

# 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: HPB21-0485, **93 Palm Avenue.**

A presentation by the City of Miami Beach Planning Department to the Historic Preservation Board of a Preliminary Evaluation and Recommendation Report relative to the possible designation of 93 Palm Avenue as a local historic site. If the Historic Preservation Board finds that the property meets the criteria of the land development regulations for historic designation, it may instruct the Planning Department to prepare a Designation Report pursuant to Section 118-591(b) of the City Code of Miami Beach.

### **RECOMMENDATION**

The Planning Department not be directed to prepare a formal historic designation report for the possible designation of 93 Palm Avenue as an Historic Site.

### **BACKGROUND**

On May 27, 2021, the previous property owner submitted Design Review Board application (DRB21-0692) for the design of a new 2-story home to replace an existing architecturally significant pre-1942 home.

On September 13, 2021, the Historic Preservation Board passed a motion (7-0), directing the Planning Department to prepare a Preliminary Evaluation and Recommendation Report relative to the possible historic designation of 93 Palm Avenue as an individual historic site. On the same day, the Design Review Board application was withdrawn. Subsequently, the property was sold to a new owner.

### **DESIGNATION PROCESS**

The process of historic designation is delineated in Sections 118-591 through 118-593 in Subpart B of the Land Development Regulations of the City Code (Chapter 118, Article X, Division 4). An outline of this process is delineated below.

Step One: A request for designation is made either by the City Commission, the Historic Preservation Board, other agencies and organizations as listed in the Land Development Regulations of the City Code, or the property owners involved. Proposals for designation shall include a completed application form available from the Planning Department.

Step Two: The Planning Department prepares a preliminary evaluation report with recommendations for consideration by the Board.

Step Three: The Historic Preservation Board considers the preliminary evaluation to determine if proceeding with a designation report is warranted.

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

- 1) describes the historic, architectural, and/or archeological significance of the property or subject area proposed for Historical Site or District designation; and
- 2) recommends Evaluation Guidelines to be used by the Board to evaluate the appropriateness and compatibility of the proposed Developments affecting the designated Site or District; and
- 3) will serve as an attachment to the Land Development Regulations of the City Code.

Step Four: The designation report is presented to the Historic Preservation Board at a public hearing. If the Historic Preservation Board determines that the proposed site or district satisfies the requirements for designation as set forth in the Land Development Regulations of the City Code, the Historic Preservation Board transmits 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 and shall consider the proposed historic designation as an amendment to the Land Development Regulations of the City Code and, subsequently, transmit its recommendation to the City Commission.

Step Six: The City Commission may adopt an amendment to the Land Development Regulations of the City Code which thereby designates the Historic Preservation Site or Historic District after (1) public hearing for a parcel of land less than ten (10) contiguous acres or after (2) public hearings for a parcel of land which is more than ten (10) contiguous acres.

## **PRELIMINARY EVALUATION**

### **Historical Context**

The construction of Palm Island was started in 1919 and completed in 1921 and was the first of a pair of man-made residential islands in the center of Biscayne Bay built and developed by the Biscayne Bay Islands Company. The islands were formed by dredging the bay bottom and depositing the overburden material inside a perimeter retaining wall defining the shape of the island. The second of this pair, Hibiscus Island, was started in 1921 and completed in 1924.<sup>1</sup> Palm and Hibiscus Islands were located conveniently accessible from Miami and Miami Beach via the Dade County Causeway (renamed the General Douglas MacArthur Causeway following World War II). They were linked to each other and to the County Causeway by Fountain Drive. The

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<sup>1</sup> "Palm and Hibiscus Islands," Florida: The East Coast, publ. by *Miami Herald* circa 1924, p. 236.

Biscayne Bay Islands Company was formed in 1918 and its officers included Clarence M. Busch (president), Joseph F. Chaille (vice president) and L. T. Highleyman (secretary-treasurer).<sup>2</sup> Mr. Busch lived at 142 Palm Avenue (constructed ca. 1920) with his family. In 1922, Mr. Busch constructed the home located at 93 Palm Avenue and in 1925, he constructed the home at 94 Palm Avenue.

