

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: October 9, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB18-0237, **2618 Collins Avenue.**

The applicant, Prince Michael Condominium Association, Inc., is requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing structure and the construction of a 1-story rooftop addition including the construction of additional units and variances from the minimum size required for hotel units and to reduce the required front setback for a pool deck.

### **STAFF RECOMMENDATION**

Approval of the modifications to the previously issued Certificate of Appropriateness, with conditions

**Approval** of variance No. 1.

**Denial** of variance No. 2.

### **BACKGROUND**

On February 13, 2018, the Board reviewed and approved a Certificate of Appropriateness (HPB17-0139) for the partial demolition, renovation and restoration of the existing 3-story building and the construction of a 1-story rooftop addition as part of a new hotel development.

### **EXISTING STRUCTURE**

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Construction Date:	1951
Original Architect:	Roy France

### **ZONING / SITE DATA**

Legal Description:	Lot 3 less the north 25.00 feet, Lot 2 less the south 25.00 feet, Lot 10 and out lot 10 less the north 25.00 feet and Lot 11 and out lot 11 less the south 25.00 feet, Block 7, of the Amended Plat of the Ocean Front Property of the Miami Beach Subdivision, according to the plat thereof recorded in Plat Book 5, Pages 7 & 8 of the public records of Miami Dade County, Florida.
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Zoning:	RM-2, Residential Multifamily medium intensity
Future Land Use Designation:	RM-2, Residential Multifamily medium intensity

Lot Size:	23,800 S.F. / 2.0 Max FAR
Existing FAR:	41,789 S.F. / 1.75 FAR, as represented by the applicant
Proposed FAR:	43,336 S.F. / 1.82 FAR, as represented by the applicant
Existing Height:	~35'-3" / 3 stories
Proposed Height:	~46'-9" / 4 stories
Existing Use/Condition:	Multifamily Residential
Proposed Use:	Hotel and accessory restaurant

## **THE PROJECT**

The applicant has submitted plans entitled "Prince Michael Historic Renovation" as prepared by PrecisionArt, dated August 1, 2018.

The applicant is requesting the following variances:

1. A variance to reduce by 15'-0" the required 20'-0" setback for a pool deck in order to construct a pool deck at 5'-0" from the front property line facing Indian Creek Drive.

- Variance requested from:

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

*(j) Hot tubs, showers, saunas, whirlpools, toilet facilities, swimming pool equipment, decks. In all districts, hot tubs, showers, whirlpools, toilet facilities, decks and cabanas are structures which are not required to be connected to the main building but may be constructed in a required rear yard, provided such structure does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than seven and one-half feet to a rear or interior side lot line.*

### **Sec. 142-1133. Swimming pools.**

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

Pools and pool decks are allowed within the functional rear of single family lots with two fronts. This regulation does not apply to commercial or multifamily districts. In this case, the site also has two fronts and the pool and pool deck are located within the functional rear of the property. The existing pool is non-conforming regarding the required front and side setbacks. The paving around the pool extends up to the front and side property lines. The applicant is retaining the pool and proposing new paving that encroaches into the front yard. If the existing pavers were only repaired, the extensive pavement would be allowed without a variance. Staff finds that the retention of the non-conforming pool creates practical difficulties to provide a minimum deck area that conforms to the setback requirements. As the conditions of the front yard will be improved with substantial additional landscaping and the Code allows a walkway along the front without variances, staff has no objection to the approval of the pool deck as proposed, based upon the existing site conditions related to the existing contributing building in the historic district.

2. 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 16

hotel units (94%) at less than 300 s.f. (the smallest at 204 s.f.), and 1 hotel unit exceeding 335 s.f. (6% 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+*

A new floor plate is proposed with 17 hotel units below the minimum size allowed. The units are not associated with the retention of the building or architectural features of the building. Although the new floor addition is setback from both street sides, this construction also maximizes the FAR allowed for the site. As the new units are completely new construction above the roof, the variance request lacks any practical difficulties or hardship. As such staff cannot recommend approval of the variance. The existing units in the building have an average size of approximately 288 sf and the proposed average room size is 233 sf where a minimum of 300 sf is required. Staff recommends that the new units comply with the unit size required.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts, with the exception of variances no. 1, as noted above, allowing the granting of a variance if the Board of Adjustment 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 with the exception of variance no. 1, as noted above:

- 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 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, in addition to the variances requested herein, the application, as proposed, may be inconsistent with the following portions of the City Code:

1. **Sec. 130-32(26). Off-street parking requirements**
  - a. The parking requirement for the new hotel units is 0.5 space / hotel unit.
2. **Section 142-155**. Covered terrace at the 5<sup>th</sup> floor counts in the FAR calculations. As proposed, the project exceeds the maximum FAR permitted. Staff has discussed this requirement with the applicant, and some modifications to the roof of the new construction will be required. Staff is confident that the revised design will be of a minimal nature and can be reviewed and approved as part of the building permit for the project.

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 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**
  - 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 lobby area is not proposed to be raised above required Base Flood Elevation.**
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.  
**Satisfied**
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Satisfied**

#### **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 Collins Waterfront Local Historic District; the building is classified as a Contributing structure in the historic district.**
- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.  
**Satisfied**  
**The subject structure would be difficult and inordinately expensive to reproduce.**
- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.  
**Satisfied**  
**The subject structure is a distinctive example of the Post War Modern 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.

**Satisfied**

**The subject structure is classified as a 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.

**Satisfied**

**The retention of this structure is 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 'Contributing' 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 3-story structure, originally known as the Prince Michael Hotel, was constructed in 1951 and designed by Roy France in the Post War Modern of style of architecture. On February 13, 2018, the Board reviewed and approved a Certificate of Appropriateness (HPB17-0139) for the partial demolition, renovation and restoration of the existing 3-story building and the construction of a 1-story rooftop addition as part of a new hotel development. The applicant is currently requesting modifications to the previously approved project.

