

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Memorandum

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: January 9, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB17-0142, **1600 Washington Avenue, 425 16<sup>th</sup> Street & 1601 Drexel Avenue.**

The applicant, 420 Lincoln Road Development, LLC, is requesting a Certificate of Appropriateness for the total demolition of two structures and the construction of a new 10-story mixed-use building, including variances to reduce the required pedestal and tower front, side and sum-of-the-side setbacks for residential uses, to reduce the required tower front, rear, interior side and street side setbacks for residential uses, to exceed the maximum building height, to reduce the required width for a two-way driveway and to reduce the required rear and side setbacks for a driveway.

#### **STAFF RECOMMENDATION**

Continuance of the Certificate of Appropriateness and Variance requests to the March 12, 2018 meeting.

#### **EXISTING STRUCTURES**

Local Historic District: Flamingo Park

##### **1600 Washington Avenue**

Status:	Non-Contributing
Original Construction Date:	1952
Original Architect:	Maurice Weintraub

##### **425 16<sup>th</sup> Street**

Status:	Contributing
Original Construction Date:	1938
Original Architect:	Henry Hohauser

##### **1601 Drexel Avenue**

Status:	Non-Contributing
Original Construction Date:	2010
Original Architect:	Ten Arquitectos

## **ZONING / SITE DATA**

Legal Description:	Lots 1, 5, 6, 7, 8, 9, and 10, together with the west 5.0 feet of Lots 2 and 3 and the east 54.42 feet of the west 59.42 feet of the north 20.00 feet of Lot 3, Block 53, Pine Ridge Subdivision, Plat Book 6, Page 34 of the Public Records of Miami-Dade County Florida.
Zoning:	CD-3, Commercial, high intensity
Future Land Use Designation:	CD-3, Commercial, high intensity
Lot Size:	66,708 S.F. / 2.75 Max FAR
Existing FAR:	40,969 S.F. / 0.61 FAR
Proposed FAR:	180,284 S.F. / 2.70 FAR
Existing Height:	5-stories
Proposed Height:	10-stories/108'-0"
Existing Use/Condition:	Parking garage with accessory retail, commercial & multifamily
Proposed Use:	Parking garage with accessory retail, commercial & multifamily

## **PROJECT**

**The applicant has submitted plans entitled "1600 Washington Ave. as prepared by Stantec, dated September 14, 2017.**

**The applicant is requesting a Certificate of Appropriateness for the total demolition of structures and the construction of a new 10-story mixed-use building, including variances to reduce the required pedestal and tower front, side and sum-of-the-side setbacks for residential uses, to reduce the required tower front, rear, interior side and street side setbacks for residential uses, to exceed the maximum building height, to reduce the required width for a two-way driveway and to reduce the required rear and side setbacks for a driveway.**

The applicant is requesting the following variances:

1. A variance to eliminate all required pedestal front setback of 20'-0" for residential uses in order to construct a new residential building addition at 0'-0" setback from the front property line, facing Washington Avenue.
2. A variance to eliminate all required pedestal interior side setback of 8'-0" for residential uses in order to construct a new residential building addition at 0'-0" setback from the northeast property line.
3. A variance to eliminate all required pedestal and tower street side setback of 8'-0" for residential uses in order to construct a new residential building addition at 0'-0" setback from the south property line facing 16<sup>th</sup> Street.
4. A variance to eliminate all required pedestal sum of the side setbacks of 16'-0" for residential uses in order to construct a new residential building addition.

5. A variance to eliminate all required pedestal rear setback of 16'-9" for residential uses in order to construct a new residential building addition at 0'-0" from the rear property line.

- Variances requested from:

**Sec. 142-338. - Setback requirements.**

*(a) The setback requirements for the CD-3 commercial, high intensity district are as follows:*

*Pedestal and tower (non-oceanfront), Front: 0', Residential uses shall follow the RM setbacks. (See sections 142-156, 142-218 and 142-247.)*

*Pedestal and tower (non-oceanfront), Side Interior: 10 feet when abutting a residential district, otherwise none, Residential uses shall follow the RM setbacks. (See sections 142-156, 142-218 and 142-247.)*

*Pedestal and Tower (non-oceanfront), Side Facing a Street: 10 feet when abutting a residential district, unless separated by a street or waterway, otherwise none, Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247)*

