

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: May 8, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB18-0185, **550 9<sup>th</sup> Street.**

The applicant, 550 Ninth, LLC, is requesting a Certificate of Appropriateness for the partial demolition and renovation of the 6-story building as part of a new hotel development and variances from the minimum size required for hotel units, to reduce the required front and interior side setbacks, ~~for the location of a building identification sign~~ and for the triple stacking of valet parked vehicles.

### **STAFF RECOMMENDATION**

Approval of the Certificate of Appropriateness and variances with conditions.

### **BACKGROUND**

On April 10, 2018, the application was continued to a date certain of May 8, 2018, at the request of the applicant.

On April 11, 2018 the City Commission referred a proposed re-zoning and comprehensive plan amendment pertaining to the subject property, to the Planning Board. Specifically, the applicant is proposing to re-zone the subject property from the current HD (Hospital District) to RM-2 (Residential Multi-Family Medium Intensity). The associated re-zoning and comprehensive plan amendment are scheduled to be considered by the Planning Board in June, with final adoption by the City Commission anticipated for September.

### **EXISTING STRUCTURE**

Local Historic District:	Flamingo Park
Status:	Non-Contributing
Original Construction Date:	1966
Original Architect:	Frese Camner Associates

### **ZONING / SITE DATA**

Legal Description: A portion of Lots 1 to 4 beginning at the northwest corner of Lot 1 south along the west property line of lots 1 to 4 for 189 feet east 91.27 feet northeast 142.53 feet west 8.65 feet northeast 51.27 feet west 125.5 feet to the point of beginning, Block 25, of the Ocean Beach Addition No. 3, according to the plat thereof recorded in Plat Book 2, Page 8 of the public records of Miami Dade County, Florida.

Zoning:	HD, Hospital District <b>(Proposed Zoning: RM-2, Residential multifamily medium intensity)</b>
Future Land Use Designation:	PF-HD, Public Facility, Hospital <b>(Proposed Future Land Use Designation: RM-2, Residential multifamily medium intensity)</b>
Lot Size:	20,870 S.F. / 2.0 Max FAR, per RM-2 zoning
Existing FAR:	50,441 S.F. / <b>2.41</b> FAR, as represented by the applicant
Proposed FAR:	50,441 S.F. / <b>2.41</b> FAR, as represented by the applicant
Existing Height:	<b>53'-2" / 6-stories</b>
Proposed Height:	no change
Existing Use/Condition:	192 Bed Hospital
Proposed Use:	110 Unit Hotel

### **THE PROJECT**

The applicant has submitted plans entitled "550 9<sup>th</sup> Street, Miami Beach" as prepared by Shulman + Associates, dated February 2, 2018.

The applicant is requesting a Certificate of Appropriateness for the partial demolition and renovation of the 6-story building as part of a new hotel development and variances from the minimum size required for hotel units, to reduce the required front and interior side setbacks, for the location of a building identification sign and for the triple stacking of valet parked vehicles.

The applicant is requesting the following variance(s):

1. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit 80 hotel units (73%) at less than 300 s.f. (the smallest at 269 s.f.), 10 hotel units between 300 s.f. and 335 s.f. (9% of the units) and 20 hotel units exceeding 335 s.f. (18% of units).
  - Variance requested from:

#### **Sec. 142-217. Area requirements.**

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Unit Size (Square Feet): Hotel Units: 15%: 300 - 335, 85%: 335+

The improvements to the property for the conversion of the existing adult living facility to a hotel development include reconfiguration of the interior spaces and exterior façade of the building. Most of the new hotel units are retaining the location of the existing interior partitions abutting the exterior walls with an expansion toward the corridor, which will be reduced in width to increase the size of the hotel units. However, the new room configuration with rooms larger than the original room sizes, still do not meet the minimum area of 300 sf required for hotel units. A total of 110 units are proposed of which 80 (73%) are below 300 sf with the smallest unit at 269 sf. Staff finds that the reconfiguration of the existing room sizes for larger rooms conforming with the required area, creates discrepancies and challenges to accommodate the existing window configuration of the building. The minimum hotel room area of 269 sf proposed exceeds

the 200 sf room size acceptable for historic hotels in the historic district and should not be injurious or detrimental to the public or to the surrounding properties. Staff finds that the retention of the existing building envelope and retention of most of the building façades with minimal demolition create the practical difficulties that satisfy the criteria for the granting of the variance.

2. A variance to reduce by 4'-4" the minimum required pedestal front setback of 20'-0" in order to construct a new pool and deck at the roof level at 15'-8" from the front property line facing Pennsylvania Avenue.

