

MIAMI BEACH

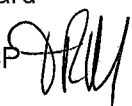
PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: July 12, 2016

FROM: Thomas R. Mooney, AICP 
Planning Director

SUBJECT: HPB0516-0023, **1552 Euclid Avenue.**

The applicant, Euclid Depot LP, is requesting a Certificate of Appropriateness for the restoration and renovation of the existing 2-story building, the classification of the existing 1-story rear accessory building as Non-Contributing, the total demolition of the rear accessory building and the construction of a new 3-story ground level addition, including variances to reduce the required pedestal rear setback, to reduce the required side setback for a driveway, to reduce the minimum width for a two-way driveway and to reduce the minimum drive aisle width for perpendicular parking.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness.
Approval of variance #1 with conditions.
Denial of variances #2, #3, and #4.

EXISTING STRUCTURES

Local Historic District: Flamingo Park

Front 2-story structure

Status: Contributing
Original Architect: B. Kingston Hall
Construction Date: 1935

Rear 1-story structure

Status: Not Classified
Original Architect: Unknown
Construction Date: circa 1935

ZONING / SITE DATA

Legal Description: Lot 7, Block 61, Lincoln Subdivision, According to the Plat Thereof, as Recorded in Plat Book 9, Page 69, of the Public Records of Miami-Dade County, Florida.

Zoning: RM-1 Residential Multi-Family, Low Intensity
Future Land Use Designation: RM-1 Residential Multi-Family, Low Intensity
Lot Size: 7,500 S.F.
Existing FAR: 3,601 S.F. / 0.48

Proposed FAR:	8,116 S.F. / 1.08 (Max FAR: 1.25)
Existing Height:	2-stories
Proposed Height:	35'-0" / 3-stories
Existing Use:	multi-family 5 units
Proposed Use:	multi-family 10 units

THE PROJECT

The applicant has submitted plans entitled "1552 Euclid Ave." as prepared by Castellanos Design Studio, dated May 23, 2016.

The applicant is requesting a Certificate of Appropriateness for the restoration and renovation of the existing 2-story building, the classification of the existing 1-story rear accessory building as Non-Contributing, the total demolition of the rear accessory building and the construction of a new 3-story ground level addition, including variances to reduce the required pedestal rear setback, to reduce the required side setback for a driveway, to reduce the minimum width for a two-way driveway and to reduce the minimum drive aisle width for perpendicular parking.

The applicant is requesting the following variance(s):

1. A variance to reduce by 10'-0" the minimum required pedestal rear setback of 15'-0" for the construction of a 3-story ground level addition with a rear setback of 5'-0".

- Variance requested from:

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

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

The existing contributing building at the front of the property is proposed to be retained and renovated. The site is underdeveloped regarding FAR and a new 3-story detached addition is proposed to replace a one-story accessory building located at the rear. The existing 'Contributing' structure is setback approximately 25 feet from Euclid Avenue, which is greater than the minimum front yard setback required by Code. The new addition is required by the Code to be separated from the existing building by a minimum of 10'-0". This condition restricts the developable area for new construction to the rear of the lot, creating a practical difficulty for the site. Staff finds that the variance request is not self-created, and the historic nature of the structure and existing site conditions satisfy the practical difficulty and hardship criteria. Further, the proposed 5'-0" setback is consistent with the neighboring buildings along the rear. Based on this analysis, staff recommends approval of the variance.

2. A variance from the minimum required at-grade parking setback of 5'-0" from a side property line, in order to permit the construction of a driveway up to the south property line.

- Variance requested from:

Sec. 142-156. - Setback requirements.

(b) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

At-grade parking lot on the same lot except where (c) below is applicable, Side Interior: 5 feet, or 5% of lot width, whichever is greater.

3. A variance to reduce 13'-3" from the minimum required width of 22'-0" for a two-way driveway, in order to reconstruct a driveway with a width of 8'-9".
 - Variance requested from:

Sec. 130-64. Drives.

Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those parking areas underneath a building or structure, the curb-cut and driveway entrance shall have a minimum width of 12 feet.

