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HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: June 19, 2017

FILE NO: HPB17-0097

PROPERTY: 4000 Collins Avenue

APPLICANT: Sukkah Miami Beach Acquisitions, LLC

LEGAL: Lots 10, 11, 12, 13, 14 and 15, Block 34 of "Miami Beach Improvement Company", According to the Plat Thereof, as Recorded in Plat Book 5, at Page 8 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the partial demolition of the existing 'Contributing' 5-story structure on the site and the construction of an attached 4-story ground level addition including variances to reduce the required pedestal front, rear, street side and sum of the side setbacks and to exceed the maximum allowed projection within required yards.

ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

A. The subject site is located within the Collins Waterfront Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.

2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'e' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.

4. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.

C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

   a. The vehicular entrance, service and loading corridor located along the western portion of the property shall be entirely enclosed with a solid green roof and walls with the exception of the entrance along 41st Street, in a manner consistent with the exterior design and surface finishes of the new building and the interior portions of the enclosure shall be designed and finished in a manner consistent with the exterior, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   b. All exterior doors at the first level of the proposed structure, facing Collins Avenue and 41st Street, shall consist of swing doors. Sliding doors shall be prohibited. The final design details, materials and dimensions of all swing doors shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   c. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   d. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   e. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from pedestrian view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   f. All building signage shall require a separate permit. Any proposed flat wall sign shall be composed of individual reverse channel letters with a natural brushed aluminum finish and any proposed projecting sign shall be composed of individual, pin-mounted non-illuminated reverse channel letters with a brushed aluminum finish or channel letters with brushed aluminum returns and a white acrylic face, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   g. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any portion of an exterior wall fronting Collins Avenue or 41st Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria

and/or the directions from the Board. This shall not prohibit moveable tables and chairs or substantially transparent fixtures for display purposes only.

h. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the retail area and all florescent lighting shall have a maximum temperature of 2700 K, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

i. The maximum footcandle level of lighting within the retail area shall not exceed 50 footcandles and the average level of all lighting shall not exceed 30 footcandles, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

j. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.

k. The design and layout of the physical connection between the existing hotel lobby and the proposed new accessory use shall be further developed and detailed, in a manner to be reviewed and approved by staff.

2. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as **LEED Gold by USGBC**. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

   a. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.

   b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected

person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variance(s), the following variance(s) which were either approved by the Board with modifications, or denied:

The following variances were approved by the Board:

1. A variance to reduce by 5'-0" the required pedestal front setback of 20'-0" in order to construct a new building addition at 15'-0" from the front property line facing Collins Ave.

2. A variance to reduce by 22'-0" the required pedestal street side setback of 27'-0 in order to construct a new building addition at 5'-0" from the street side property line facing 41st Street.

3. A variance to reduce by 22'-0" the required pedestal sum of the side setbacks of 32'-0 in order to construct a new building addition with a sum of the side setbacks of 10'-0".

4. A variance to exceed by 0'-9" (15%) the maximum allowed projection of 1'-3" (25%) for decorative features in order to construct a decorative frame with a projection of 2'-0" (40%) into the proposed street side yard.

5. A variance to reduce by 9'-0" the required pedestal rear setbacks of 14'-0 in order to construct a new building addition at 5'-0" from the rear property line.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance(s) II.A.1, II.A.2, II.A.3, and II.A.5, as noted above allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, only as it relates to variance(s), II.A.1, II.A.2, II.A.3, and II.A.5, as noted above:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board hereby **Approves** the requested variance(s) #1, #2, #3, #4 and # 5, as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

2. The new construction shall incorporate a minimum of 25% green roof, in a manner to be reviewed and approved by staff.

3. The ground level of the north façade shall be setback a minimum 7'-6" form the north property line fronting on 41st Street, in a manner to be reviewed and approved by staff.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. *Certificate of Appropriateness'* and 'II. *Variances'* noted above.

A. As the proposed commercial use within this RM-2 district is only permitted as an accessory use that is incidental to the main permitted hotel use, the following shall apply to the proposed new structure:

1. A Temporary Certificate of Occupancy (TCO) or a Certificate of Occupancy (CO) for the proposed new accessory structure, shall not be issued prior to the issuance of a CO or Business Tax Receipt (BTR) for the main permitted hotel use on the site.

2. The accessory structure shall not be operated or utilized at any time while the main permitted hotel use is closed or non-operational.

3. The physical connection between the existing hotel lobby and the new accessory use shall remain open and operable at all times that the accessory use is open to the public.

B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.

C. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.

D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.

E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

F. The FPL transformer or vault room may be permitted to be located between the existing building and the new addition at the western portion of the property, consistent with the location shown on 'Exhibit A', presented to the Board on June 19, 2017. Access shall be provided from the garage entrance, in a manner to be reviewed and approved by staff and Florida Power & Light (FPL). In the event FPL does not approve the transformer or vault room to be in this location, the transformer of vault room shall be located within the building envelope.

G. All applicable backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

H. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

I. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

J. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

L. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans "New Retail Expansion for: Continental Hotel", as prepared by Charles H. Benson & Associates Architects, P.A., dated May 1, 2017, and as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of

the City Code, for revocation or modification of the application.

Dated this 21 day of June, 2017.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
CHIEF OF HISTORIC PRESERVATION
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 21st day of June 2017 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

MONIQUE FONS
MY COMMISSION #GG031914
EXPIRES SEP 19, 2020
Bonded through 1st State Insurance

_____
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 9/19/20

Approved As To Form:
City Attorney's Office: _____ (6/20/17)

Filed with the Clerk of the Historic Preservation Board on _____ (6/23/17)

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