

MIAMI BEACH

PLANNING DEPARTMENT

Staff Memorandum

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: February 13, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0170, **511-515 16th Street.**

The applicant, Carlota at South Beach, LLC, is requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of two buildings on the site and an attached 1-story addition including variances to reduce the required setback for a pool deck located at the front yard of the property and to exceed the maximum allowable projection for porches, platforms and terraces within required yards.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness and variances with conditions.

EXISTING STRUCTURES

Local Historic District: Flamingo Park

511 16th Street

Status: Contributing
Original Construction Date: 1924
Original Architect: Not listed

515 16th Street

Status: Contributing
Original Construction Date: 1953
Original Architect: Gerard Pitt

ZONING / SITE DATA

Legal Description: Lot 1, Block 52A, Lincoln Subdivision, Plat Book 6, Page 69 of the Public Records of Miami-Dade County Florida.

Zoning:	RM-1, Multi-family, low intensity
Future Land Use Designation:	RM-1, Multi-family, low intensity
Lot Size:	8,000 S.F. / 1.25 Max FAR
Existing FAR:	7,339 S.F. / 0.91 FAR
Proposed FAR:	7,449 S.F. / 0.93 FAR
Existing Height:	2-stories
Proposed Height:	2-stories
Existing Use/Condition:	Multi-family residential
Proposed Use:	Multi-family residential and Bed & Breakfast Inn

PROJECT

The applicant has submitted plans entitled “Carlota At South Beach” as prepared by Berenblum Busch Architecture, dated December 18, 2017.

The applicant is requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of two buildings on the site and an attached 1-story addition including variances to reduce the required setback for a pool deck located at the front yard of the property and to exceed the maximum allowable projection for porches, platforms and terraces within required yards.

The applicant is requesting the following variances:

1. A variance to reduce by 18'-1" the minimum required front setback of 20'-0" in order to construct a pool and deck at a minimum of 1'-11" from the front property line facing Drexel Avenue.

- Variance requested from:

Sec. 142-1133. Swimming pools.

This section applies to swimming pools in all districts, except where specified. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, provided:

A new pool and deck is proposed within the front yard of the property. Without a variance, pools and pool decks located within the front yard are only allowed for corner lots in Single Family districts constructed before to 2006. The renovation of the existing buildings will result in four apartment units on the west side and a single family home at the east side where the pool is located. Although the property is not developed to the maximum FAR allowed, the footprint of the 2-story structures with non-conforming sides and rear setbacks, substantially reduce the open area available for the addition of any outdoor amenity. The pool is proposed on the least significant façade while the most prominent architectural features of the building will be restored along the street side yard on 16th Street. Staff has no objections to the variance request due to the minimal impact of the pool and deck on the existing structures and on the surrounding properties. The restrictions in available open area due to the footprint of the building create the practical difficulties that result in the variance requested.

2. A variance to exceed the maximum allowable projection of 25% of the required street side yard in order to extend an elevated porch, inclusive of railings and access stairs up to the property line facing 16th Street.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

(6) Porches, platforms and terraces (up to 30 inches above the elevation of the lot.

The applicant is proposing to extend an existing porch abutting the property line to the east and west sides of the rear building which also provides access to the 4 apartment units. The new steps are enhanced with additional landscape buffer which will improve the existing conditions of the property. Open porches similar to the subject property are common in other buildings within the historic district. Although supportive of the requested variance, staff would recommend the addition of a 2-foot landscape area along the elevated platforms which will provide an additional buffer from public view. Staff finds that the location of the existing building with its non-conforming setbacks creates the practical difficulties warranting the requested variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application satisfy 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;
- 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.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, with the exception of the variances requested herein, appears to be consistent with the City Code.

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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **multi-family residential and bed & breakfast uses** 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:

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.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - 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.

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.

Not Satisfied

See 'The Project' 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.

Satisfied

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

- 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.

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.

Satisfied

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

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

- 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

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structures are designated as part of the Flamingo Park Local Historic District; the buildings are designated as "Contributing" structures in the historic district.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The existing structures would be difficult and inordinately expensive to reproduce.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The subject structures are some of the last remaining examples of their kind.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The structures are classified as 'Contributing' in the Miami Beach Historic Properties Database.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of structures is critical to developing an understanding of important early Miami Beach architectural styles.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

The applicant is not requesting total demolition.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

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.
Not Satisfied
A recycling or salvage plan has not been provided.
- (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.
Satisfied
- (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 and the applicant will explore flood proofing strategies.