THE MIAMI HERALD, FRIDAY, MARCH 1, 1918. PAGE NINE

## A REMARKABLE PROPOSITION AND A SAFE SOUND GUARANTEE BACK OF IT

FLAT OF ISLANDS  
OF  
BISCAYNE BAY ISLAND COMPANY'S GROUP  
GILES & WATSON-ENGINEERS  
JANUARY 1918  
SCALE IN FEET

### A GUARANTEED SAFE INVESTMENT

While you are waiting to make up your mind in regard to the purchase of a lot on Biscayne Bay Islands Company's Proposed Islands, your opportunity is rapidly passing. A large number of people are investigating this proposition and the more they look into it the better they like it.

Several lots were sold yesterday. There are only fifty of these lots going to be sold and as the demand will far exceed the supply you will have to act with promptness if you expect to take advantage of this remarkable offer.

The Fidelity Bank & Trust Company of Miami, Fla., has agreed to act as trustees for all the money that is paid in on the stock and lots and when the fifty lots have been sold to guarantee the purchasers the full completion of the development of this magnificent property.

Keep in mind the fact that when you buy a lot from us you are really buying a completed lot. For you are buying a completed lot as our arrangements with the Fidelity Bank & Trust Company and our guarantee back of this proposition through the Fidelity Bank and Trust Co. absolutely insures you the full completion of all the improvements.

**MIAMI BUSINESS MEN AND WEALTHY TOURISTS HAVE ALREADY MADE SELECTIONS OF A NUMBER OF THESE LOTS. PRACTICALLY HALF ARE GONE THE FIRST FEW DAYS OF SALE. ARE YOU GOING TO MISS THIS OPPORTUNITY? FOR FULL PARTICULARS WRITE OR CALL AT THE FOLLOWING ADDRESS:**

### WHAT MORE COULD ONE WISH or EXPECT

We are absolutely offering you a magnificent lot in a location that is superb, at a price which has never been duplicated before nor is it likely that you will ever again have such an opportunity to purchase such a lot at even the cost of the combined stock and the lot which we are offering you.

You are getting an interest in the company which enables you to share in all the profits that will accrue from the sale, after the completion of the islands—of the remaining one hundred and fourteen lots—which, when sold, we predict will make your stock eventually worth not less than six thousand dollars—more than paying for both your stock and lot.

If your stock does not make money, then we cannot make money, for you participate completely and absolutely in all the profits, thereby absolutely insuring you that we will expend every effort to make this property high-class, desirable and profitable.

