

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: April 10, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0177, **1116 Ocean Drive.**

The applicant, VMSB, LLC, is requesting a Certificate of Appropriateness for the installation of canopy structures with retractable fabric at the ground and roof levels.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness for the roof level canopy at 1116 Ocean Drive with conditions

Denial of the Certificate of Appropriateness for the ground level canopy at 1100 Ocean Drive

BACKGROUND

On February 13, 2018, the Board reviewed and continued the subject application to a date certain of March 12, 2018.

On March 12, 2018, the Board continued the application to a date certain of April 10, 2018 at the request of the applicant.

EXISTING STRUCTURES

Local Historic District: Ocean Drive/Collins Avenue

1116 Ocean Drive

Status: Contributing
Original Architect: A. Leidler-Jones
Construction Date: 1930

1100 Ocean Drive

2-story structure

Status: Non-Contributing
Original Architect: Hawrylewicz and Robertson
Construction Date: 1993

ZONING / SITE DATA

Legal Description: Lots 5, 6 & 7, Block 16 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2,

Page 56, of the Public Records of Miami-Dade County, Florida.

Zoning: MXE, Mixed use entertainment
Future Land Use Designation: MXE, Mixed use entertainment
Existing Height: 3-stories

THE PROJECT

The applicant has submitted plans revised entitled "Casa Casuarina Retractable Canopies" as prepared by Schapiro Associates, dated March 19, 2018.

The applicant is requesting a Certificate of Appropriateness for installation of canopy structures with retractable fabric at the ground and roof levels.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with applicable sections of 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 **hotel** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Satisfied
The designs for the ground level canopy as shown in OPTIONS 1, 2 & 3 is not consistent with Standard 9; the designs are not compatible with the massing, size, scale and architectural features and have an adverse impact on the historic integrity of the property and its environment.
The design for the ground level canopy as shown in 'OPTION 1' is not consistent with Standard 3: *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
 - 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 size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.
 - b. General design, scale, massing and arrangement.
Not Satisfied
The size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Not Satisfied
The size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.
 - e. The purpose for which the district was created.
Not Satisfied
The size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Satisfied
The size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.
 - 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 size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.

- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Not Satisfied
The existing dense landscape material along Ocean Drive significantly obscures views to the historic property.
 - 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 size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.
 - 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 tall metal screen and dense landscaping around the perimeter of the property creates a dark and unsafe environment along this portion of Ocean Drive.

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Not Applicable
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Satisfied
The existing dense landscape material along Ocean Drive significantly obscures views to the historic property.
- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Applicable
- 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).
Not Satisfied
The size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Satisfied
The existing tall metal screen and dense landscape material along Ocean Drive significantly obscures views to the historic property.

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Satisfied
The size and design of the ground level canopy structure is not consistent with the historic character of the district and overwhelms the surrounding Contributing properties.
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Not Satisfied
The existing tall metal screen and dense landscape material along Ocean Drive significantly obscures views to the historic property creates a dark and unsafe environment along this portion of Ocean Drive.
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable

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 is located within the Ocean Drive/Collins Avenue Local 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 structure built in 1930 is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

- 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 structure built in 1930 is one of the last remaining examples of its kind and contributes to the character of the district.

- 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 built in 1930 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 built in 1930 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 main use 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

Total demolition is not proposed.

- 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.
Satisfied
A salvage plan has been submitted for the property wall proposed to be reconstructed.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (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.
Not Applicable
- (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.
Not Applicable
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable
- (10) Where feasible and appropriate, water retention systems shall be provided.
Not Applicable

STAFF ANALYSIS

The applicant is requesting approval for the design of two separate retractable canopy structures. The first structure is proposed to be installed at the roof level above the open courtyard within the Contributing building located at 1116 Ocean Drive. Staff has met with the project architect on several occasions and initially expressed concern relative the potential visibility of this structure as viewed from Lummus Park, as well as possible impacts on the structural integrity of the existing building. As currently designed however, staff does not believe the retractable canopy will have any adverse impact on the existing building or surrounding historic district and could be easily removed in the future. While supportive of the introduction of a retractable canopy in this location, staff has a concern with the lack of restorative work proposed for the existing historic structure on the site. At a minimum, staff would recommend that the existing tall metal screening and inappropriate dense landscape material located along Ocean Drive be removed and that the original coral rock low wall and decorative balustrade be restored in a manner consistent with historical documentation as shown in the photograph below.