- (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

- (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 Satisfied

The ground levels of the historic structures are not proposed to be above required Base Flood Elevation.

- (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

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

Satisfied

STAFF ANALYSIS

The subject development site contains two existing structures. The building located within the eastern portion of the site was originally constructed in 1924 as a single family home and the building located within the western portion of the site was constructed in 1953 as part of a conversion of the entire property to multi-family residential use. Both structures are classified as contributing properties and are located within the Flamingo Park Local Historic District. The applicant is proposing to retain, restore and renovate both structures on the site.

515 16th Street

The applicant is proposing a well-conceived plan to renovate the existing building in order to accommodate a reconfigured floor plan which will allow for 2-story residential units. The proposed second levels of these four units will be accessed from within each unit. In response to this programmatic change, the applicant is proposing the demolition of an exterior stair along the east side of the building, enlargement of the window openings along the south façade and a modest reconfiguration of the front entry porch. Staff looks forward to this much needed renovation and rehabilitation of the structure and believes that the proposed modifications including the removal of the existing through-the-wall air conditioning units and replacement of the non-original railings will result in a more successful building from an urban design and operational standpoint. Further, staff would note that the new window openings are consistent with the Post War Modern character of the existing building and that the removal of the exterior stair will allow for a more accurate restoration of the 1920s home adjacent to the east.

511 16th Street

The applicant is proposing to restore the existing building back to its original single family use. This will allow for the bedrooms which are not occupied by the owner, to be rented as part of a bed and breakfast inn. Within this portion of the Flamingo Park Historic District, owners of contributing single family homes are allowed to rent bedrooms to guests on a short term basis provided that certain conditions are met by the property owner. These conditions include but are not limited to, the rehabilitation of the structure in accordance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings and the maintenance of public rooms (living room/dining room) for the use of the guests. Further, Section 142-1401(5)a. of the City Code requires that the original number and size of bedrooms be retained and/or restored. These bedrooms with the exception of rooms occupied by the owner, may be rented to guests. In addition to original bedrooms, the property owner is permitted to convert auxiliary structures into guestrooms provided the new guestrooms are a minimum of 200 square feet and contain private bathrooms.

In accordance with Section 142-1401(5)d. of the City Code, if there is evidence of interior alterations and original building plans are not available, the guestrooms shall be restored to the probable size and configuration as proposed by a preservation architect and subject to the approval by the Historic Preservation Board. In this case, original plans have not been located and staff can confirm that there have been extensive modifications which have occurred on the interior over the years. Based upon documentation submitted by the applicant, staff believes that it is highly probable the original single family home contained four bedrooms; one located at the ground level and three at the second level.

The proposed plans include the reintroduction of these four bedrooms and the introduction of two additional bedrooms with private bathrooms within the one-story addition constructed along the east side of the home in 1951. While generally supportive of the proposed floor plan, staff does have one concern with regard to the room located west of the entry foyer on the ground level. This room which was likely a sitting or drawing room is proposed to contain a full bathroom and closet which has the appearance of a private bedroom. In order to comply with the regulations contained within Section 142-1401 of the City Code, staff would strongly recommend that the bathroom be eliminated in this location. Alternatively, if the owner of the home requires an additional bathroom, staff would recommend that a half bathroom be provided in this location and that it be accessed from the kitchen area only.

Finally, the applicant is proposing to construct a new 1-story ground level addition in order to accommodate a new bathroom to be occupied by the owner of the home. Staff has no objection to this modest addition along the west side of the home, which has been setback approximately 10'-0" from the primary façade of the home and will not obscure any significant architectural features.

Site Improvements

The applicant is proposing landscape and hardscape improvements throughout the property including the introduction of a small plunge pool located at the eastern portion of the site. Staff believes that the site modifications are generally consistent with the residential character of the Flamingo Park Neighborhood but would recommend that the proposed raised entry terraces for the new 2-story residential units be setback a minimum of 2'-0" from 16th Street in order to provide for a softer landscaped edge adjacent to the sidewalk.