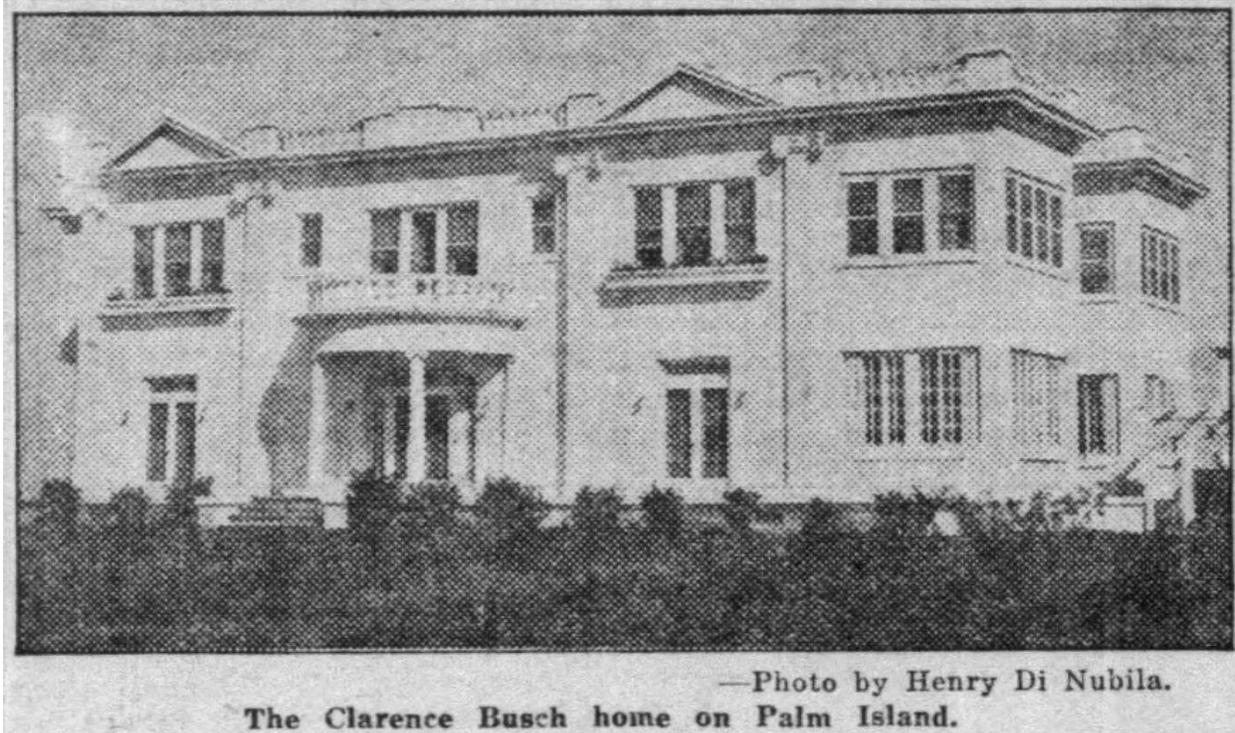
We sell you a bay front lot 100x300 feet and \$2,500 worth of stock in our company for \$5,000.

## BISCAYNE BAY ISLANDS COMPANY

Urmey Hotel Bldg., 13th and Ave. B. Hugh M. Anderson, General Sales Manager. Phone 1066

Advertisement for Palm and Hibiscus Islands, Miami Herald, March 1, 1918

<sup>2</sup> "Form Company to Take Over Le Gro Project," Miami Herald, 13 January 1918.



*Photograph of 142 Palm Avenue, Miami Herald, December 15, 1921*

### **93 Palm Avenue**

On June 10, 1922, the following article appeared in the Miami Herald entitled “Beautiful Home for Palm Island” announcing Mr. Busch’s intention to construct a new residence at 93 Palm Avenue.

*“C. M. Busch Starts Building Spanish Type of Residence, Which Will Cost \$25,000*

*The foundations were laid yesterday for a \$25,000 house on Palm Island, which is being built by Clarence M. Busch on one of his lots there. C. R. Donathan, the contractor in charge of the work, said that he expects to have the home ready for occupancy by September 1.*

*The house will be in the shape of an “L” when completed, with the main part two stories in height and the wing but one story. The plans show that the first story will have a large reception room and two breakfast rooms. A great natural rock fireplace will grace the living room. On the second floor there will be four bedrooms besides a number of smaller rooms.*

