

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: May 14, 2019

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB18-0252, 355 19th Street.

An application has been filed requesting a Certificate of Appropriateness for the substantial demolition of the existing building and the construction of an attached addition, as part of a new hotel development, one or more waivers, and variances to reduce the required front setback, to exceed the maximum allowable projection and to eliminate the stair and minimum height clearance required when parking is provided at the ground level.

STAFF RECOMMENDATION

Continuance of the Certificate of Appropriateness and variances to a future date

EXISTING STRUCTURE

Local Historic District:	Museum
Status:	Contributing
Construction Date:	1951
Architect:	MacKay & Gibbs

ZONING / SITE DATA

Legal Description:	Lots 15-16 & 17, Block F, of the Miami Beach Imp Co Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.
Zoning:	RM-2, Residential Multifamily, medium intensity
Future Land Use Designation:	RM-2, Residential Multifamily, medium intensity
Lot Size:	22,236.75 S.F. / 2.0 Max FAR
Existing FAR:	Not provided
Proposed FAR:	44,402 S.F. / 1.99 FAR, as represented by the architect
Existing Height:	~20'-6"
Proposed Height:	50'-0"
Existing Use/Condition:	Multi-family residential
Proposed Use:	Hotel

THE PROJECT

The applicant has submitted plans entitled "Park Avenue Hotel" as prepared by Revuelta

Architecture International, dated May 14, 2019.

The applicant is requesting a Certificate of Appropriateness for the substantial demolition of the existing building and the construction of an attached addition, as part of a new hotel development, one or more waivers, and variances to reduce the required front setback, to exceed the maximum allowable projection and to eliminate the stair and minimum height clearance required when parking is provided at the ground level.

The applicant is requesting the following variance(s):

1. A variance to reduce up to 14'-7" the required front setback of 20'-0" in order to construct a portion of the wall and roof slabs on the retained portion of the existing building at 5'-5" and construct new hotel units at 16'-9" from the front property line facing 19th Street.

- Variance requested from:

Sec. 142-218. Setback requirements.

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

Subterranean and pedestal, Front: 20 feet

The project proposes the nearly complete demolition of the existing building and the retention of the front and side walls. A front setback variance is required for the new walls and roof slab within the retained portions of the existing building within the required front yard. This variance also applies to new hotel units from levels 3 through 5 located on the southeast corner of the property and setback 16'-9" from the front property line.

As the existing building will be substantially demolished and the retained exterior walls are located within the required yards, the buildable area for the new structure is the same as if the entire site were vacant. Therefore, the encroachment of the new hotel units within the front yard is not associated with the retention of the existing contributing building and staff cannot support a variance for this part of the project. Further, in order to better respond to the original low-scale character of the site and neighborhood, any new addition should be substantially setback from the existing building envelope below.

Staff does not object to the front setback variance for the portion of the slab and walls within the footprint of the existing building only. Staff finds that the front setback variance for the new construction of the hotel units lacks practical difficulties or hardship, and if granted, would negatively impact the integrity of the limited portions of the retained structure.

2. A variance to eliminate the minimum clearance of 12'-0" from based flood elevation plus minimum freeboard (9.0' NGVD) to the underside of the slab of the first habitable floor in order to construct a subterranean parking and construct the first habitable floor at 13.0' NGVD.
3. A variance to eliminate the requirement to provide a substantially transparent stair at the ground level with access from the building's main lobby to all upper floors and located before access to main elevators.

- Variances requested from:

Sec. 142-216. - Development regulations.

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

(2) Exterior building and lot standards:

e. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:

1. A minimum height of 12 feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable, may waive this height requirement by up to two feet, in accordance with the design review of certificate of appropriateness criteria, as applicable.

5. At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

The project has been designed with partially underground parking and does not provide the required 12'-0" clearance to allow the use of the subterranean parking level in the future when the finish floor may be raised to base flood elevation plus minimum freeboard. In addition, the required stair connecting all floors with the lobby area has not provided. Staff finds that the variances requested do not satisfy the practical difficulties or hardship criteria, nor do they increase the resiliency of the retained portions of the existing structure.