VARIANCE ANALYSIS

Staff is supportive of the variances requested as the existing structures are retained and renovated. The existing conditions of the property with non-conforming sides and rear setbacks create practical difficulties for the addition of a plunge pool and reconfiguration of the existing porch facing 16th Street. As practical difficulties exist related to the variances requested, as noted in the project section of this report, staff recommends approval of both variances with the increase of landscape area along the elevated porch on 16th Street.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be approved as to the Certificate of Appropriateness and variance requests, 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: February 13, 2018

FILE NO: HPB17-0170

PROPERTY: 511-515 16th Street

APPLICANT: Carlota at South Beach, LLC

LEGAL: Lot 1, Block 52A, Lincoln Subdivision, Plat Book 6, Page 69 of the Public Records of Miami-Dade County Florida.

IN RE: The application for a Certificate of Appropriateness for the partial demolition, renovation and restoration of two buildings on the site and an attached 1-story addition including variances to reduce the required setback for a pool deck located at the front yard of the property and to exceed the maximum allowable projection for porches, platforms and terraces 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 Flamingo Park 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 'a' in Section 118-564(a)(1) of the Miami Beach Code.
 2. Is consistent with Certificate of Appropriateness Criteria 'a' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is consistent with Certificate of Appropriateness Criteria 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.
 5. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) & (8) 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. A change of use from multi-family residential to single family residence for the structure located at 511 16th Street shall be issued by the City prior to the approval of any Bed and Breakfast Inn use pursuant to Chapter 142, Article V, Division 7 of the City Code.
 2. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The existing structure located at 511 16th Street shall be fully renovated and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
 - i. The existing windows shall be removed. New impact windows shall be provided and shall incorporate a muntin configuration consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - ii. Any existing through-the-wall or through-the window air conditioning units shall be removed; a new central system 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.
 - iii. The floor plan for the 'Drawing Room' located on the ground level west of the entry foyer shall be revised, and the full bathroom shall be removed. A half bathroom may be provided in this location provided access is through the kitchen area only, 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. Any existing through-the-wall or through-the window air conditioning units located at 515 16th Street shall be removed; a new central system 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. The raised entry terraces located at 515 16th Street shall be setback a minimum of 2'-0" from the property line along 16th 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.
 - 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 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.
- 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. 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.
- 4. The Applicant agrees to the following operational conditions for any and all permitted primary and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations:
 - a. POOL OPERATIONAL CONDITIONS
 - i. The hours of operation for the pool area shall be 7:00 a.m. to 11:00 p.m., seven days a week.
 - ii. No food or beverage service shall be available in the pool area.
 - iii. Outdoor cooking, food preparation and/or serving are prohibited.
 - b. NOISE CONDITIONS
 - i. The Historic Preservation Board (HPB) and the Planning Director shall retain the right to call the owners and/or operators back before the HPB, at the expense of the owners and/or operators, to impose and/or modify any operating conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
 - ii. 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.

- iii. Exterior speakers, except those required to address Building and Life Safety Codes, shall not be attached permitted on the exterior of the property.
- iv. Outdoor entertainment is prohibited.

c. OPERATIONAL CONDITIONS

- i. The applicant shall comply with all regulations contained within Chapter 142, Article V, Division 7 of the City Code in order to use the structure located at 511 16th Street as a Bed and Breakfast Inn.
- ii. Contact Person. Any proposed Bed & Breakfast use will be supervised and occupied by the property owner, who shall be available for contact on a 24-hour basis, seven days a week. The name and phone number of the 24-hour contact will be provided to abutting neighbors upon request.
- iii. The applicant shall be permitted to rent a maximum of five (5) guestrooms for Bed & Breakfast Inn use. Two (2) rooms at the ground level and three (3) rooms at the second level, in accordance with the approved floor plan for the building located at 511 16th Street.
- iv. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.

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):
 - 1. A variance to reduce by 18'-1" the minimum required front setback of 20'-0" in order to construct a pool and deck at a minimum of 1'-11" from the front property line facing Drexel Avenue.
 - 2. A variance to exceed the maximum allowable projection of 25% of the required street side yard in order to extend an elevated porch, inclusive of railings and access stairs up to the property line facing 16th Street.

- 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:

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. The final location of a trash room shall be clearly identified on plans and shall be submitted for review and approval of 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. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- B. All applicable 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, prior 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 "Carlota At South Beach" as prepared by Berenblum Busch Architecture, dated December 18, 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, 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
CHIEF OF HISTORIC PRESERVATION
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, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She 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 _____ ()

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