

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: April 12, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB File No. 7607, **161 Ocean Drive.**

The applicant, Komar Investments Inc., is requesting a Certificate of Appropriateness for the installation of a canopy shade structure located at third level roof terrace.

#### **STAFF RECOMMENDATION**

Approval with conditions

#### **EXISTING STRUCTURE**

Local Historic District:	Ocean Beach
Status:	Contributing
Original Architect:	Anton Skislewicz
Construction Date:	1939

#### **ZONING / SITE DATA**

Legal Description:	Lot 1 through 3 less west 15 feet of block 113 of Ocean Beach, Florida Addition No. 4, according to the plat thereof recorded in plat book 3, at page 151 of the public records of Miami-Dade County, Florida.
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Zoning:	R-PS4 (Residential Performance Standard District, high density)
Future Land Use Designation:	R-PS4 (Residential Performance Standard District, high density)

#### **BACKGROUND**

On March 8, 2016 the Board continued the subject application to a date certain of April 12, 2016, at the request of the applicant.

#### **THE PROJECT**

The applicant has submitted plans entitled "Stanton: South Beach Marriott" as prepared by UCI Engineering, dated January 25, 2016.

**The applicant is requesting a Certificate of Appropriateness for the installation of a**

**canopy shade structure located at third level roof terrace.**

**CONSISTENCY WITH 2025 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **hotel use with accessory restaurant** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

**COMPLIANCE WITH ZONING CODE**

The application, as proposed, is inconsistent with the requirements of the City Code.

1. The solid canvas roof covering proposed for the canopy structure results in an increase in FAR. The existing site does not have any allowable FAR remaining.

The above noted comments 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.

**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 stamped wood material proposed to clad the canopy structure is not compatible with the existing 'Contributing' structure and is not consistent with the architectural vocabulary of the 1997 addition.**
  - b. General design, scale, massing and arrangement.  
**Satisfied**

- c. Texture and material and color.  
**Not Satisfied**  
**The stamped wood material proposed to clad the canopy structure is not compatible with the existing 'Contributing' structure and is not consistent with the architectural vocabulary of the 1997 addition.**
- d. The relationship of a, b, c, above, to other structures and features of the district.  
**Not Satisfied**  
**The stamped wood material proposed to clad the canopy structure is not compatible with the existing 'Contributing' structure and is not consistent with the architectural vocabulary of the 1997 addition.**
- e. The purpose for which the district was created.  
**Satisfied**
- 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.  
**Satisfied**

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 stamped wood material proposed to clad the canopy structure is not compatible with the existing 'Contributing' structure and is not consistent with the architectural vocabulary of the 1997 addition.**

- 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.

**Satisfied**

- 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.

**Satisfied**

- 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 Satisfied**

**A lighting plan has not been submitted.**

- 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.

**Not Satisfied**

**A lighting plan has not been submitted.**

- 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).  
**Satisfied**
- 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.  
**Not applicable**
- 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).  
**Satisfied**
- 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**

The applicant is requesting approval to introduce a canopy structure proposed to be located on the third level terrace along the north side of the property. It is important to note that the subject outdoor terrace located adjacent to the east facade of the Stanton Hotel is not original to the site and contains no significant architectural features. The terrace serves as the roof of an attached addition to the Stanton Hotel, which was constructed during the redevelopment and restoration of the property in 1997.

The outdoor terrace will serve the patrons of a new restaurant located within an original guestroom area of the Stanton Hotel. The proposed canopy structure will be approximately 12'-5" in height from the top of the existing roof deck and will project eastward approximately 30'-3". Although generally supportive of this request, staff would recommend that the proposed stamped wood cladding material be replaced with a material more compatible with the 'Contributing' building and more consistent with the architectural vocabulary of the 1997 addition, such as a clear anodized or powder coated white finish. Additionally, as noted in the 'Compliance with Zoning Code' section of this report, the introduction of the solid canvas roof

covering on top of the open trellis structure results in an increase in Floor Area Ratio (FAR). Since the existing site does not have any available FAR remaining, the solid canvas shall not be permitted. Alternatively, the non-structural rafters could be removed and a retractable canopy installed. Staff has no objection to either of these options which would allow for the construction of a shade structure without an increase in FAR.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: April 12, 2016

FILE NO: 7607

PROPERTY: 161 Ocean Drive

APPLICANT: Komar Inverstments Inc.

LEGAL: Lot 1 through 3 less west 15 feet of block 113 of Ocean Beach, Florida Addition No. 4, according to the plat thereof recorded in plat book 3, at page 151 of the public records of Miami-Dade County, Florida.

IN RE: The applicant is requesting a Certificate of Appropriateness for the installation of a canopy shade structure located at third level roof terrace.

**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 Ocean Beach 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 not consistent with Certificate of Appropriateness Criteria 'a', 'c' & 'd' in Section 118-564(a)(2) of the Miami Beach Code.
  - 3. Is not consistent with Certificate of Appropriateness Criteria 'c', 'g' & 'i' in Section 118-564(a)(3) 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. In order for the project to comply with the maximum permitted FAR for the site, the solid fabric roof covering shall be removed. Alternativley, the non-structural rafters shall be removed and a retractable fabric canopy installed, 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. The stamped wood cladding material shall not be permitted. The surface finish shall be a clear anodized, white or silver powdered coated aluminum, 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 for the canopy structure, including samples, 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. Exterior lighting elements, plumbing components and electrical components shall not be permitted to be integrated within the canopy structure and shall not be permitted to be surface mounted to the canopy. Any sprinkler lines, sprinkler heads or emergency lighting that may be required by the Building or Fire Code shall be integrated within the canopy structure and shall not be surface mounted, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- e. All rooftop lighting shall be shielded to inhibit direct views of all light sources from either the park or adjacent properties, 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. The final design and details of all exterior 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.
- g. No exterior speakers, except as may be required for fire or building code/Life Safety Code purposes and those associated with the distributed sound system may be permitted.
- h. Exterior portable speakers are prohibited on the third level roof terrace and any exterior fixed speakers that are part of a distributed sound system shall not face north.
- i. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- j. Outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted on the third level roof terrace before 8:00 p.m. with no background music (amplified or nonamplified).



- k. Special events shall not be permitted in the areas described in this condition of approval.
- l. Nothing herein shall prohibit hotel guests and their invitees to use these areas as described in this condition of approval for their individual, personal use.
- m. The above conditions shall not apply to authorized restaurant use of the outdoor east third level roof terrace provided that outdoor restaurant seating in open areas above the ground floor may not exceed a total of 40 seats.
- n. Variances from this condition of approval shall not be permitted.

## **II. Variance(s)**

- A. No variances have been requested.

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

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

- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 entitled "Stanton: South Beach Marriott" as prepared by UCI Engineering, dated January 25, 2016, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
PRESERVATION AND DESIGN MANAGER  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ (                    )

Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ (                    )