The second canopy structure is proposed to cover nearly the entire ground level pool deck area located on the corner of Ocean Drive and 11th Street. In order to provide vertical support along the east side, the existing east property wall is proposed to be demolished and reconstructed approximately 4'-8" west of the existing location. Since the wall was built in 1993 as part of the conversion of the property to a single family home, and is not considered a contributing portion of the property, staff has no major objection to relocating this wall. It remains unclear however,

how the western end of the new canopy will be structurally supported by the eastern wall of the 1993 addition. It is reasonable to assume that modifications will be required in order to structurally reinforce the 1993 addition so it is capable of withstanding the added load of the large canopy.

As noted in the 'Background' section of this report, on February 13, 2018, the Board reviewed and continued the subject application to the March meeting, in order to give the applicant additional time to further develop the proposed canopy design. On March 12, 2018, the Board gave general comments to the applicant and continued the application to the April meeting.

Since the March meeting, the applicant has submitted revised plans which, in addition to the previously proposed faux arcade design (Option 1), include two alternative designs for the Board to consider (Option 2 and Option 3). While the height of the canopy has been slightly reduced, staff does not believe that any of the proposed design options adequately address the concerns of the Board expressed at the February and March meetings.

Staff continues to have serious concerns with regard to the height and magnitude of the proposed canopy structure and is not supportive of any of the three design options. The approximately 43'-0" by 68'-0" canopy is approximately 24'-6" tall and will be highly visible from Ocean Drive, 11th Street and Lummus Park.

While appreciative of the applicant's desire to provide weather protection for the pool deck area that is currently used as part of a banquet hall and event space, staff has concluded that any canopy of this size in such a highly prominent location will have a significant adverse impact on the historic character of the existing property and structures, as well as Ocean Drive and the surrounding historic district.

RECOMMENDATION

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

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

MEETING DATE: April 10, 2018

FILE NO: HPB17-0177

PROPERTY: 1116 Ocean Drive

APPLICANT: VMSB, LLC

LEGAL: Lots 5, 6 & 7, Block 16 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for the installation of canopy structures with retractable fabric at the ground and roof levels.

ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the Ocean Drive/Collins Avenue 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', 'b', 'd', 'e', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'c', 'd', 'e', 'h', 'j', 'k', 'm' & 'n' in Section 118-564(a)(3) of the Miami Beach Code.
 - 4. Is consistent with Sea Level Rise and Resiliency Review Criteria 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:

Meeting Date: April 10, 2018

1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The canopy structure proposed to be located at the ground level within the pool deck area, including the replicated façade of the 1993 addition, shall not be permitted.
 - b. Prior to the issuance of a building permit for the canopy above the open courtyard at 1116 Ocean Drive, the tall metal screen and dense landscape material located along Ocean Drive shall be removed and the original coral rock low wall and decorative balustrade shall be restored in accordance 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.
 - c. Final details of all surface finishes and materials for the canopy proposed to be installed at the roof level within the building courtyard, including samples, 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.
 - d. Fixtures, including but not limited to lighting, speakers, fans, heaters, misters shall not be permitted to be attached to the canopy structure.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

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. 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.
- C. 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.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

Meeting Date: April 10, 2018

- F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- J. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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 "Casa Casuarina Retractable Canopies" as prepared by Schapiro Associates, dated March 19, 2018, and as approved by the Historic Preservation Board, as determined by staff.

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

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

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

Dated this _____ day of _____, 20_____.

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

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. He is personally known to me.

Approved As To Form: _____
City Attorney's Office: _____ (

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