*Pedestal and Tower (non-oceanfront), Rear: 5 feet, 10 feet when abutting a residential district, unless separated by a street or waterway in which case it shall be 0 feet, Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247)*

**Sec. 142-156, 142-218, 142-247. - Setback requirements.**

*The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:*

*Pedestal Front: 20'-0"*

*Pedestal, Side Interior — Minimum: 7.5 feet or 8% of lot width, whichever is greater.*

*Pedestal, Side Facing a Street — Sum of the side yards shall equal 16% of lot width.*

*Minimum — 7.5 feet or 8% of lot width, whichever is greater.*

*Pedestal, Rear, Non-oceanfront lots — Minimum: 10% of lot depth*

- 6. A variance to reduce all required tower front setback of 50'-0" for residential uses in order to construct a new residential building addition at 0'-0" from the front property line, facing Washington Avenue.
7. A variance to reduce all required tower interior side setback of 13'-0" for residential uses in order to construct a new residential building at 0'-0" from the northeast property line.
8. A variance to eliminate all required tower sum of the side setbacks of 21'-0" for residential uses in order to construct a new residential building.
9. A variance to reduce all required pedestal rear setback of 16'-9" for residential uses in order to construct a new residential building addition at 0'-0" from the rear property line.
10. A variance to reduce by 10'-0" the required tower rear setback of 25'-0" for residential uses in order to construct a new residential building addition at 15'-0" from the rear property line.

- Variances requested from:

**Sec. 142-338. - Setback requirements.**

*(a) The setback requirements for the CD-3 commercial, high intensity district are as follows:*

*Pedestal and tower (non-oceanfront), Front: 0', Residential uses shall follow the RM setbacks. (See sections 142-156, 142-218 and 142-247.)*

*Pedestal and tower (non-oceanfront), Side Interior: 10 feet when abutting a residential district, otherwise none, Residential uses shall follow the RM setbacks. (See sections 142-156, 142-218 and 142-247.)*

*Pedestal and Tower (non-oceanfront), Rear: 5 feet, 10 feet when abutting a residential district, unless separated by a street or waterway in which case it shall be 0 feet. Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247)*

**Sec. 142-156, 142-218, 142-247. - Setback requirements.**

*The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:*

*Tower, Front: 20'-0" +1'-0" for every 1'-0" increase in height above 50'-0", to a maximum of 50'-0", then shall remain constant.*

*Tower, Side interior: Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 0.10 of the height of the tower portion of the building.*

*Tower, Rear, Non-oceanfront lots: 15% of lot depth. Oceanfront lots — 25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater.*

11. A variance to exceed by 3'-0" the maximum building height allowed of 100'-0" for the construction of a new residential building up to 103'-0" in height measured from 13'-0" NGVD.

- Variance requested from:

**Sec. 142-337. - Development regulations and area requirements.**

*(c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:*

*City Center Area (bounded by Drexel Avenue, 16<sup>th</sup> Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet.*

Staff is concerned with the extent of setback variances for the proposed new multistory residential addition, which includes variances to provide as little as zero setback from the required front and interior side pedestal and tower levels as noted in variances 1 through 9, as well as the requested rear setback for variance 10, and the increase in height proposed in variance #11. Although the joined site is of irregular shape, none of these setback variances are triggered by the overall lot size, lot shape, or associated with the partial or full retention of a contributing building. Staff finds that there are no practical difficulties associated with all of these variances. The variances are the result of the applicant's design choices for the siting and massing of the new construction.

As it pertains to the height, the height increase is not for additional building resiliency, but is to gain higher floor to ceiling heights for the residential portion of the project. The city code was recently amended to allow the measurement of building height from based flood elevation plus a maximum freeboard of five (5') feet, and the applicant's building design is already taking advantage of this increased height allowance. Staff recommends denial of variances #1 through #10.

12. A variance to eliminate all required interior side setback of 5'-0" for a driveway in order to retain a two-way driveway at 0'-0" from the north side property line.
13. A variance to eliminate all required interior side setback of 5'-0" for a driveway in order to construct a one-way driveway at 0'-0" from the north and south side property line.
14. A variance to eliminate all required rear setback of 5'-0" for parking in order to construct one loading space at 0'-0" from the east side property line.