The property has an existing driveway within the south side yard that extends up to the property line where the Code requires a minimum setback of 5 feet. The applicant is proposing to retain the driveway in its current location and width in order to provide required parking spaces at the rear. Two variances are required to retain the driveway as it exists today. The city has recognized that there is often a practical difficulty and undue hardship to a property owner in preserving "Contributing" structures, which many times are constructed under setback and other conditions that would be legally non-conforming under the current code. However, in this case, the driveway at only 8'-9" in width is immediately adjacent to a walkway and access stairs to the adjacent apartment units to the south. Due to the restriction in area, staff is very concerned regarding the safety of pedestrians along the driveway and drivers due to the proximity of the existing building. Further, any barrier element, such as fence wall or landscaping would reduce further the existing width of 8'-9" to make the driveway not functional for two-way driving. In summary, staff recommends that variances #2 and #3 be denied.

4. A variance to reduce 3'-0" from the minimum required width of 22'-0" interior drive aisle in order to provide five (5) parking spaces at 90° with an interior drive aisle of 19'-0".
 - Variance requested from:

Sec. 130-63. Interior aisles.

Interior aisles shall meet or exceed the following minimum dimensions permitted: 90° parking—22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.

The new addition at the rear of the property requires 6 parking spaces. The applicant is proposing 5 parking spaces at the ground level, with a drive of 19 feet, where 22 feet is required. An auto-turn analysis has been provided which shows that the proposed driveway does not allow sufficient space to reasonably access and exit the parking spaces and will not function as proposed. The existing conditions of the site make the driveway on the side impractical for driving. Therefore, staff recommends that this variance be **denied**.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

Additionally, staff has concluded that the plans and documents with the application partially satisfy compliance with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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

Satisfied for variance request #1;
Not Satisfied for variance requests #2, #3 and #4;

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

Satisfied for variance request #1;
Not Satisfied for variance requests #2, #3 and #4;

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

Satisfied for variance request #1;
Not Satisfied for variance requests #2, #3 and #4;

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

Satisfied for variance request #1;
Not Satisfied for variance requests #2, #3 and #4;

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

Satisfied for variance request #1;
Not Satisfied for variance requests #2, #3 and #4;

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

Satisfied for variance request #1;
Not Satisfied for variance requests #2, #3 and #4;

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

Satisfied.

COMPLIANCE WITH ZONING CODE

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

1. Section 130-32. The project requires 6 parking spaces on site for the 4 residential units. A fee in lieu of providing parking is required.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **residential use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the variances requested herein.

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.

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.
Not Satisfied
The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

- c. Texture and material and color.
Not Satisfied
Material Samples have not been provided.

 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
The overall massing, siting and distribution of volume proposed for the new structure is consistent with the scale and design of the site, the existing structures and the built context of the immediate area.

 - 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.
Not Satisfied
The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

 - 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.
Not Satisfied
The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied, see variance analysis in 'The Project' description.

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

Not Satisfied

The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

- 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.

Not Satisfied

The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

- 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.

Not Satisfied

The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

- 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.

Not Satisfied

The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Not Satisfied

The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

The introduction of the proposed driveway will increase the potential for noise and adverse visual impacts to the neighbors directly adjacent to the south.

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not Satisfied

The proposed paving of the entirety of both side yards will not allow for the introduction of landscaping and will have an adverse impact on the adjacent neighbors and will impede drainage of the site.

The introduction of the proposed driveway will increase the potential for noise and adverse visual impacts to the neighbors directly adjacent to the south.

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

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

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structures are located within the Flamingo Park Local Historic District.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The 'Contributing' structure proposed to be retained is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The 'Contributing' structure proposed to be retained is one of the last remaining examples of its kind and contributes to the character of the district.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Partially Satisfied

The existing 2-story residential structure is classified as 'Contributing' in the Miami Beach Historic Properties Database. The 1-story rear accessory structure is not classified.

- 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 the 'Contributing' structure is critical to developing an understanding of an important early Miami Beach architectural style.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

No 'Contributing' structures are proposed to be demolished.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

ANALYSIS

The applicant is proposing to construct a new 3-story, 4-unit, multi-family residential structure at the rear of the site. In order to construct the new building, the applicant is proposing the total demolition of the 1-story rear accessory structure. The existing accessory structure is not classified within the Miami Beach Historic Properties Database. Per City of Miami Beach code section 142-155(a)(3)(g):

Only those portions of a contributing building that were not part of the original structure on site, or that have not acquired any type of architectural significance, as determined by staff or the historic preservation board, may be proposed to be demolished."

