

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: HPB0516-0026, A.K.A 7549, **400, 410 & 420 Collins Avenue & 221 4th Street.**

The applicant, Savoy Hotel Partners, LLC, is requesting a Certificate of Appropriateness for the construction of a new 7-story main use parking garage.

STAFF RECOMENDATION

Approval of the Certificate of Appropriateness with conditions

EXISTING STRUCTURES/SITE

Local Historic District: Ocean Beach
Classification: Surface Parking Lot

BACKGROUND

On July 12, 2005, the Board approved a Certificate of Appropriateness for the construction of a new 7-story mixed use structure on a vacant lot (HPB 2983).

On January 9, 2007, the Board approved a one (1) year Extension of Time to obtain a Full Building Permit for a previously issued Certificate of Appropriateness.

A Full Building Permit was not obtained within the timeframe permitted by Code, and no further extensions are possible at this time. Consequently, the applicant has submitted a new application requesting approval of the previously approved project with minor modifications.

On September 23, 2014, the Planning Board reviewed and approved a Conditional Use Permit for the construction of the subject 7-story, mixed-use building with a mechanical parking lift system exceeding 50,000 square feet.

On October 14, 2014, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the construction of a 7-story, mixed-use building consisting of a 200-seat ground floor restaurant and 6 levels of residential units above (HPB File No. 7474).

Since that time, the applicant has redesigned the project and has submitted a new application to construct a 7-story main use parking garage.

On June 28, 2015, the Planning Board reviewed a Conditional Use approval for the construction of a new building exceeding 50,000 square feet including a parking garage, pursuant to Section 118, Article IV, Section 142, Article II, Division 18. (PB File No. 2269). The application was continued by the Planning Board to a date certain of September 30, 2015 to allow the applicant additional time to further develop the design of the residential units located on the upper levels.

On June 28, 2016, the Planning Board is scheduled to review a Conditional Use Approval for the construction of a new 7-story mixed-use development exceeding 50,000 square feet including a parking garage pursuant to Section 118, Article IV of the City Code (PB0416-0012).

ZONING / SITE DATA

Legal Description:	Lots 5, 6 and 7, Block 6, Ocean Beach Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2, at Page 38 of the Public Records of Miami-Dade County, FL.
Zoning:	CPS-2 (Commercial, General Mixed Use)
Future Land Use:	CPS-2 (Commercial, General Mixed Use)
Lot Size:	19,500 S.F. (Max FAR = 2.0)
Existing FAR:	N/A
Proposed FAR:	N/A (Main Use Parking Garage)
Proposed Height:	7-stories / 75'-0"
Existing Use/Condition:	Temporary Parking Lot
Proposed Use:	Main Use Parking Garage

THE PROJECT

The applicant has submitted plans entitled "Torino Garage", as prepared by Brandon Haw Architecture LLP dated May 23, 2016.

The proposed project consists of a new 98,530 square foot, 7-story, main use commercial parking garage with a 177 parking spaces; 7,166 square foot/199 seat restaurant; and 4 residential units.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, may be inconsistent with the following portions of the City Code:

1. A Conditional Use Permit is required, pursuant to Article IV Section 118, and Article II Section 142 of the Miami Beach City Code, for the construction of a commercial building exceeding 50,000 square feet, including parking.

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 **main use parking garage** 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.
Not Satisfied
The lack of visual and physical connectivity between the sidewalk and outdoor dining area is highly inconsistent with the urban character of the surrounding historic district and has the potential to create an undesirable and unsafe condition for pedestrians.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Satisfied

The lack of visual and physical connectivity between the sidewalk and outdoor dining area is highly inconsistent with the urban character of the surrounding historic district and has the potential to create an undesirable and unsafe condition for pedestrians.

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Not Applicable

- h. The original architectural design or any subsequent modifications that have acquired significance.

Not Applicable

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

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

Not Satisfied

The lack of visual and physical connectivity between the sidewalk and outdoor dining area is highly inconsistent with the urban character of the surrounding historic district and has the potential to create an undesirable and unsafe condition for pedestrians.

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

Satisfied

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

Not Satisfied

The lack of visual and physical connectivity between the sidewalk and outdoor dining area is highly inconsistent with the urban character of the surrounding historic district and has the potential to create an undesirable and unsafe condition for pedestrians.

- 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 lack of visual and physical connectivity between the sidewalk and outdoor dining area is highly inconsistent with the urban character of the surrounding historic district and has the potential to create an undesirable and unsafe condition for pedestrians.

- 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 lack of visual and physical connectivity between the sidewalk and outdoor dining area is highly inconsistent with the urban character of the surrounding historic district and has the potential to create an undesirable and unsafe condition for pedestrians.

- 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.

Not Satisfied

The lack of visual and physical connectivity between the sidewalk and outdoor dining area is highly inconsistent with the urban character of the surrounding historic district and has the potential to create an undesirable and unsafe condition for pedestrians.

- 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

ANALYSIS

Staff would preface this analysis by noting that there have been two separate development projects approved by the Historic Preservation Board for this site. Both approved projects were for the construction of a 7-story mixed-use building, with the most recent approval obtained on October 14, 2014.