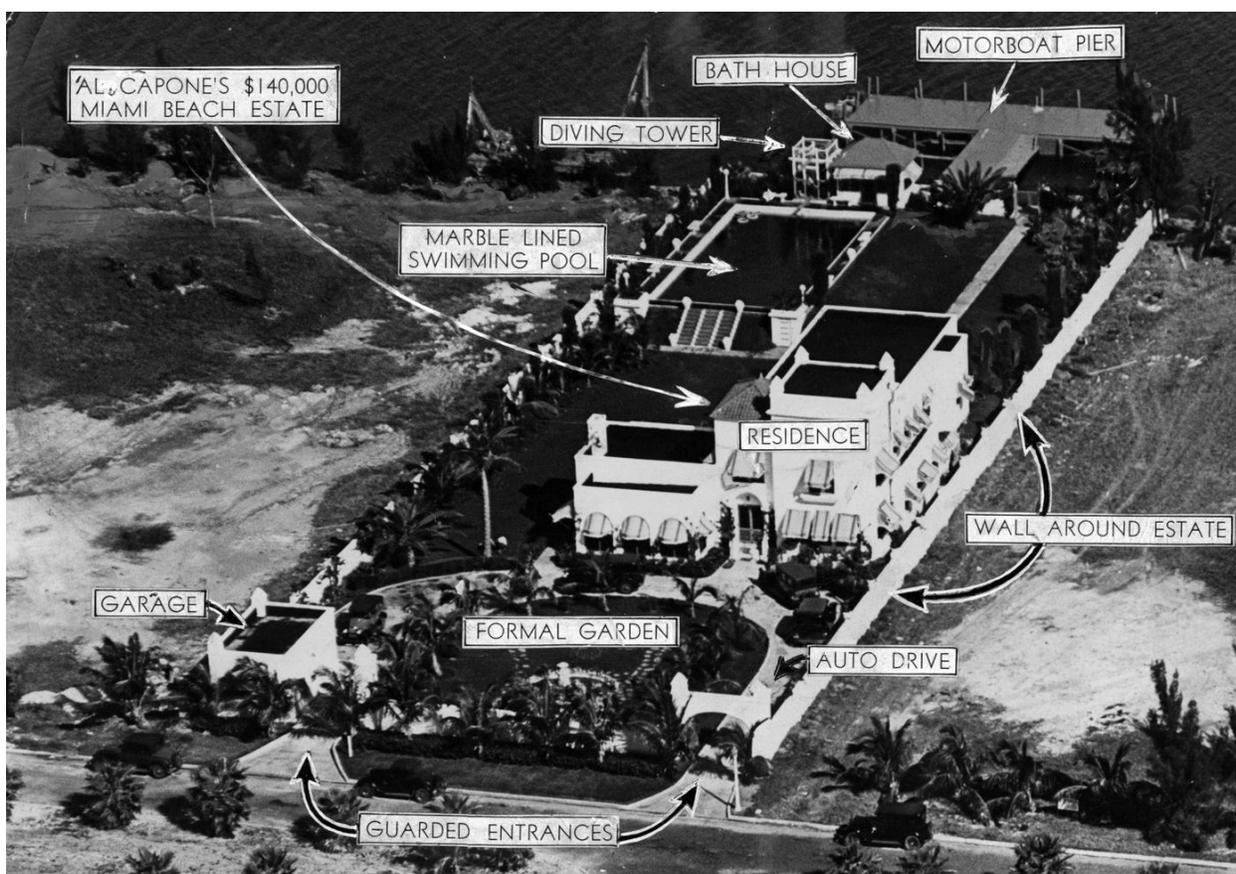
*Porches of novel design will be built on three sides of the main floor, with Spanish arches on the outside. The whole dwelling has been designed after the Spanish type of architecture so popular here, and when completed promises to be one the beauty spots of Palm Island. It is understood that Mr. Busch plans to build other house of unique design on Palm Island some time in the future.”<sup>3</sup>*

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<sup>3</sup> “Beautiful Home for Palm Island,” Miami Herald, 10 June 1922.

Construction of the home was completed in late 1922 and was listed for sale for \$43,000 shortly after. The home was sold in May of 1923 to Anna Callahan for \$39,000. The home continued to change hands and was sold to J. W. Popham in 1924 for \$75,000 and to Leslie Winik in 1925 for \$58,000. In 1927, Popham filed a foreclosure suit against Winik and the property returned to Popham. In 1928, Parker Henderson Jr., son of former Miami mayor Parker Henderson, purchased the home from Popham with the intent to sell the property to Al Capone<sup>4</sup> and quickly sold the property to Mae Capone<sup>5</sup>, Al Capone's wife.