As such, the applicant is requesting that the Board classify the accessory structure as 'Non-Contributing' as a part of this application.

Classification request

On May 14, 1994, Section 19 of Miami Beach Zoning Ordinance No. 89-2665, entitled "HISTORIC PRESERVATION BOARD AND HISTORIC DISTRICT REGULATIONS", was amended to require that non-individually designated historic sites in historic districts be listed in the Miami Beach Historic Properties Database are classified as either 'Contributing' or 'Non-Contributing' only. The definition of a "Contributing Building, Structure, Improvement, Site, or Landscape Feature", in said Ordinance reads as follows:

One which by location, scale, design, setting, materials, workmanship, feeling or

association adds to a local historic district's sense of time and place and historical development. A Building, Structure, Improvement, Site or Landscape Feature may be Contributing even if it has been altered if the alterations are reversible and the most significant architectural elements are intact and repairable.

Pursuant to Subsection 118-534 (b) of the Land Development Regulations of the Miami Beach Code, the Historic Properties Database may be revised from time to time by the Historic Preservation Board, in accordance with procedures set forth in said Subsection.

Regarding the requested classification of the 1-story rear building, staff would note that this structure was constructed for utilitarian purposes and was most likely designed with a lack of architectural details. Further, the structure has been altered over time including multiple additions and the conversion of the garage into apartment units. As such, staff has no objection to the applicant's request to classify this structure as 'Non-Contributing' in the Historic Properties Database.

Request for total demolition of the 1-story rear accessory structure

As noted above, staff does not believe this structure contributes to the character of the historic district and has no objection to the applicant's request for the total demolition of the building.

Existing 'Contributing' 2-story multi-family residential structure

The applicant is proposing to renovate the existing structure including the removal of the inappropriate through-the-wall and through-the-window air conditioning units to be replaced with a new central air conditioning system. Additionally, staff would note that applicant is proposing to replace all of the existing non-original windows with impact resistant casement windows with a historically accurate muntin configuration.

New 3-story multi-family residential structure

The applicant is proposing to construct a new 3-story, 4-unit, multi-family residential structure with an active roof deck at the rear of the site. The new detached addition, which will be minimally visible from Euclid Avenue, has been designed in a manner consistent with the scale and mass of the adjacent buildings and should not overwhelm the existing 'Contributing' structure on the site.

While supportive of the design direction, placement and scale of the proposed new structure, staff does have some concern with regard to the lack of fully developed landscape and hardscape plans. Specifically, staff is not supportive of the extensive paving within the side yards as this will have an adverse impact on the adjacent neighbors to the south and impede drainage of the site. Consequently, staff would recommend that the pedestrian path within the north side yard extend from the sidewalk to the entrance of the new structure only and that the width of the path be limited to 36" or the minimum ADA requirement. Staff would also recommend that substantial additional landscaping be provided within the required side yards.

Finally, if the Board finds that the variance requested for the introduction of a driveway along the south side of the property satisfies the Practical Difficulty and Hardship criteria, staff would recommend that the driving surface extend from the curb cut to the entrance of the garage only and that the driving surface and parking space number 1 consist of 18" wide wheel strips.

VARIANCE ANALYSIS

The site containing a 'Contributing' building at the front of the property is proposed to be retained. A new 3-story addition at the rear will replace a one-story structure. The front building has a non-conforming side setback on the north side and a non-conforming driveway on the south side, originally constructed for the detached garage. In order to improve the property and add new construction on the site, variances are required for the new addition and the driveway. Staff is supportive of the variance request #1 for the proposed 5 foot rear setback. The city has recognized that there is often a practical difficulty and undue hardship to a property owner in preserving "Contributing" structures, which many times are constructed under setback and other conditions that would be legally non-conforming under the current code. However, staff recommends that variance requests #2, #3 and #4, associated with the existing driveway and parking be denied as the parking is completely non-functional and the driveway retention imposes safety risks on the future residents of the property and on the adjacent neighbors to the south. The granting of these variances would be detrimental to the adjacent property and the surrounding area.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** as to variance request #1, and **denied** as to variance requests #2, #3, and #4; 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: July 12, 2016