- Variances requested from:

**Sec. 142-338. - Setback requirements.**

*(a) The setback requirements for the CD-3 commercial, high intensity district are as follows:*

*At-grade parking lot on the same lot, Interior Side: 5 feet*

*At-grade parking lot on the same lot, Rear: 5 feet, if abutting an alley - 0 feet.*

15. A variance to reduce 2'-0" from the minimum required width of 22'-0" for a two-way driveway, in order to retain a driveway with a width of 20'-0".

- Variance requested from:

**Sec. 130-64. Drives.**

*Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic.*

Staff is supportive of variances #12 and #15 related to an existing two-way driveway, which was constructed as part of the existing parking garage. The driveway has been in use for many years to service the site, and the intensity of use should not be excessive based upon the proposed retail and residential uses. Staff finds that the existing driveway constructed previously without the required setback and the existing building setbacks create practical difficulties to readapt the driveway to comply with the required setbacks and width.

Staff is also supportive of variances #13 and #14 for the addition of two (2) non-required loading spaces as this area was originally part of an alley that was closed decades ago, and the area is best utilized for servicing and loading.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that only **partially** (as noted) satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application only

**partially** (as noted) 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;

***Satisfied for variance requests #12 - #15;  
Not Satisfied for variance requests #1, - #11.***

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

***Satisfied for variance requests #12 - #15;  
Not Satisfied for variance requests #1, - #11.***

- 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 for variance requests #12 - #15;  
Not Satisfied for variance requests #1, - #11.***

- 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 for variance requests #12 - #15;  
Not Satisfied for variance requests #1, - #11.***

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

***Satisfied for variance requests #12 - #15;  
Not Satisfied for variance requests #1, - #11.***

- 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 for variance requests #12 - #15;  
Not Satisfied for variance requests #1, - #11.***

- 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, with the exception of the variances requested herein, appears to be consistent with the City Code. Further, as the existing parking garage at 1601 Drexel Avenue was approved, permitted and built as a main-use parking structure, it will need to be converted to required parking, with all non-required parking areas counted in the FAR, in order for the development site to use the land of the garage for allowable FAR.

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 **residential with accessory 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:

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.  
**Not Satisfied**  
**The applicant is proposing the total demolition of a Contributing building located at 425 16<sup>th</sup> Street. Staff believes this 2-story building is could be retained and restored in whole or part and incorporated into the project.**
  - 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 design for the pedestrian gate along Washington Avenue is not consistent with the character of the the historic district; the west elevation has not be sufficiently developed and there is a lack of detail provided for the proposed balcony features.**
  - 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.

**Not Satisfied**

**The applicant is proposing the total demolition of a Contributing building located at 425 16<sup>th</sup> Street. Staff believes this 2-story building is could be retained in whole or part and incorporated into the project.**

- 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 Satisfied**

**The applicant is proposing the total demolition of a Contributing building located at 425 16<sup>th</sup> Street. Staff believes this 2-story building is could be retained and restored in whole or part and incorporated into the project.**

- 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.

**Not Satisfied**

**The proposed pedestrian gate along Washington Avenue is not consistent with the character of the historic district.**

- 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.

**Not Satisfied**

**The design for the pedestrian gate along Washington Avenue is not consistent with the character of the historic district; the west elevation has not be sufficiently developed and there is a lack of detail provided for the proposed balcony features.**

- 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.

**Not Satisfied**

**The proposed addition requires the demolition of an existing Contributing building.**

- 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.

**Not Satisfied**

**The proposed site plan requires the demolition of a Contributing building which will have an adverse impact on the historic character of the neighborhood; the design for the pedestrian gate along Washington Avenue is not consistent with the character of the historic district.**

- 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).  
**Not Satisfied**  
**The proposed addition will require the demolition of a Contributing building.**
- 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 structure located at 425 16th Street is designated as part of the Flamingo Park Local Historic District; the building is designated as a "Contributing" structure 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 structure located at 425 16th Street 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 structure located at 425 16<sup>th</sup> Street is one of the last remaining examples of its 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 structure located at 425 16<sup>th</sup> Street is 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 structure located at 425 16<sup>th</sup> Street is critical to developing an understanding of an important early Miami Beach architectural style.**
- 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.