Further, the raising of the street and surrounding areas in the future may create a non-conforming condition on the property as the required parking provided could become impractical and not functional. As required by Section 130-60 of the City Code, ramping and access to all below grade parking levels from adjacent streets and rights-of-way is required to be provided within the confines of the property and the design and dimensions of all proposed ramping and access to below grade parking levels is required to be able to accommodate a minimum future elevation of 3.7 NAVD for adjacent and abutting public sidewalks, streets and public rights-of-way. The project does not comply with this requirement.

The applicant has the option to pay a fee in-lieu of providing the required parking on site, and there is also an ordinance pending review by the Planning Board, which would remove the parking requirement for hotel units in this neighborhood. In summary, staff recommends denial of variances #2 and #3.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts, 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 **DO NOT** indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That 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.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

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. Sec. 130-60. - Criteria for below grade off-street parking. All off-street parking whether required parking or not, located below current sidewalk grade, including, but not limited to, below grade, basement or subterranean parking, shall comply with the following:
 - (a) Ramping and access to all below grade parking levels from adjacent streets and rights-of-way shall be provided within the confines of the property. No ramps shall encroach into the public right-of-way. Additionally, the design and dimensions of all proposed ramping and access to below grade parking levels shall be able to accommodate a minimum future elevation of 3.7 NAVD for adjacent and abutting public sidewalks, streets and public rights-of-way.
2. Sec. 130-101. Off-Street Loading space requirements and location. The project requires two (2) loading spaces. Although, the applicant is requesting a waiver in the letter of intent, a detailed plan delineating the on-street loading approved by the Parking Department has not been provided
3. Sec. 142-218. Setback requirements. The side setbacks shall be rounded to 11'-11" on both sides.
4. Sec. 142-1132. Allowable encroachments. Decks are not allowed in the front yard. Deck on the east side yard shall be setback to allow a minimum walkway width of 44". FPL Transformer pad shall comply with the rear setback of the building.
5. Revise FAR calculations to include covered corridor from east to west and covered portion at the north side at the courtyard level. Covered vestibule at the roof level counts in the FAR. Entire stair foot print counts in the FAR at the roof level.
6. Lot area shall be verified in a survey to determine the maximum FAR for the property.

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

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

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. It will be required at the time of building permit.
- (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.
Partially Satisfied
Sea Level Rise projections were not taken into account for the renovation of the portion of the existing building that is proposed to be retained.
- (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.
Partially Satisfied
The ground floor of the new addition is proposed to be constructed as Base Flood Elevation + 5. The entrance ramp and parking garage however have not been designed in a manner that is easily adaptable to the raising of the public right-of-way.
- (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 finish floor elevations of the existing portions of the Contributing building are proposed to be reconstructed below 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
To be reviewed at time of building permit.
- (10) Where feasible and appropriate, water retention systems shall be provided.
Satisfied
To be required at time of building permit however, onsite water retention would likely be greatly enhanced through the reduction of elimination of the proposed partially below grade parking level.

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Satisfied
The project is not consistent with Standards 2, 5 & 9 as follows:
- **As proposed, the project will remove historic and alter historic features that characterize the property.**
 - **Certain distinctive features that characterize the property are proposed to be removed.**
 - **The proposed new addition, as currently designed, is not compatible with the massing, size, scale, and architectural features of the existing Contributing building.**
- 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.

Not Satisfied

The proposed massing of the 5-story new addition is incompatible and overwhelms the remaining portions of the 2-story structure on the site.

- b. General design, scale, massing and arrangement.

Not Satisfied

The proposed massing of the 5-story new addition is incompatible and overwhelms the remaining portions of the 2-story structure on the site.

- c. Texture and material and color.

Satisfied

- d. The relationship of a, b, c, above, to other structures and features of the district.

Not Satisfied

The design, scale and massing of the building is incompatible with surrounding properties; certain architectural features need to be modified or eliminated, as noted in the Staff Analysis section of this report.

- e. The purpose for which the district was created.

Not Satisfied

The proposed demolition plan removes certain character defining features. The proposed massing of the 5-story new addition is incompatible and overwhelms the remaining portions of the 2-story structure on the site.

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

Not Satisfied

The partially below grade parking deck results in an elevated courtyard which is inconsistent with the character of the historic district.

The design, scale and massing of the addition is incompatible with surrounding properties; certain architectural features need to be modified or eliminated, as noted in the Staff Analysis section of this report.

