MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

DATE: December 18, 2017

TO: Chairperson and Members

Historic Preservation Board

FROM: Thomas R. Mooney, AICP

Planning Director

SUBJECT: HPB17-015\$, 803 5th Street.

The applicant, Roberto Diego Colmenero, Manager of the Fifth Hotel, LLC, is requesting a Certificate of Appropriateness for the construction of a new 5-story hotel including a variance to reduce the required width for a two-way driveway.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness and variance with conditions

EXISTING SITE

Local Historic District: Ocean Beach

ZONING / SITE DATA

Legal Description: The east 100 ft of Lots 7 & 8, Block 74, Ocean Beach

Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-

Dade County, Florida.

Zoning: C-PS2, Commercial Performance Standard District,

General Mixed Use

Future Land Use Designation: C-PS2, Commercial Performance Standard District,

General Mixed Use

Lot Size: 9.000 S.F./ 1.5 Max FAR or 2.0 Max FAR for mixed use

Existing FAR: N/A

Proposed FAR: 17,958 S.F. / 1.99 FAR, as represented by the architect

Existing Height: N/A
Proposed Height: 49'-4"
Existing Use/Condition: Vacant lot

Proposed Use: Mixed use, 32 unit hotel/56 seat restaurant

THE PROJECT

The applicant has submitted plans entitled "Urbanica The Fifth Hotel" as prepared by McG Architecture + Planning, dated October 12, 2017.

The applicant is requesting a Certificate of Appropriateness for the construction of a new 5-story hotel including a variance to reduce the required width for a two-way driveway.

The applicant is requesting the following variance(s):

- 1. A variance to eliminate all required width of 22'-0" interior drive aisle for 90° parking spaces during loading time in order to provide one loading space for the proposed hotel.
 - Variance requested from:

Sec. 130-63. Interior aisles.

Interior aisles shall meet or exceed the following minimum dimensions permitted: 90° parking—22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.

The required parking for the hotel is proposed to be provided through the use of mechanical lifts, which will accommodate 42 vehicles. A 22'-0" wide drive aisle will provide the City code required back-up space for these vehicles while they are actively being accessed. The applicant is proposing to utilize a portion of the drive aisle for the loading and servicing of the hotel, which during times of loading will block access to some of the mechanical lifts. This solution allows the drive-aisle to serve as 'double-duty' and will ensure that traffic along Meridian Avenue will not be blocked by on-street loading. There is no on-street parking abutting the subject site.

The intensity of the hotel will be relatively light, with 32 hotel units and a 56 seat café. As the entry and exit for the parking will be provided with 24-hour valet operation, staff finds that the use of the drive aisle for loading would not have a negative impact on the surrounding properties. Staff finds that the location of the lot in a corner and the need to provide required parking dimensions and maneuvering clearances plus required commercial uses along the street sides creates practical difficulties to develop a parking garage and loading zone that complies with all associated code requirements. The hours of operation for the loading space are proposed to be from 8 am to 12 pm, including trash pickups. The applicant will coordinate all delivers and pickups properly with the valet operator, as noted in the operations plan submitted. Staff has no objections to the applicant's request and recommends approval of the variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicants have submitted plans and documents with the application that staff has concluded (as noted) satisfy Article 1, Section 2 of the Related Special Acts, 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.

Additionally, staff has concluded that the plans and documents submitted with the application satisfy compliance with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

 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;

Satisfied

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

Satisfied

 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;

Satisfied

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;

Satisfied

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

Satisfied

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

Satisfied

 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.
 Satisfied

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, aside from the requested variances.

1. <u>Section 142-698(b).</u> The project as proposed appears to exceed the maximum FAR allowed. Interior balconies on the north side enclosed on three sides at levels 3, 4 and 5 shall count in the FAR calculations.

The above noted <u>comments shall not be considered final zoning review</u> 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 2025 COMPREHENSIVE PLAN

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

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
- 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):
 - Exterior architectural features.

Satisfied

Variations in surface finishes, changes in plane and the distribution of architectural form have resulted in a new mixed use building that is compatible with the historic district.

b. General design, scale, massing and arrangement.

Satisfied

The scale, massing, height and building orientation are all consistent with the built context of 5th Street.

c. Texture and material and color.

Satisfied

- d. The relationship of a, b, c, above, to other structures and features of the district. **Satisfied**
- 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.

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.

 Not Satisfied

See 'Compliance with Zoning Code' section of this report.

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.

Satisfied

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.

Satisfied

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.

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

Satisfied

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).