**Satisfied**

**The applicant is requesting approval for a new structure a part of this application.**

- 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 new construction has been designed in manner which can be adapted in the event the streets in this area are elevated.**

- (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 level commercial space is 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 three existing structures:

1. 1600 Washington Avenue: A 1-story Non-Contributing commercial building.
2. 425 16<sup>th</sup> Street: A 2-story Contributing multifamily residential building.
3. 1601 Drexel Avenue: A 5-story Non-Contributing parking garage with accessory commercial use.

In order to construct a new 10-story mixed-use building, the applicant is proposing the total demolition of the structures located at 1600 Washington Avenue and 425 16<sup>th</sup> Street. Additionally, as noted in the zoning analysis herein, the existing main-use parking structure at 1601 Drexel Avenue will be converted into required parking for the project. The proposed addition will contain 134 residential units and approximately 12,994 SF of retail/restaurant space on the ground floor.

The following is a brief summary of the 2 existing structures proposed for demolition:

#### **1600 Washington Avenue – request for total demolition**

The 1-story building located at 1600 Washington Avenue was constructed in 1952 and designed by architect Maurice Weintraub. Due to significant alterations that have occurred over the years, the subject structure is classified as Non-Contributing. Since the existing building retains little to no original architectural elements, staff has no objection to the applicant's request for total demolition of this structure.

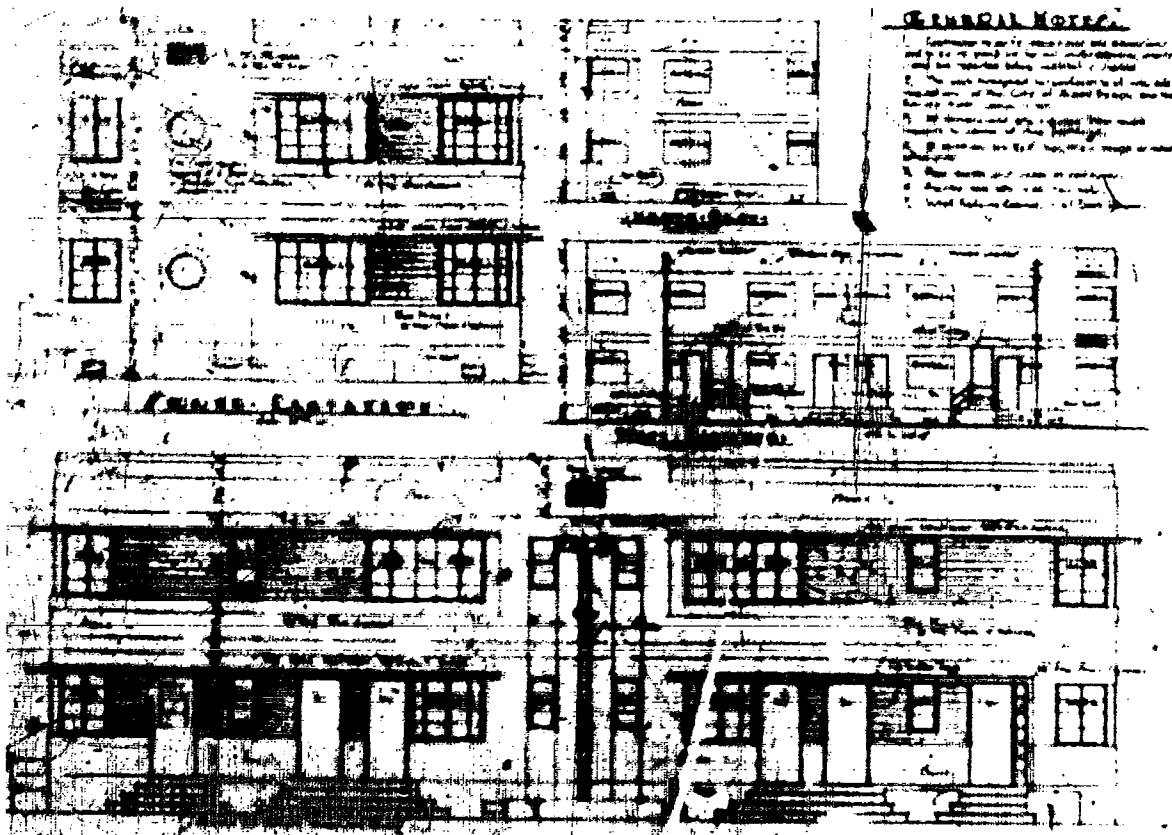
#### **425 16<sup>th</sup> Street – request for total demolition**

The structure, originally known as the Laurel Apartments, was constructed in 1938 and designed by noted Miami Beach architect Henrey Hohauser in the Streamline Modern style of architecture. The subject structure is classified as Contributing in the Miami Beach Historic Properties Database. The 2-story structure is characterized by recessed porthole windows, rounded corner eyebrows, and horizontal fluting between windows.