The applicant is proposing a 7-story, 98,030 square foot, main use commercial parking garage with 177 parking spaces; a 7,166 square foot/199 seat restaurant; and 4 residential units. The restaurant will be located on the ground floor fronting onto Collins Avenue. Parking is proposed on the 2nd through 5th floors. The residential units will be located on the 6th and 7th Floors.

Staff would commend the applicant for proposing to construct a high quality structure on the existing surface parking lot. Over time, the existing parking lot has had an increasing negative impact on the developed urban context of Collins Avenue as well as the surrounding historic district. Staff is pleased with the overall contemporary design language of the proposed structure.

The design of the proposed new building is successful in terms of scale and massing, with the two upper floors set back from on all sides with large landscaped terraces helping to reduce the perceived height of the structure. Additionally, the design been developed in a manner that appropriately responds to the unique architectural character of the historic district. The proposed building is defined by a dynamic architectural screen wrapping the parking levels. This screen consists of two layers of open architectural fins. Inspired in part, by the late 1970's preservation efforts lead by designers Barbara Baer Capitman and Leonard Horowitz, pastel colors of varying intensities have been strategically incorporated into the surface of both the inner and outer fins. Additionally, the strong horizontal eyebrow features and curvilinear forms recall the both the Art Deco and Streamline Moderne style of architecture present in the district.

Further, staff would note that the unique profiles and placement of these fins serves to shield the penetration of direct light from vehicle headlamps to the exterior and helps to lessen the transfer of noise from within the structure.

Staff's only concern with the proposed project is with regard to the design for the public right-of-way along the west side of Collins Avenue. This approximately 21'-3" wide strip of land located between the western curb of Collins Avenue and the east property line currently consists of a 10' wide sidewalk adjacent to Collins Avenue and an approximately 11'-3" wide landscape area with several large mahogany trees adjacent to the existing surface parking lot. This landscape area was introduced in 2006 in order to comply with landscape buffer requirements outlined in the City Code for temporary parking lots. Since the applicant is currently proposing to remove the surface parking lot and introduce an active commercial space along the ground floor, staff is not supportive of the proposed re-introduction of a dense landscape buffer that will block the commercial space from pedestrian view. The lack of visual and physical connectivity between the sidewalk and outdoor dining area is highly inconsistent with the urban character of the surrounding historic district and has the potential to create an undesirable and unsafe condition for pedestrians.

Consequently, staff would recommend that the landscape plan be further developed in a manner more consistent with the adjacent right-of-ways, in order to ensure substantial transparency into the site. Specifically, staff would recommend that the sidewalk be increased in width to provide for a minimum 10' pedestrian path, clear from any tree pits or street light poles. Staff would also recommend that the existing Mahogany trees proposed to be relocated to the north interior side yard be instead relocated to the sidewalk where they will be able to provide much needed shade, and that the remainder of the Collins Avenue right-of-way be a combination of trees and sod only. Further, staff would recommend that at least one pedestrian walkway be introduced connecting the sidewalk along Collins Avenue to the commercial space. Staff is confident that this issue can be addressed administratively, as indicated in the recommendation.

Finally, it is important to note that the proposed project is scheduled to be reviewed by the Planning Board on July-28, 2016, with regard to important issues related to the operations of the project, including parking, traffic, noise, deliveries, sanitation and security.

RECOMMENDATION

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

TRM:DJT:JS

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HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 12, 2016

FILE NO: HPB0516-0026

PROPERTY: 400, 410 & 420 Collins Avenue & 221 4th Street

APPLICANT: Savoy Hotel Partners, LLC

LEGAL: Lots 5, 6 and 7, Block 6, Ocean Beach Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2, at Page 38 of the Public Records of Miami-Dade County, FL.

IN RE: The Application for a Certificate of Appropriateness for the construction of a new 7-story main use parking garage.

ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the Ocean Beach 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 'e' & 'f' in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'c', 'e', 'f' & 'h' Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

- a. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. Final details of all proposed storefront systems and associated details 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.
 - c. The internal garage lighting shall be shielded to inhibit direct views of all internal light sources from either the street or adjacent properties, 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 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. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights-of-way or adjacent properties shall be permitted.
 - e. All kitchen venting and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
 - f. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required, located within the envelope of the building, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. The sidewalk along Collins Avenue shall be increased in width to provide for a minimum 10' pedestrian path, clear from any tree pits or street light poles, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board and the Public Works Department.
 - b. The existing Mahogany trees proposed to be relocated to the north interior side yard shall be instead relocated to the sidewalk along Collins Avenue or 4th 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 and the Public Works Department.

- c. The right-of-way adjacent to Collins Avenue shall contain trees and sod, in a manner that allows substantial transparency into the site, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board and the Public Works Department.
- d. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- e. 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. No variances have been requested.

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 Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, 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 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. 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.

- 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. 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.
- G. 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.
- 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 "Torino Garage", as prepared by Brandon Haw Architecture LLP 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

[illegible]

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 _____ ()

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