In April 1928, a building permit was issued for the construction of a wall for \$2,800, presumably for the existing property wall. One month later, a building permit was issued for a swimming pool. Additionally, in 1929, permits were issued for additions and alterations to the home as well as the construction of a garage and loggia.<sup>6</sup> An article in the Miami Herald indicates that E. A. Zink was the architect.<sup>7</sup> Minor repairs to the home and property continued over time and in 2015, the home was significantly renovated including repairs to the structural systems of the house.



*Illustrated image of 93 Palm Avenue, Chicago Tribune Archives, ca. 1928*

## Architectural Description

<sup>4</sup> "Miami Clues Help Clear Uale Murder," *Miami Herald*, 01 August 1928

<sup>5</sup> "Courthouse News," *Miami Herald*, 31 July 1928

<sup>6</sup> City of Miami Beach, Building Department, Building Permit Card, 93 Palm Avenue

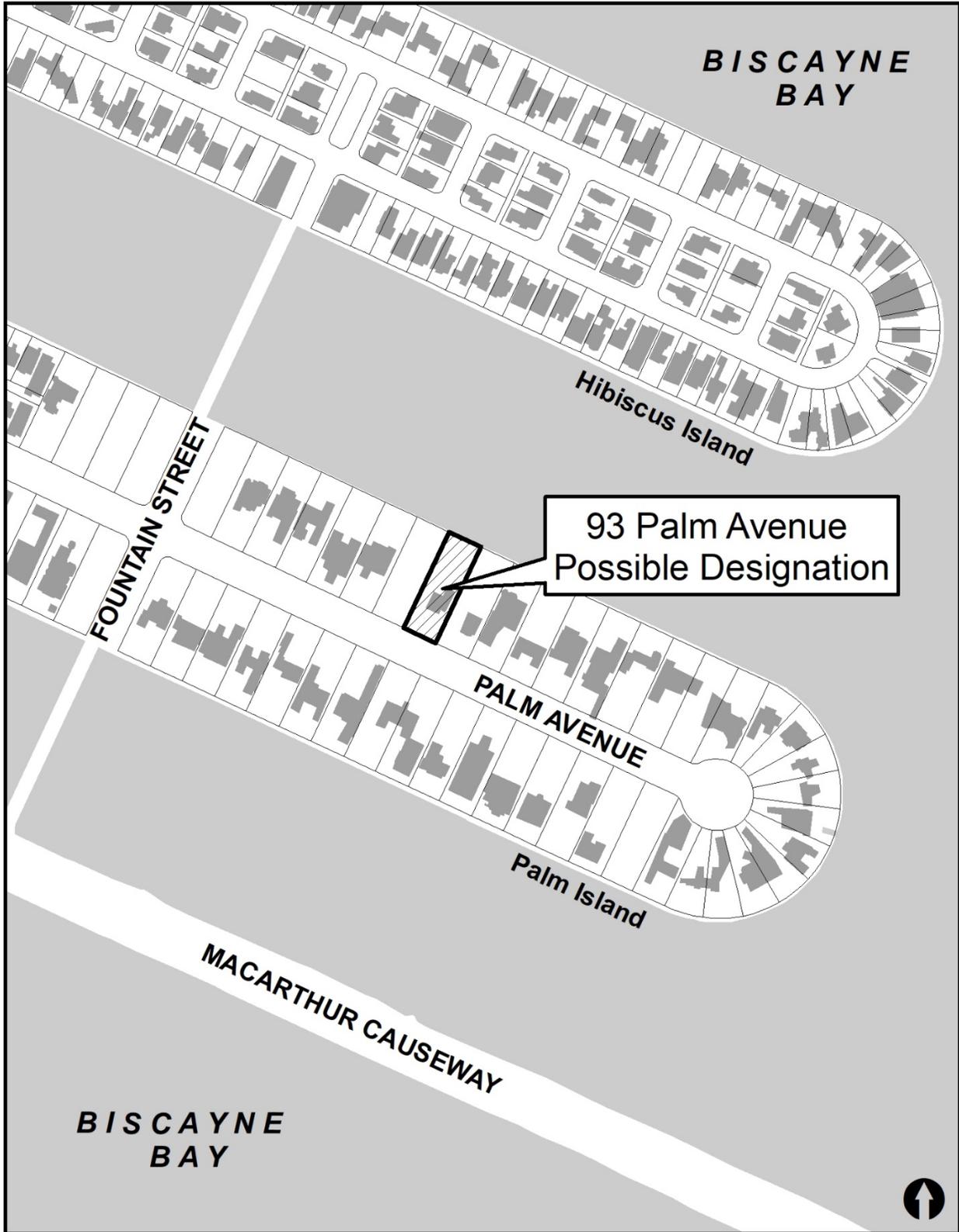
<sup>7</sup> "33,750 Permits for Building are Issued," *Miami Herald*, 24 April 1929

