the Certificate of Appropriateness for the property was in contravention of the Land Development Regulations.
 - c. The Planning Department's review of a change of use to apartment hotel complied with the City's Comprehensive Plan and Land Development Regulations.
 - d. The Planning Department's review of the building permit application for conformity with the density limitations of the Comprehensive Plan and Land Development regulations, and the determination that the property was a legal non-conforming structure was not legally deficient.

Debbie Tackett (Historic Preservation Officer)

The OIG asked Ms. Tackett about the Planning Department's process with respect to the issuance of a Certificate of Appropriateness. Ms. Tackett stated that, "basically everything except if you're changing your bathroom or the interior of a single-family home...requires a Certificate of Appropriateness...there are kind of two channels...one, you go to the board and one...you can go through administrative review." She stated that Section 118-563 specifies the work that can be reviewed administratively.

Francisco Arbelaez (Plan Reviewer)

Finally, Mr. Arbelaez noted that the plans did not reflect what was happening with the windows. He stated that he would not have approved the plans without knowing what was being replaced and that there must have been revisions. During his statement, Mr. Arbelaez reviewed email exchanges he had with the architect in which he required them to produce microfilm of the property and pictures of the windows. He asked the architect whether she modified the windows to match the microfilm. There is no record that the OIG could find that answered this question.

Mr. Arbelaez, after reviewing the permit, was confused. He did not know whether the windows were changing or not. He explained that one cannot remove windows on a historic building unless the City knows what will be put in place of the old windows. He stated that it is common practice for applicants to want to "gut" an entire building and the Planning Department reviewers will advise them that they have to scale back their work. He stated that his practice was, when approving a window, to put into Energov notes that windows with a particular pattern and style were being approved. Mr. Arbelaez reviewed all the records on Energov and confirmed that there were no comments regarding the windows or revisions to the permitted plans.

Tom Mooney (Planning Director)

. . . on the discontinuance of a separate COA application:

Mr. Mooney was asked whether, at the time the practices in the department changed, he had any guidance from the legal department. He indicated that there was no discussion with the City Attorney's Office about the need to update the Code in light of the new practices.

MIAMIBEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

ADR
number

Permit
number

ADMINISTRATIVE DESIGN & APPROPRIATENESS REVIEW APPLICATION FORM

Address of property		Unit number
Name of business or building (if applicable)		
Name of property owner	Address of property owner	
Name of contractor	Address of contractor	
Name of applicant	Telephone	
<p>The undersigned applicant hereby certifies that he or she understands that a completed "owners affidavit" executed by the owner of the subject property shall be submitted to the Miami Beach Building Department, if required, prior to the issuance of a building permit. The undersigned further certifies that he or she is authorized (on behalf of the owner) to request the above administrative design review approval.</p>		
Signature of applicant	Printed name of applicant	Date signed

SEE REVERSE SIDE FOR EXHIBITS AND FEES REQUIRED

An administrative design review approval shall only be effective when this form is executed by an authorized staff person of the City of Miami Beach Planning Department.

Fees must be paid at the time of application. If paying by check, please make the check payable to the City of Miami Beach.

TO BE COMPLETED BY STAFF					
<input type="checkbox"/> Antenna	<input type="checkbox"/> Awning	<input type="checkbox"/> Canopy	<input type="checkbox"/> Conc. Repair	SF <input type="checkbox"/> Y <input type="checkbox"/> N	HD <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Doors	<input type="checkbox"/> Fence	<input type="checkbox"/> Landscaping	<input type="checkbox"/> Painting	Microfilm	
<input type="checkbox"/> Parking Lot	<input type="checkbox"/> Railings	<input type="checkbox"/> Shutters	<input type="checkbox"/> Signs	Approved by	
<input type="checkbox"/> Storefront	<input type="checkbox"/> Windows	<input type="checkbox"/> Window Signs		Fee	
<input type="checkbox"/> Other				MCR	

Rev sed 5/11/2015

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REVIEW OF:

FEE*:

EXHIBITS REQUIRED:

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.