- 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.

Not Satisfied

The applicant is proposing the demolition of certain character defining features of the Contributing building.

- 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 partially below grade parking deck results in an elevated courtyard which is inconsistent with the character of the historic district.
- 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 Compliance with Zoning Code
- 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.
Not Satisfied
The proposed massing of the 5-story new addition is incompatible and overwhelms the remaining portions of the 2-story structure on the site.
- 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 partially below grade parking deck results in an elevated courtyard which is inconsistent with the character of the historic district.
The proposed massing of the 5-story new addition is incompatible and overwhelms the remaining portions of the 2-story structure on 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.

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.

Not Satisfied

The landscaping as depicted in the submitted renderings appears to obscure the remaining portions of the 2-story Contributing building.

- 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).

Not Satisfied

The proposed massing of the 5-story new addition is incompatible and overwhelms the remaining portions of the 2-story structure on the site.

- 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 massing of the 5-story new addition is incompatible and overwhelms the remaining portions of the 2-story structure on the site.

- 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 structure is located within the Museum 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 existing structure 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 existing structure is a distinctive example of the Post War Modern style of architecture 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 structure is classified as Contributing 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 important Miami Beach architectural styles.

- 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

The applicant is not requesting total demolition.

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

Not Applicable

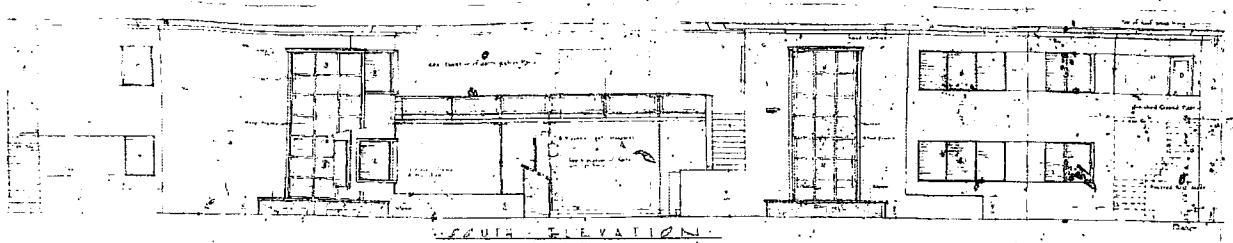
The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

STAFF ANALYSIS

The applicant is proposing to construct a new 5-story hotel structure with 100 units and 36 parking spaces. In order to construct the new building, the applicant is proposing the substantial demolition of the existing building.

Request for substantial demolition

The subject structure, originally known as the Park Terrace Apartments, was constructed in 1951 and designed by MacKay & Gibbs in the Post War Modern style of architecture and is located within the Miami Beach National Register Architectural District and the Museum Local Historic District.



Original south elevation drawing, Microfilm #36867

The existing 2-story apartment building, only minimally altered, is capable of having most, if not all of its significant architectural elements restored. These features include an elevated pedestrian walkway, decorative scored stucco, exterior catwalks, projecting eyebrows, projecting window frames, raised stone clad planters, bean poles, projecting eaves and a courtyard plan, all characteristics which are representative of the Post War Modern Garden style of architecture in Miami Beach. Further, the existing building contributes to a clear understanding of the historical development pattern of Miami Beach, and enriches the character of the surrounding historic district.

The following is a statement in the applicant's historic resources:

Although the building was designed during the MiMo era, and does contain selected common MiMo characteristics, it nonetheless lacks any defining architectural detailing or style which might make this a better building;

Contrary to this statement, staff believes that restoration of the above mentioned features of the existing building, in combination with the reintroduction of the original screening elements and courtyard railings, as seen in the image below, could be successfully accomplished in a manner which highlights this excellent example of low-scale Post War Modern multifamily residential architecture.