While this structure is no longer a part of a cohesive grouping of buildings, it retains a high degree of historic and architectural integrity, with only limited modifications, as is evidenced by the original microfilm elevation drawings shown below. Staff believes that the proposed redevelopment of this portion of the property, including the demolition of the 1-story retail building, provides for a unique opportunity to reveal its once prominent and highly visible east façade. To this end, staff would recommend that the applicant further explore the retention and restoration, in whole or part, of this Contributing building.



*425 16<sup>th</sup> Street, south facade*



*425 16<sup>th</sup> Street, microfilm elevations*

### **New 10-story addition**

The subject project is located within the City Center area, which the zoning code specifically and intentionally identified for larger scale development. The introduction of an approximately 20'-0" tall ground level commercial space, along the perimeter of the project helps to mitigate the impact of the tower portion of the structure on the lower scale character of the properties to the west of Drexel Avenue. In addition, the project is within the scale, and similar in height, to the LNR office building located immediately to the east at the northeast corner of Washington Avenue and 16<sup>th</sup> Street.

While the design concept of the project has continued to evolve, staff believes that the exterior elevation design still has not been adequately developed and detailed to the extent required for a project of this magnitude. Of particular concern is the lack of development along the western facade, which will be highly visible from 16<sup>th</sup> Street above the adjacent parking garage. Additionally, staff would strongly recommend that the applicant further study and provide a much higher level of detail and design development for the residential portion of the south elevation, including the proposed balcony railings, which are a primary design feature of this portion of the building.

Further, staff would note that the detail shown on Sheet G-5 is inconsistent with the design of the balconies shown on Sheet F-8, as well as the three-dimensional renderings. Additionally, staff would strongly recommend further development of the proposed entry gate along Washington Avenue. Specifically, staff believes that the currently proposed 15'-9" height is out of scale with the pedestrian environment and has the appearance of a security device more akin to a back of house area.

Finally, it is important to note that the proposed project requires a Conditional Use Permit for a development project greater than 50,000 gross square feet to be reviewed and approved by the Planning Board. The application was reviewed by the Planning Board on December 19, 2017, with regard to important issues related to the operations of the project, including parking, traffic, noise, deliveries, sanitation and security and was continued to their January 23, 2018 meeting.

### **VARIANCE ANALYSIS**

The proposed development site contains three street frontages and 39,000 SF of lot area from the aggregation of 5 platted lots and a portion of the private alley. This creates a property with two fronts, as well as two different street side, sum of the side yard and interior side setbacks for residential use. These site conditions present practical difficulties for the applicant to develop the mixed-use building proposed and multiple variances are requested. As presently designed and configured, the proposed new residential multistory building requires fifteen (15) variances.

Staff finds that the shape of the lot and its size justify some of the variances requested in order to develop the site with an urbanly responsive, mixed-use building. In this regard, as presently designed, staff is supportive of variances #12 through #15, related to the existing driveway and new loading spaces, due to the retention of the building and the existing setbacks for this portion of the site. However, staff was unable to identify practical difficulties related to the rest of the variances requested, as the remainder of the existing structures on site are proposed to be demolished in their entirety and a vacant portion of the site is being created for the new construction. Staff also remains open to further study of the variances proposed herein, depending upon revisions to the design of the project as recommended herein.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **continued to a date certain of March 12, 2017** in order to address the concerns noted herein. In the event the Board should approve the application, including the variances requested, staff recommends that the conditions in the attached draft order be included, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and/or Practical Difficulty and Hardship criteria, as applicable.



