

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: September 17, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB18-0208, **1685 Washington Avenue.**

The applicant, Sobe Center, LLC, is requesting a Certificate of Appropriateness for the total demolition of the existing building and the construction of a new hotel including variances to reduce the required tower front setback for residential uses, to exceed the maximum allowed projection into required yards, ~~to exceed the maximum number of stories and maximum building height, to reduce the required width of a drive aisle and to eliminate the distance separation required from structural columns to a drive aisle.~~

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions
Denial of all variances

BACKGROUND

On July 10, 2018 the Board reviewed and continued the subject application to a date certain of September 17, 2018.

EXISTING SITE

Local Historic District:	Museum
Status:	Non-Contributing
Original Construction Date:	1996
Original Architect:	Peggy Nye & Lodin

ZONING / SITE DATA

Legal Description:	Lots 14, 15, 16 and 17 in Block 31 of Fisher's First Subdivision of Alton Beach, according to the Plat thereof as recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.
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Zoning:	CD-3 (Commercial, high intensity)
Future Land Use:	CD-3 (Commercial, high intensity)

Lot Size:	29,978 S.F. (Max FAR = 2.75)
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Existing FAR:	~7,385 S.F. / 0.25 FAR, as represented by the applicant
Proposed FAR:	82,439 S.F. / 2.75 FAR, as represented by the applicant
Existing Height:	~28'-0" / 1-stories
Proposed Height:	83'-0" / 8-stories
Existing Use/Condition:	Commercial, bank
Proposed Use:	Hotel with accessory commercial

THE PROJECT

The applicant has submitted revised plans entitled "Symphony Park Hotel", as prepared by MCG Architecture + Planning, dated April 27, 2018.

The proposal consists of a new 8-story, mixed-use building with 150 hotel units, two restaurants (145 and 150 seats), 6,052 SF of ground floor commercial space, and a parking garage.

The applicant is proposing to construct new 8-story, mixed-use building with 150 hotel units, two restaurants, ground level commercial, and 120 space parking garage.

The applicant is requesting the following variances:

1. A variance to exceed by 3'-0" the maximum building height allowed of 80'-0" for a property fronting on 17th Street in order to construct a mixed-use building up to 83'-0" in height.
 - 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:

Maximum Building height (feet): Lots fronting on 17th Street: 80 feet.

The variance request is fundamentally located at the roof level with additional height for the restaurant and kitchen. The location of these amenities is setback to the most interior portion of the site and minimally visible at the pedestrian level. The main building facades are proposed at approximately 72' in height, which mitigates the overall massing of the building considering that the street facades are allowed up to 80' in height. However, even with this mitigating factor, the proposed variance is still design driven and results in an excess height that does not satisfy the practical difficulties criteria for the granting of a variance. Further, eliminating the mechanical parking (which is not required parking) would allow lowering the entire building mass, and remove the need for the requested variance. As such, staff cannot recommend in favor of variance #1.

2. A variance to reduce by 17'-5" the required tower front setback of 50'-0" to construct a new mixed-use building at 32'-7" from the front property line facing Washington Avenue.
 - Variance requested from:

Sec. 142-338. - Setback requirements.

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

Subterranean, Pedestal and Tower (non-oceanfront), Front: 0 feet, Residential uses shall follow the RM-1, 2, 3 setbacks.(See sections 142-156, 142-218 and 142-247)

Sec. 142-156. Setback requirements.

The setback requirements for the RM-1 residential multifamily, low intensity district are as follows:

Tower, Front: 20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant.

The commercial component of the project from ground floor to the 2nd level is allowed at zero setback from the front property line. The levels containing hotel units are required to be setback 20'-0" from the front property line up to 50 feet in height, and an additional front setback of 30' is required at the tower level above 50 feet. Although the front pedestal portion of the building, at levels three and four can be at 20' setback, they are proposed at 32'-7". The same setback is extended up to the roof deck, which helps to reduce the mass within the first 50' in height as seen from the street. The variance requested to reduce the required setback at the tower level is triggered by the design of the building and unfortunately does not qualify as a practical difficulty that justifies the need for a variance. The interior courtyard is a desirable feature that enhances the hotel guest's experience, but it also contributes to the location of the hotel units closer to the front property line. A reduction in the number of hotel units, or modification to the building's massing, would also allow compliance with the required front setback. Based on this analysis, staff cannot recommend in favor of variance # 2.