- Variance requested from:

**Sec. 142-218. Setback requirements.**

*The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:*

*Subterranean and Pedestal, Front: 20 feet.*

As the building will be reconfigured for the hotel use, an oval outdoor pool and deck amenity is proposed at the roof level encroaching into the front setback of 20'-0". The pool deck is substantially contained within the existing non-conforming building lines; however, due to the oval shape of the pool deck, a portion of the deck does not comply with the required front setback. The existing front setback at the pool location is approximately 19'-6" and although this variance is design driven, the reduction of the front setback to 15'-8" will be minimally visible from the street. Staff finds that the renovation of the existing building with its non-conforming front setback and the need for the proposed outdoor pool area creates the practical difficulties that satisfy the granting of the variance.

3. A variance to reduce by 10'-9" the minimum required pedestal interior side setback of 15'-2" in order to construct a new mechanical room at the roof level at 4'-5" from the side property line.

- Variance requested from:

**Sec. 142-218. Setback requirements.**

*The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:*

*Subterranean and Pedestal, Side Interior: Single lots less than 65 feet in width: 7.5 feet. Lots equal or greater than 65 feet in width: Minimum 10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width.*

A new mechanical equipment room is proposed at the top of the existing stair on the interior side of the property. The enclosure follows the existing side setback of 4'-5" of the stair bulkhead. Because the building already has non-conforming side and sum of the side setbacks and the building is currently up to the property line, the increase of non-conformity on this side has a minor impact on the required side yard or on the adjacent properties. As the property is unified with 4 lots, the unusual lot width of 189' requires an interior setback of 15'-2", which is larger than many properties with a single or double lot in the surrounding area. Staff finds that the unusual lot width of the property and the need to supply mechanical equipment for the new hotel development satisfy the practical difficulties for the granting of the variance. As such, staff

is supportive of the variance request and recommends approval.

4. A variance to allow the stacking of three vehicles for tandem parking in order to construct 18 parking spaces for the hotel.

- Variance requested from:

**Sec. 130-251. - Requirements.**

**(b)Dimensions for valet and tandem parking spaces shall be eight and one-half feet depth by 16 feet width with a maximum stacking of two vehicles with a parking aisle of at least 22 feet.**

The applicant is proposing reconfiguration of the existing parking area including the stacking of three vehicles in 6 rows for the hotel operation. Tandem parking is allowed for a maximum of two vehicles; therefore the project requires a variance for the triple stacking of vehicles. Although this variance is required for the project, staff would note that the landscape on site will be substantially increased at the front enhancing the appearance of the property. Staff finds that practical difficulties related to the necessity to provide parking on site exist; as such staff has no objections to this variance request. Staff also would note that since the property is located in a historic district with no minimum required number of parking spaces, one loading space of the three (3) spaces required should be provided on site, in order to alleviate loading operations on the street. With this modification, staff has no objections to the variance request as the parking will be valet operated and no negative impact is expected for this common service in hotels.

**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**

The proposal herein is subject to final City Commission approval of the proposed re-zoning of the subject property to RM-2. In the event that such re-zoning, and corresponding comprehensive plan amendment, are not adopted, the application will not be able to obtain a building permit for the proposal herein. The applicant has provided a hold harmless letter indemnifying the City, in order for the Certificate of Appropriateness application to proceed.

The application, as submitted, with the exception of the variances requested herein, appears to be inconsistent with the following requirements of the City Code:

1. **Sec. 130-63.- Interior aisles.** Parking space located adjacent to the ADA parking spaces does not meet the required 22'-0" drive aisle width (back up space).
2. Any approval of this application shall be subject to the adoption of an Ordinance pending before the Planning Board and City Commission, rezoning the property from HD to RM-2. The applicant has provided indemnification and acknowledgement that the proposed use may not be permitted in the event that the rezoning is not approved.

This 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 **hotel use** appears to be **consistent with the pending amendment** to 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 Applicable**

- 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.  
**Not Applicable**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Applicable**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not Satisfied**  
**Variances are requested as part of this application.**
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.  
**Satisfied**
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.  
**Satisfied**
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.  
**Satisfied**
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.  
**Not Satisfied**  
**A lighting plan has not been submitted.**
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.  
**Satisfied**

- 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**

#### **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**

- (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.

**Satisfied**

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

**Not Satisfied**

**The ground level of the existing building is not proposed to be elevated to the 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**

**To be addressed at time of building permit review.**

**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 subject structure is designated as part of the Flamingo Park Local Historic District; the building is classified as a 'Non-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.