The existing single-family residence located at 93 Palm Avenue was constructed in 1922. No architect is listed on the building card and no original permit plans have been located within the Building Department records however, there are numerous archival photographs. While the original home can be categorized as Mediterranean Revival in style, it lacks the detailing and ornamentation of the more noteworthy examples of this style. The main 2-story portion of the structure lies on a north-south axis with a 1-story wing and covered porches to the west. The asymmetrical front façade features a 2-story tower with unusual pyramidal shaped decoration at each of the four corners. A semicircular driveway was located within the front yard accessed from Palm Avenue via two vehicular gateways with arched openings. Additionally, attached to the western gateway was the original 1-story garage. The garage and gateway structures also featured the pyramidal shaped decoration. In 1929, the gateway/garage structure was expanded including the introduction of a second floor. Interestingly, it appears that the existing arched opening of the garage is in fact the original opening of the gateway. Also in 1929, a 2-story pool pavilion was constructed at the rear of the site between the pool and the bay. This symmetrical structure features decorative columns and moldings, and the central portion includes a rectangular relief panel as well a decorative brackets and scrolls. During these renovations, it appears that the tiling at the parapets of the main house was introduced.



*Photograph of 93 Palm Avenue, Getty Images, March 1, 1938*

The home was further renovated over time and several of the most significant architectural details of the primary facade of the original home have been removed including the decorative projecting arched entry feature at the ground level and the stucco surround and projecting ledge at the second floor window of the tower. Also, at some point in the past, the projecting second floor area along the east side of the home was removed.



Map of the approximate boundaries of the possible 93 Palm Avenue Historic Site

**Mediterranean Revival style** (circa mid-1910s to early 1930s)

Mediterranean Revival architecture was the "style of choice" for the first major land development period in Miami 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; it was a style that was simultaneously being used expansively in California and other areas of similar climate.

During the mid-1910s through the early 1930s, the style was frequently applied to hotels, apartment buildings, commercial structures, and single-family 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 or patterned ceramic tile.

**RELATION TO ORDINANCE CRITERIA – Preliminary Evaluation**

Sec. 118-592. - Criteria for designation.

(a) 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, 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 of the following criteria:

(1) Association with events that have made a significant contribution to the history of the city, the county, state or nation.

(2) Association with the lives of persons significant in the city's past history.

(3) Embody the distinctive characteristics of a historical period, architectural or design style or method of construction.

(4) Possess high artistic values.

(5) 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.

(6) Have yielded or are likely to yield information important in pre-history or history.

(7) Be listed in the National Register of Historic Places.

(8) 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.

- (b) 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.
- (c) The historic preservation board shall consider if the historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites, or historic districts comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable, pursuant to Section 118-592.