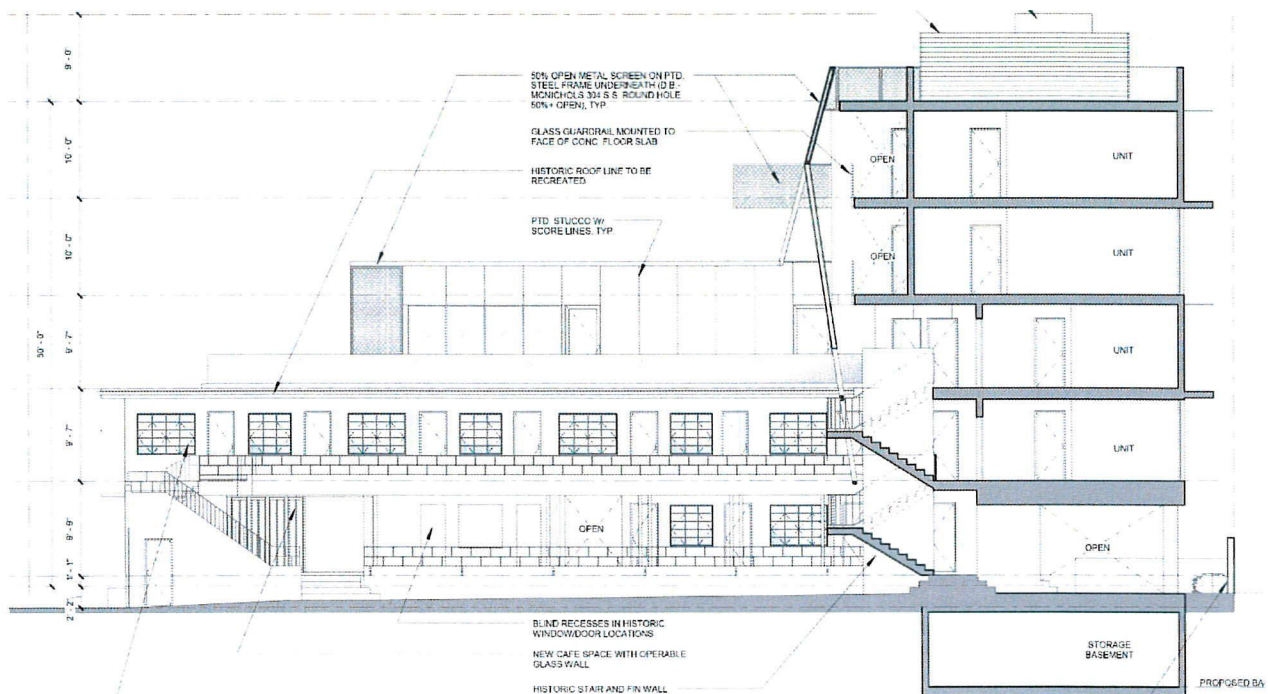


Postcard of the Park Terrace Apartments, postmarked November 2, 1957, catobear.com

Consequently, staff would strongly recommend that a more thoughtful examination of the property's character defining features be undertaken and a modified demolition plan be developed in a manner which more appropriately captures the spirit of the original design. This could include the retention of larger portions of the wings including the elevated pedestrian bridge. Staff has provided examples on the following page of similar projects approved by the Board in the immediate neighborhood which have successfully incorporated a new 5-story addition with an existing 2-story garden style Post War Modern building.



HPB 7509, 1775 James Avenue – Jade Hotel. Partial demolition and renovation of the existing structure constructed in 1948 and designed by Norman Giller in the Post War Modern style of architecture, and the construction of 2-story and 5-story ground level additions as part of a new hotel development.



HPB 7536, 230 20th Street – Santa Barbara Hotel. Partial demolition, renovation and restoration of the existing structure constructed in 1947 and designed by Norman Giller in the Post War Modern style of Architecture, including the construction of an attached 5-story addition and the construction of two 1-story rooftop additions.

New hotel development

The redevelopment project consists of a 5-story addition containing 100 hotel units, a partially below grade 36 space parking garage and rooftop pool deck. In order to construct the new 5-story ground level addition, the applicant is proposing to demolish the entire rear portion of the existing building, as well as approximately 75% of the east wing and approximately 60% of the west wing, while maintaining the exterior perimeter walls in place. Within the two portions of the building proposed to be retained (fronting 19th Street), the applicant is proposing to remove the second floor plate creating double-height spaces for the hotel lobby and gym. The design of the new 5-story addition has been inspired by the garden style courtyard plan of the existing building. The new east and west wings are connected at the ground level by an expansive central entry stairway leading from 19th street up to the proposed elevated courtyard.