3. A variance to exceed by 2'-4" the maximum allowed projection of 6'-0" in required yards for balconies and roof overhang in order to construct a new building with a projection of 8'-4" into the front yard facing Washington Avenue.
4. A variance to exceed by up to 2'-0" (12.5%) the maximum allowed projection of 4'-0" (25%) for balconies within the pedestal and tower street side setback of 16'-0" in order to construct a new building with a projection of up to 6'-0" (37.5%) into the street side yard facing 17th Street.
 - Variances requested from:

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

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

(4) Exterior unenclosed private balconies.

(7) Roof overhangs.

The design of the building features undulating balconies that wrap around the entire hotel portion of the building including five floors. Some portions of the balconies and roof overhang exceed the maximum projection allowed in required yards. The modified project eliminated the need for the variance within the rear yard for balcony projections. Although, some balconies are reduced in length, the variances #3 and #4 are fundamentally linked to the design of the building and not due to practical difficulties or hardship. As variances related to the design do not meet the criteria for granting variances, staff cannot recommend in favor of these variances.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded DO NOT 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 DO NOT 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.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variances:

1. Section 114. The gated bicycle parking counts in the FAR, unless fence and gate are removed.

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 **hotel 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:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Satisfied
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.

Satisfied

III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied

b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Not Satisfied

Variances have been requested.

c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Satisfied

d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Satisfied

e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied

f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow

on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Satisfied
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied
- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

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

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.
Not Satisfied
The existing structure is designated as part of the Museum Local Historic District; the building is designated 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 existing structure would not 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.
Not Satisfied
The existing structure is not one of the last remaining examples of its kind, and does not contribute 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 the existing 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.
Satisfied
The applicant has submitted plans for the construction of a new hotel development project.
- 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 any part of the subject building.

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
The applicant will be required to submit a plan for recycling prior to the approval of a building permit for the demolition of the structure.
- (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.
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 Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Satisfied
- (10) Where feasible and appropriate, water retention systems shall be provided.
Satisfied

ANALYSIS

The subject site is located on the southeast corner of 17th Street and Washington Avenue. The applicant is proposing the total demolition of the existing Non-Contributing building and the construction of a new 8-story building. The proposed project will contain 150 hotel units, ground level commercial space, a mechanical parking garage on the second level, an open air landscaped atrium at the fourth level and a restaurant with outdoor dining and swimming pool with amenity deck at the roof level.

In order to accommodate the new 8-story structure, the applicant is proposing the total demolition of the 'Non-Contributing' building and surface parking lot currently operating as a bank. Staff does not believe that this building, constructed in 1996, contributes to the historic or architectural character of the district and has no objection to the requested demolition.

Located on one of the most heavily traveled commercial corridors in the City, the proposed building achieves a high level of compatibility with its neighbors in terms of its overall scale and massing. The architect has successfully created an active street presence along both street facades with the introduction of a restaurant and commercial spaces facing Washington Avenue and the entrance to the hotel on 17th Street. The introduction of these ground level elements will serve to greatly enhance the pedestrian experience.

On July 10, 2018, the Board reviewed and continued the subject application in order to give the applicant additional time to further develop the design of the new building. Since the July meeting, the applicant has met with staff and has submitted revised plans in response to concerns expressed by the Board. While the overall design and architectural character remains largely consistent with the design presented at the July meeting, the applicant has been able to reduce the number of requested variances by shifting the building approximately 2'-0" closer to the south property line and reducing the depth of the balconies.

Collectively, these modifications result in a massing that achieves a greater level of compatibility with the surrounding historic district. Staff remains supportive of the overall contemporary design language of the proposed structure which incorporates variations in surface materials and changes in plane which result in a project that responds well to existing historic district and the site conditions and believes that the currently proposed design successfully addresses the concerns of the Board expressed at the July 10, 2018 meeting.

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 and approved by the Planning Board on June 26, 2018, with regard to important issues related to the operations of the project, including parking, traffic, noise, deliveries, sanitation and security.

VARIANCE ANALYSIS

The corner site contains 4 platted lots, with an aggregate lot area of 29,978 SF. The applicant is proposing a new hotel development that originally required seven (7) variances from the required tower front setback for hotel uses, from the maximum projection allowed into required yards, from the maximum building height, from the required width of a drive aisle and to eliminate the distance separation required from structural columns to a drive aisle. The project has been modified to eliminate three variances regarding parking and balcony projection, while still maximizing the FAR on the site.