Below are staff's preliminary findings:

- (a) **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, 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 of the following criteria:**

- (2) **Association with the lives of persons significant in the city's past history.**  
*Satisfied; the home located at 93 Palm Avenue was constructed for Clarence M. Busch, president of the Biscayne Bay Islands Company, the developer of Palm and Hibiscus Islands in the early 1920s. Additionally, the home is associated with the notorious gangster Al Capone who purchased the house in 1928. In 1931 Capone was convicted of income tax evasion, although it is generally accepted that he was involved with the murder of dozens if not hundreds of people during his lifetime. He was sentenced to 10 years in federal prison but, was released in 1939 and quickly returned to his home on Palm Island. Capone would live in the home until his death in 1947.*
- (3) **Embody the distinctive characteristics of an historical period, architectural or design style or method of construction.**  
*Satisfied; although modest in detailing, the home located at 93 Palm Avenue embodies some distinctive characteristics common to early 1920s architecture in Miami Beach.*

- (b) **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.**  
*Satisfied; the structure has been modified including the elimination or alteration of significant architectural elements however, the original form of the home remains relatively intact.*
- (c) **The historic preservation board shall consider if the historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites, or historic districts comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable, pursuant to Section 118-592.**

- (b) Criteria for ordinances, resolutions, or recommendations:

**(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

The structure is located on a site that is at an elevation ranging from approximately 2.5' NGVD to 5.1' NGVD. The first-floor elevation is noted as 6.46' NGVD. determined. The current elevation requirement for habitable floor area is 10.0' NGVD.

At Mean High Water, Sea Level Rise is projected to be (NGVD Elevations):

- 2.31 to 2.64 by 2030 (near-term)
- 2.98 to 3.98 by 2060 (mid-term)
- 4.39 to 6.89 by 2100 (long-term)

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Further information is required to determine the impact of the proposal on the resiliency of the City. The first-floor elevation is approximately 3'-6" below the required base flood elevation for habitable area of a single-family home. Staff does not have adequate information to determine of the existing home or portions of the existing home could be adapted or raised to meet this requirement.

**(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

As noted above, additional information is required to determine if the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

The home located at 93 Palm Avenue is not a noteworthy example of the Mediterranean Revival style as it lacks the architectural detailing, massing and proportioning characteristic of this celebrated style. Additionally, no architect is listed on the building card and staff has not been able to locate any information indicating that the home was designed by an architect. Further, the home has been altered including the elimination of several of the more significant architectural details as noted in the preceding section of this evaluation. The most notable aspect of the home is the fact that Al Capone maintained a residence here from 1928 until his death in 1947.

In addition to a lack of architectural merits, staff has concerns relative to the vulnerability of the home with respect to impacts from climate change and sea level rise. Staff has visited the site and observed that the property to the east has a significantly higher yard elevation. It is also noted that the property to the west (currently a vacant lot) will likely be developed with at least the minimum required yard elevation of 6.56' NGVD. This will result in both neighboring properties having a yard elevation slightly above the existing first floor level of 93 Palm Avenue. Further, it is important to note that within this area of the City, new habitable floor area is required to be constructed at a minimum of 10.0' NGVD, approximately 3'-6" above the current first floor level. Maintaining the home at its current elevation will undoubtedly have ramifications in the near future.

Finally, staff does not believe that the association with Al Capone warrants the historical designation of this otherwise unremarkable example of a 1920s single-family home. For the reasons outlined above, staff does not recommend that the Historic Preservation Board direct staff to prepare a Designation Report for local individual designation as an historic site of this single-family home.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Board not direct staff to prepare a Historic Designation Report for the possible designation of 93 Palm Avenue, as an individual local historic site, and that the matter be concluded with no further action.

AL CASPONE

Owner Clarence M. Busch Mailing Address  
 Lot 8 Block 1 Subdivision PALM ISLAND  
 General Contractor C. R. Donathan

Permit No. 227  
 Address 93 Palm Avenue  
 Cost \$ 15,000.00 (see over)

Architect  
 Zoning Regulations: Use RD Area 4  
 Building Size: Front Depth  
 Certificate of Occupancy No.