FILE NO: HPB0616-0023

PROPERTY: 1552 Euclid Avenue

APPLICANT: Euclid Depot LP

LEGAL: Lot 7, Block 61, Lincoln Subdivision, According to the Plat Thereof, as Recorded in Plat Book 9, Page 69, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the restoration and renovation of the existing 2-story building, the classification of the existing 1-story rear accessory building as Non-Contributing, the total demolition of the rear accessory building and the construction of a new 3-story ground level addition, including variances to reduce the required pedestal rear setback, to reduce the required side setback for a driveway, to reduce the minimum width for a two-way driveway and to reduce the minimum drive aisle width for perpendicular parking.

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 principal 2-story structure on the site is classified as 'Contributing' in the City's Properties Database and is located within the Flamingo Park Local Historic District.
- B. The subject rear accessory structure is not classified in the City's Historic Properties Database, and is located within the Flamingo Park Local Historic District.
- C. 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 1-story rear structure originally constructed as a garage, does not meet the definition of 'Contributing' in the City Code.
- D. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 1. Is not consistent with the Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(1) of the Miami Beach Code.

2. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'f' in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'f', 'g', 'h', 'i' & 'm' in Section 118-564(a)(3) of the Miami Beach Code.
 4. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- E. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. Revised elevations, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The driving surface within the south side setback shall extend from the curb cut to the entrance of the garage only, 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 driving surface and parking space number 1 shall consist of 18" wide wheel strips composed of concrete paver or a similar material. The remainder of the driveway area shall consist of sodding, 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 pedestrian path within the north side yard shall extend from the sidewalk to the entrance of the new structure only and the width of the path shall be limited to 36" wide or the minimum ADA requirement and shall be composed of concrete pavers or a similar material.
 - d. The existing principal structure on site shall be fully renovated and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
 - i. All through-the-wall air conditioning units shall be removed and replaced with a central air conditioning system, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - ii. The existing windows shall be removed; new casement windows shall be provided and shall incorporate a muntin configuration that is consistent with the with the architectural style 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.

- e. 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.
 - f. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, 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.
 - 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.
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. Substantial additional landscaping shall be provided within both side setbacks, 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. At a minimum, 50% of the combined roof surface and pool deck area of the new structure shall consist of a green roof, 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 utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - d. 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. Right-of-way areas shall also be incorporated as part of the irrigation system.

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 (Underlying denotes new language and strikethrough denotes stricken language):

1. A variance to reduce by 10'-0" the minimum required pedestal rear setback of 15'-0" for the construction of a 3-story ground level addition with a rear setback of 5'-0".
 - ~~2. A variance from the minimum required at-grade parking setback of 5'-0" from a side property line, in order to permit the construction of a driveway up to the south property line. (Variance denied).~~
 - ~~3. A variance to reduce 13'-3" from the minimum required width of 22'-0" for a two-way driveway, in order to reconstruct a driveway with a width of 8'-9". (Variance denied).~~
 - ~~4. A variance to reduce 3'-0" from the minimum required width of 22'-0" interior drive aisle in order to provide five (5) parking spaces at 90° with an interior drive aisle of 19'-0". (Variance denied).~~
- 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 II.A.1, as noted above, 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, as it relates to Variance II.A.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 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 variance request(s), as noted), as noted in II.A.1, and **denies** the variance request, as noted in II.A.2, II.A.3 and II.A.4, and imposes the following conditions 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. The applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools, prior to the issuance of a Building Permit. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record an 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. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, 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. 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.

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 adopted by the Board, that the application for variance II.A.1 is GRANTED and that the application for variances II.A.2, II.A.3 and II.A.4, as noted above, is DENIED 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 and the 1-story rear structure originally constructed as a garage, shall be classified as 'Non-Contributing' in the City's Historic Properties Database.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "1552 Euclid Ave." as prepared by Castellanos Design Studio, dated May 23, 2016, and as approved by the Historic Preservation Board, as determined by staff.

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

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting

of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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
PRESERVATION AND DESIGN MANAGER
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, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He 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 _____ ())

DRAFT