Although staff is very supportive of the overall design, based on the size of this regularly shaped corner site, which is larger than other properties in the same zoning district and the unsubstantiated practical difficulties noted in the letter of intent, staff cannot support any of the requested variances as they are all related to the design proposed and not to specific conditions or the retention of a historic structure. As a new development with a larger than standard lot area, the project could comply with all zoning regulations. Furthermore, the Land Development Regulations include several allowances for the subject site that are not widely permitted for other properties in the same zoning district. Some of these benefits are:

1. Greater FAR than other properties in the same district. Because the property is located on 17th Street, between Drexel and Collins Avenue, a maximum FAR of 2.75 is allowed. Other similar properties in the CD-3 district with similar lot size and located in other areas of the city are allowed an FAR of up to 2.25.
2. Greater height than other properties in the same district. Because the property is fronting on 17th Street a maximum height of 80 feet is allowed. Other similar properties in the CD-3 district with similar lot size and located in other areas of the city are allowed up to 75 feet.
3. Reduced parking requirements. Because the property is located in parking district #7, there is no parking required for hotel units.

An additional advantage is the corner location that allows greater business exposure and flexibility in the location of parking ingress and egress. In summary, staff cannot recommend in favor of any of the variances.

RECOMMENDATION

In view of the foregoing analysis and the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria, staff recommends the application for variances be **denied**.

Should the Board conclude that the practical difficulties exists and/or the hardship criteria has been satisfied, staff recommends that an approval of some or all of the requested variances be subject to the conditions enumerated in the attached Draft Order. Staff also recommends the application for a Certificate of Appropriateness be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

NOTE: Should the variances be denied, any changes to the project that substantially impact the exterior design shall require the review of the Board.

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

MEETING DATE: September 17, 2018

FILE NO: HPB18-0208

PROPERTY: 1685 Washington Avenue

APPLICANT: Sobe Center, LLC

LEGAL: Lots 14, 15, 16 and 17 in Block 31 of Fisher's First Subdivision of Alton Beach, according to the Plat thereof as recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the total demolition of the existing building and the construction of a new hotel including variances to reduce the required tower front setback for residential uses, to exceed the maximum allowed projection into required yards, and to exceed the maximum building height.

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 Museum 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 not 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' in Section 118-564(a)(3) of the Miami Beach Code.
4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) in Section 133-50(a) of the Miami Beach Code.
5. Is not consistent with Certificate of Appropriateness Criteria 'a-e' in Section 118-564(f)(4) of the Miami Beach Code.

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- 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. 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 17th 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. All building signage shall require a separate permit. A uniform sign plan for the new ground level commercial spaces shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by the Board.
 - f. 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:

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- 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.
- b. A Silva Cell Rooting system or approved equivalent shall be provided with the required canopy shade trees in the public ROW facing Washington Av and 16th St subject to the review and approval of the City's Urban Forester. In the event that existing underground utilities prevent the installation of any of the required trees, a contribution to the Tree Trust Fund should be submitted equivalent to cost of material and installation inclusive of irrigation, landscape uplighting (two fixtures per tree), silva cell or approved equivalent, planting soil, trees, and bound aggregate.

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):

The following variances were **denied** by the Board:

1. A variance to exceed by 3'-0" the maximum building height allowed of 80'-0" for a property fronting on 17th Street in order to construct a mixed-use building up to 83'-0" in height.
2. A variance to reduce by 17'-5" the required tower front setback of 50'-0" to construct a new mixed-use building at 32'-7" from the front property line facing Washington Avenue.
3. A variance to exceed by 2'-4" the maximum allowed projection of 6'-0" in required yards for balconies and roof overhang in order to construct a new building with a projection of 8'-4" into the front yard facing Washington Avenue.
4. A variance to exceed by up to 2'-0" (12.5%) the maximum allowed projection of 4'-0" (25%) for balconies within the pedestal and tower street side setback of 16'-0" in order to construct a new building with a projection of up to 6'-0" (37.5%) into the street side yard facing 17th Street.

- B. The applicant has submitted plans and documents with the application that **DO NOT** 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 **DO NOT** 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 **denies** 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. 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.
- 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 "Symphony Park Hotel", as prepared by MCG Architecture + Planning, dated July 30, 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 _____ ()

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