9053  
 4205-01-0080

Type of Construction Frame stucco Foundation Filling and concrete Roof Comp: Date June 9, 1922

Use RESIDENCE & GARAGE

Plumbing Contractor  
 Sewer Connection  
 Temporary Closet  
 Date

Plumbing Contractor  
 New York Plumbing Co: 12 fixtures  
 Date June 23, 1922  
 Sept. 26, 1922

Water Closets  
 Bath Tubs  
 Floor Drains  
 Lavatories  
 Showers  
 Grease Traps { New York Plumbing Co: Sep. 30, 1922 }  
 Urinals  
 Sinks  
 Drinking Fountains  
 Gas Stoves  
 Gas Heaters  
 Rough Approved  
 Date

Gas Radiators  
 Gas Turn On Approved

Septic Tank Contractor  
 C. R. Donathan  
 Tank Size  
 Date Aug. 15, 1922

Oil Burner Contractor  
 Tank Size  
 Date

Sprinkler System

Electrical Contractor John J. Burns  
 Address  
 Date July 1, 1922

Switch  
 Range 1, Motors  
 Fans  
 Temporary Service

OUTLETS Light 33  
 HEATERS Water 1,  
 Receptacles Space  
 Centers of Distribution

Refrigerators  
 Sign Outlets

No. FIXTURES 42  
 Electrical Contractor Pullen Zoll  
 Date Sept. 13, 1922

FINAL APPROVED BY  
 Date of Service

Alterations or Repairs—Over # 2117. Patio & Wall connecting house & billiard room. \$1,500.00  
 C V E R  
 March 25, 1927

ALTERATIONS & ADDITIONS

Building Permits:	#	Description	Contractor	Amount	Date
	# 2197...	Repairs to building (owner, P. A. Henderson)		\$ 3,000.00	July 22, 1928
	# 2450...	Wall		\$ 2,800.00	April 4, 1928
	# 2512...	Swimming Pool		\$ 4,000.00	May 12, 1928
	# 2953	Garage & Lodge		\$ 8,500.00	April 23, 1929
	# 3187...	Addition & Alterations...	Durt Koentzler, contractor	\$ 5,000.00	Aug. 16, 1929
	# 2953 and 3187	Residence O.R. Donathan, contractor		\$ 13,000.00	Aug. 16, 1929
	# 12614...	Repairs to Dock - Ebsary Foundation Company		\$ 900.00	June 30, 1939
	# 18826	Roof Repairs ... Lang Roofing Company		\$ 500.00	Aug. 18, 1944
	#63022	Lang Roofing: Partial reroofing garage, 3 squares of gravel & 2 1/2 of slate; repair privacy wall - \$500 - 3/22/67		\$175	9/26/60
	#77998	Owner, James L. Williams; repair privacy wall			
<b>Plumbing Permits:</b>	#4090	Palm Plumbing Company ..	5 Fixtures		May 31, 1929
	Septic Tank ....	# 4116 ... O'Neal .....			June 17, 1929
	#41978	Serota Pigs: 1 1/2" Sewer - Dov. 4, 1958			
<b>BUILDING PERMIT: #02663</b>	<b>Orkin Ext. Fumigation</b>			<b>\$650.00</b>	<b>3-9-73</b>
<b>Electrical Permits:</b>		Lyon Electric Company ..	Service from Garage to house		June 30, 1928
		Lyon Electric Company ..	Special service for Swimming Pool		June 13, 1928
		Lyon Electric Company ..	6 Light outlets		June 8, 1928
		Newland Corp:	39 Light outlets		April 6, 1928
		M. M. Walker	Alterations		Nov. 20, 1926
		M. M. Walker	20 Light outlets		April 27, 1927
	# 377	Harvey McLeomore	26 outlets		April 24, 1929
<b>BUILDING PERMIT: # 84189</b>	<b>Owner - Paint &amp; Repairs</b>			<b>\$200.00</b>	<b>5/13/70</b>
<b>#87365</b>	<b>owner - exterior painting and repairs</b>			<b>\$400.00</b>	<b>8/14/71</b>
<b>#87767</b>	<b>owner - repairs and remodel as per plan</b>			<b>\$2,000.00</b>	<b>10/91/71</b>



*Front Façade of Home, 2021*



*Rear Façade of Home, 2021*



*Front Façade of Garage, 2021*



*Front Façade of Pool House, 2021*