Satisfied

The scale, massing, height and building orientation are all consistent with the built context of 5th Street.

- 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.

 Satisfied
- 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.

 Satisfied

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.

Satisfied

A recycling or salvage plan will be submitted as part of a building permit.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows. **Satisfied**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Not Satisfied

Operable windows are not proposed.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Satisfied

(5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

Satisfied

Sea Level Rise projections were taken into account. The land elevation of the site is consistent with surrounding properties. The building will require flood proofing mechanisms in order to increase its resiliency.

(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.

Satisfied

The floor to ceiling height is proposed to be increased making it possible for future adaptation in response to road elevation.

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

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.

Satisfied

Flood proofing is required by the Florida Building Code.

(10) Where feasible and appropriate, water retention systems shall be provided.

Satisfied

Water retention systems will be provided as required by Florida Building Code.

STAFF ANALYSIS

The applicant is proposing to construct a new 5-story building on an existing vacant lot as part of a new mixed-use hotel development. Staff would commend the applicant for proposing to construct a high quality structure on the existing surface parking lot. Over time, the existing vacant lot has had an increasingly negative impact on the developing urban context of 5th Street as well as the surrounding historic district.

The proposed project consists of a 56 seat restaurant, hotel lobby and 42 space parking garage at the ground level. The second through fifth levels contain a total of 32 hotel units, some with private outdoor balconies/terraces. An outdoor dining terrace associated with the restaurant is located at the second level and an amenities deck containing a pool is located at the roof level.

Located on one of the most heavily traveled commercial corridors on the beach, the proposed building achieves a high level of compatibility with its neighbors in terms of its overall scale and massing. The architect has successfully created an active street presence along both street facades with the introduction of a restaurant facing 5th Street and the entrance to the hotel on Meridian Avenue. The introduction of these ground level elements will serve to greatly enhance the pedestrian experience.

Finally, staff is supportive of the overall contemporary design language of the proposed structure which incorporates variations in surface materials and changes in plane which result in a project that responds well to existing historic district and the site conditions.

VARIANCE ANALYSIS

The City code requires a loading space to be provided on site for a hotel with more than 36 rooms. The proposed hotel with 32 units only would not require a loading space. However, with the addition of a café with 56 seats, in two floors, additional loading is required resulting in the need for one loading space on site. The applicant proposes the use of a loading space within the required drive aisle for the mechanical parking, for which a variance is required. An operational plan that addresses the proper operation of the parking structure, including the loading and valet operation will ensure that all deliveries will be contained on site. As such, staff does not expect any negative impact from the loading operation. In addition, the project is scheduled for review by the Planning Board on December 19, 2017 (PB17-0157) and additional operating conditions may be imposed.

Staff finds that the location of the lot in a corner and the need to provide parking on site and required commercial uses along the street sides creates practical difficulties for the applicant that results in the need for the variance requested. In summary, staff recommends that the variance be approved.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be <u>approved</u> as to the Certificate of Appropriateness and variance request, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD City of Miami Beach, Florida

MEETING DATE: December 18, 2017

FILE NO:

HPB17-0157

PROPERTY:

803 5th Street

APPLICANT:

Roberto Diego Colmenero, Manager of the Fifth Hotel, LLC

LEGAL:

The east 100 ft of Lots 7 & 8, Block 74, Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the

Public Records of Miami-Dade County, Florida.

IN RE:

The application for a Certificate of Appropriateness for the construction of a

new 5-story hotel including a variance to reduce the required width for a

two-way driveway.

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 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 'b' & 'g' in Section 118-564(a)(3) of the Miami Beach Code.
 - 4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (3) in Section 133-50(a) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 and 133-50(a) 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:

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- a. 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.
- b. 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.
- c. 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 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.
- 2. 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. 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.

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):
 - A variance to eliminate all required interior drive aisle width of 22'-0" for 90° parking spaces during times of loading, in order to provide one loading space for the proposed hotel.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, 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:

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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 grants the requested variance(s) 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. Revised FAR drawings shall be submitted consistent with the code requirements.

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. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, as applicable, in a manner to be reviewed and approved by staff.

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- B. All new FPL transformers or vault rooms and 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.
- C. 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.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, <u>prior</u> to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 "Urbanica The Fifth Hotel" as prepared by McG Architecture + Planning, dated October 12, 2017, 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,

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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	And the second s		
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City Attorney's O	ffice:		_()	

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Meeting Date: December 18, 2017

Filed with the Clerk of the Historic Preservation Board on _____(

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