The project remains substantially the same including the restoration of the primary facade and lobby. However, at the roof level the applicant is proposing to construct a larger 1-story rooftop addition. The previously approved 1,399 sq. ft. addition contained amenities for guests of the hotel including a lounge and restrooms. The currently proposed 5,209 sq. ft. addition has been

designed to accommodate 17 new hotel units. Staff has no objection to the proposed 1-story rooftop addition which has been designed in a simple manner compatible with the historic architecture and is entirely out of the Collins Avenue line-of-sight.

In summary, staff remains supportive of the overall project and commends the applicant on the quality of the restoration work proposed, which is consistent with available historical documentation. As such, staff recommends approval as noted below.

### **VARIANCE ANALYSIS**

The applicant is requesting a front setback variance for pool deck paving at the front of the property facing Indian Creek. The existing pool is non-conforming regarding the required front and side setbacks. The paving around the pool extends up to the front and side property lines. The applicant is retaining the pool and proposing new paving that encroaches into the front yard. Staff finds that the retention of the non-conforming pool creates practical difficulties to provide a minimum deck area that conforms to the setback requirements. As the conditions of the front yard will be improved with substantial additional landscaping and the Code allows a walkway along the front without variances, staff has no objections to the approval of the pool deck as proposed, based upon the existing site conditions related to the existing contributing building in the historic district.

The applicant is also requesting a variance to reduce the minimum room size for new hotel units. The Board has recognized previously that the retention of the existing exterior window configuration and architectural features of a building are sometimes in conflict with the interior renovations of the spaces in historic structures and may create practical difficulties when adjusting to the room size required by the Code. In this case, the building already has existing non-conforming units, which will be retained and renovated. In addition, modifications to the covered terraces on both sides is required as they would increase the FAR beyond the maximum permitted. Staff has concluded that the variance for new undersized units does not satisfy the practical difficulties or hardship criteria, and as such, staff recommends denial of variance No. 1

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the Certificate of Appropriateness and variance request No. 1 be **approved** and that variance request No.2 be **denied**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable. However, should the Board find that the variance(s) requested 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, staff recommends that any approval be subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria.

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

MEETING DATE: October 9, 2018

FILE NO: HPB18-0237

PROPERTY: 2618 Collins Avenue

APPLICANT: Prince Michael Condominium Association, Inc.

LEGAL: Lot 3 less the north 25.00 feet, Lot 2 less the south 25.00 feet, Lot 10 and out lot 10 less the north 25.00 feet and Lot 11 and out lot 11 less the south 25.00 feet, Block 7, of the Amended Plat of the Ocean Front Property of the Miami Beach Subdivision, according to the plat thereof recorded in Plat Book 5, Pages 7 & 8 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing structure and the construction of a 1-story rooftop addition including the construction of additional units and variances from the minimum size required for hotel units and to reduce the required front setback for a pool deck.

**CONSOLIDATED 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 Collins Waterfront 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) & (8) in Section 133-50(a) of the Miami Beach Code.

5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. The top portion of the building facades shall be painted a light color consistent with the majority of the exteriors of the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - b. The window frames within the window boxes of the exterior facades shall be a clear anodized aluminum finish, 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 window boxes framing the windows along the exterior facades shall be painted a lighter color than black to reflect the colors of the historic structure, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - d. The historic signage located on the north, south and east sides of the porte cochere structure along Collins Avenue shall be recreated in a manner as consistent as possible with 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.
    - e. The exterior walls of the mechanical penthouse shall be finished with a neutral colored stucco material in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - f. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - g. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

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2. In accordance with Section 130-101(d) of the City Code, the requirement pertaining to providing off-street loading spaces, is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. 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.
4. The Applicant agrees to the following operational conditions for any and all permitted primary and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.
  - a. OPERATIONAL CONDITIONS
    - i. Exterior speakers, except those required addressing Building and Life Safety Codes, shall not be permitted at the roof level. Amplified music on any personal listening device shall not exceed normal conversation level.
    - ii. ~~The interior bar counter located at the roof level shall close at 9:00 p.m. Sunday through Thursday.~~

**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) which were either approved by the Board with modifications, or denied:

The following variance was **approved** by the Board:

1. A variance to reduce by 15'-0" the required 20'-0" setback for a pool deck in order to construct a pool deck at 5'-0" from the front property line facing Indian Creek Drive.

The following variance was **denied** by the Board:

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2. 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 16 hotel units (94%) at less than 300 s.f. (the smallest at 204 s.f.), and 1 hotel unit exceeding 335 s.f. (6% of units).
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance(s) # 1 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, only as it relates to variance(s) # 1, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

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

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

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

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby **approves** the requested variance(s) no. 1 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.

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2. Continued covered 5<sup>th</sup> floor terraces shall be revised and floor plan, elevation and FAR drawings would have to be submitted to staff to verify that the project complies with the maximum FAR allowed.
3. Landscape up to a minimum of 20% of the area of the rooftop deck and 4<sup>th</sup> floor deck shall be provided.

**III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness and Variance approval as same as are contained herein, in the original Order dated February 13, 2018. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the October 9, 2018 Order, the provisions hereof shall control.
- B. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as **LEED Gold by USGBC**. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- C. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be

returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Prince Michael Historic Renovation" as prepared by PrecisionArt, dated December 8, 2017 and dated August 1, 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 \_\_\_\_\_ (                    )

~~Strike-Thru~~ denotes deleted language  
Underscore denotes new language