**Not Satisfied**

**The subject structure would be not 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.

**Not Satisfied**

**The subject structure is not a distinctive example of an architectural style which 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.

**Not Satisfied**

**The subject structure is classified as a 'Non-Contributing' building 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.

**Not Satisfied**

**The retention of this structure is not critical to developing an understanding of an important 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 in the subject application 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 proposing total demolition of the existing building.**

- h. The Miami-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 any part of the subject buildings.**

**STAFF ANALYSIS**

The subject 6-story Non-Contributing building, constructed in 1966 as an assisted living facility, is located within the Flamingo Park Local Historic District. The applicant is requesting approval for the partial demolition and renovation of the structure as part of a new hotel development. Staff has no objection to the demolition requested, as it is generally limited to the removal of exterior portions of walls in order to the increase window opening sizes and to introduce recessed balconies.

The architect is proposing to introduce a new architectural treatment on the vertical elements of the building which will create additional visual interest and help to reduce the perceived mass of the structure. Further, a number of enhancements to the site are proposed including a substantial reduction in the amount of the pavement within the front yard, the introduction of additional landscaping and the partial enclosure of the parking below the existing building.

Overall, the project is a welcome improvement over the current site conditions and is not expected to have an adverse impact on the surrounding historic district. Staff recommends approval as noted below.

**VARIANCE ANALYSIS**

As noted in the zoning compliance section, the approval of this application, including variances is subject to the approval of the change in zoning to RM-2. The variances requested and staff analysis is based on the proposed zoning district. As existing, the building is non-conforming regarding various aspects of the multifamily district including setbacks and FAR. The project proposes the conversion to a hotel development, with 110 hotel rooms, and restaurant space. Four variances are requested for the hotel use of the building. The variances requested are the minimum necessary to accommodate the new hotel use. The physical constraints of the existing building envelope and lot size create practical difficulties that result in the variances requested.

**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: May 8, 2018

FILE NO: HPB18-0185

PROPERTY: 550 9<sup>th</sup> Street

APPLICANT: 550 Ninth, LLC

LEGAL: A portion of Lots 1 to 4 beginning at the northwest corner of Lot 1 south along the west property line of lots 1 to 4 for 189 feet east 91.27 feet northeast 142.53 feet west 8.65 feet northeast 51.27 feet west 125.5 feet to the point of beginning, Block 25, of the Ocean Beach Addition No. 3, according to the plat thereof recorded in Plat Book 2, Page 8 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the partial demolition and renovation of the 6-story building as part of a new hotel development and variances from the minimum size required for hotel units, to reduce the required front and interior side setbacks, ~~for the location of a building identification sign~~ and for the triple stacking of valet parked vehicles.

**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 in Section 118-564(a)(1) of the Miami Beach Code.
  - 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
  - 3. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'g' in Section 118-564(a)(3) of the Miami Beach Code.
  - 4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) & (10) in Section 133-50(a) of the Miami Beach Code.

5. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'd' & 'e' 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 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. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - b. All signage shall consist of reverse channel letters, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - c. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
    - a. The A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.

**In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.**

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

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit 80 hotel units (73%) at less than 300 s.f. (the smallest at 269 s.f.), 10 hotel units between 300 s.f. and 335 s.f. (9% of the units) and 20 hotel units exceeding 335 s.f. (18% of units).

2. A variance to reduce by 4'-4" the minimum required pedestal front setback of 20'-0" in order to construct a new pool and deck at the roof level at 15'-8" from the front property line facing Pennsylvania Avenue.
  3. A variance to reduce by 10'-9" the minimum required pedestal interior side setback of 15'-2" in order to construct a new mechanical room at the roof level at 4'-5" from the side property line.
  4. A variance to allow the stacking of three vehicles for tandem parking in order to construct 18 parking spaces for the hotel.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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. One loading space shall be provided on the premises.
3. The applicant shall provide enough valet attendants to avoid queuing on the street at all times.

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. Prior to the issuance of any building permit for work proposed herein, the proposed re-zoning of the property from HD to RM-2, and corresponding Comprehensive Plan Amendment, shall be adopted by the City Commission. In the event that the property is not re-zoned to RM-2, the proposal herein shall not be eligible for any building permit.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.

- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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.
- K. 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 "550 9<sup>th</sup> Street, Miami Beach" as prepared by Shulman + Associates, dated February 2, 2018, 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 \_\_\_\_\_ (                    ) )