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

MEETING DATE: January 9, 2018

FILE NO: HPB17-0142

PROPERTY: 1600 Washington Avenue, 425 16th Street & 1601 Drexel Avenue

APPLICANT: 420 Lincoln Road Development, LLC

LEGAL: Lots 1, 5, 6, 7, 8, 9, and 10, together with the west 5.0 feet of Lots 2 and 3 and the east 54.42 feet of the west 59.42 feet of the north 20.00 feet of Lot 3, Block 53, Pine Ridge Subdivision, Plat Book 6, Page 34 of the Public Records of Miami-Dade County Florida.

IN RE: The application for a Certificate of Appropriateness for the total demolition of two structures and the construction of a new 10-story mixed-use building, including variances to reduce the required pedestal front, side and sum-of-the-side setbacks for residential uses, to reduce the required tower front, rear, interior side and street side setbacks for residential uses, to reduce the required width for a two-way driveway and to reduce the required rear and side setbacks for a 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 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 not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
  - 2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
  - 3. Is not consistent with Certificate of Appropriateness Criteria 'a-e' & 'm' in Section 118-564(a)(3) of the Miami Beach Code.
  - 4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) & (8) in Section 133-50(a) of the Miami Beach Code.

5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 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:
    - a. The design for the pedestrian entrance gate feature shall be further developed and shall not exceed 6'-0" in height as measured from the sidewalk, 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 design for the west elevation located above the adjacent parking garage structure shall be further developed, 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 interior fixtures located within the ground floor commercial space, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from glazed portion of an exterior wall fronting Washington Avenue and 16<sup>th</sup> Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or substantially transparent fixtures for display purposes only.
    - d. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting ~~shall not be permitted~~ within the commercial space, 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. 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. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.
    - f. 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.
    - g. 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.

**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 5'-0" the required pedestal front setback of 20'-0" in order to construct a new building addition at 15'-0" from the front property line facing Collins Ave.
2. A variance to eliminate all required pedestal front setback of 20'-0" for residential uses in order to construct a new residential building addition at 0'-0" setback from the front property line, facing Washington Avenue.
3. A variance to eliminate all required pedestal interior side setback of 8'-0" for residential uses in order to construct a new residential building addition at 0'-0" setback from the northeast property line.
4. A variance to eliminate all required pedestal and tower street side setback of 8'-0" for residential uses in order to construct a new residential building addition at 0'-0" setback from the south property line facing 16th Street.
5. A variance to eliminate all required pedestal sum of the side setbacks of 16'-0" for residential uses in order to construct a new residential building addition.
6. A variance to eliminate all required pedestal rear setback of 16'-9" for residential uses in order to construct a new residential building addition at 0'-0" from the rear property line.
7. A variance to reduce all required tower front setback of 50'-0" for residential uses in order to construct a new residential building addition at 0'-0" from the front property line, facing Washington Avenue.
8. A variance to reduce all required tower interior side setback of 13'-0" for residential uses in order to construct a new residential building at 0'-0" from the northeast property line.
9. A variance to eliminate all required tower sum of the side setbacks of 21'-0" for residential uses in order to construct a new residential building.
10. A variance to reduce all required pedestal rear setback of 16'-9" for residential uses in order to construct a new residential building addition at 0'-0" from the rear property line.

11. A variance to reduce by 10'-0" the required tower rear setback of 25'-0" for residential uses in order to construct a new residential building addition at 15'-0" from the rear property line.
  12. A variance to exceed by 3'-0" the maximum building height allowed of 100'-0" for the construction of a new residential building up to 103'-0" in height measured from 13'-0" NGVD.
  13. A variance to eliminate all required interior side setback of 5'-0" for a driveway in order to retain a two-way driveway at 0'-0" from the north side property line.
  14. A variance to eliminate all required interior side setback of 5'-0" for a driveway in order to construct a one way driveway at 0'-0" from the north and south side property line.
  15. A variance to eliminate all required rear setback of 5'-0" for parking in order to construct one loading space at 0'-0" from the east side property line.
  16. A variance to reduce 2'-0" from the minimum required width of 22'-0" for a two-way driveway, in order to retain a driveway with a width of 20'-0".
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance(s) 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 **Approves** 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.

**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. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as **LEED Gold by USGBC**. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- B. The applicant ~~shall submit a Hold Harmless Covenant~~ Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the driveway to the adjacent properties.
- C. 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.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. 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.

- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 "1600 Washington Ave. as prepared by Stantec, dated September 14, 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 \_\_\_\_\_ (                    )