It is important to note that the proposed building has been designed with a first finish floor elevation of 13'-0" NGVD (Base Flood elevation + 5') in an effort to achieve a high level of resiliency in the face of future flooding and projected sea level rise. Staff commends the applicant for this effort, which also creates a unique challenge with regard to compatibility within the context of buildings with much lower yard and first floor elevations.

While supportive of the contemporary design language that incorporates variations in surface materials and changes in plane, staff does have several concerns that should be addressed in order to ensure a successful integration of the new addition with the remaining portions of the Contributing structure and the established context including the following:

- While appreciative of the applicant's desire to retain as much of the original exterior walls as possible, staff is concerned that the retention of these walls may result in an unsafe condition during the construction of the addition. The applicant has provided a letter and plans from Eastern Engineering Group, dated March 8th, 2019, which outlines how the walls will be braced during demolition and construction of the new addition. Staff is, however, concerned with the lack of detail provided regarding how the walls will be reinforced and will remain freestanding after the shoring is removed. The engineer's letter states that the walls will be supported by self-supporting structural steel truss frames, but no plans or details of the frames have been submitted. In addition to these structural concerns, staff does not believe that the conversion of these 2-story exterior buildings walls to windowless property walls, detached from the new addition, is an appropriate historic preservation strategy. Consequently, staff recommends a complete rethinking of this portion of the project, which may include the demolition of portions of these walls and partial reconstruction that could be fully integrated into any new proposed addition.
- Staff recommends that the 5-story addition be further setback from 19th Street in order to minimize its impact on the remaining portions of the existing 2-story Contributing building. The addition is proposed to be setback approximately 17'-0" from the nearest portion of the south façade of the east wing and approximately 37'-0" from the nearest portion of the south façade of the west wing. In comparison, the 5-story addition approved at 1755 James Avenue (HPB 7509) was setback approximately 56'-7" from the primary façade and the 5-story addition at 230 20th Street (HPB7536) was setback approximately 73'-4" from the primary façade.
- Staff strongly recommends the elimination of the parking level. If the Board is inclined to allow parking, staff would recommend the elimination of all parking spaces located south of the proposed drive aisle, in order to create a more appropriate transition between the

sidewalk and courtyard. This modification would also increase the amount of landscaping and provide for better on site water management. It is important to note that there is legislation pending Planning Board review on April 30th that would eliminate the parking requirement for all hotel units located within the Museum Local Historic District. Also, the Collins Park parking garage, which is 3 blocks to the north, is currently under construction.

- In order to reduce the perceived mass of the building, staff would recommend that the elevated bridge and trellis proposed to be introduced at the 5th level be removed and that the elevators be removed from the courtyard and be placed within the new addition. Further, staff recommends that the elevator and stair bulkheads be reduced in height to the greatest extent possible.
- Staff recommends elimination of the void spaces proposed to be located within the central portion of the new addition. This modification would enable the reduction in volume of the addition and help to facilitate the relocation of the elevators.
- Staff recommends that the FPL transformer and backflow preventers be located internally within the building and not within the required rear yard.
- Staff recommends that the landscaping plan be further developed in a manner which does not significantly obscure the remaining portions of the existing Contributing building.
- Staff recommends that the planter's features proposed to be located on the roof levels of the Contributing portions be recessed in a manner which minimizes their impact. Staff would note that the existing wood roof structures are proposed to be demolished and new concrete roofs are proposed to be constructed. The new concrete roofs could easily accommodate a recessed planter in lieu of a planter on top of the new roof.
- Staff recommends that all exterior architectural features located on the Contributing portions of the building be fully restored and/or reintroduced in a manner consistent with available historical documentation, including the original screen features.

Additionally, the applicant is requesting a waiver of the off-street loading space requirements outlined in Section 130-101 of the City Code. A hotel with a unit count over 50 units but not more than 100 units is required to provide two off-street loading spaces. The Historic Preservation Board may waive the requirements for off-street loading spaces for properties containing a contributing structure, provided that a detailed plan delineating on-street loading is approved by the Parking Department. The applicant has preliminarily met with the Parking Department and will submit an on-street loading plan as required. Consequently, staff does not object to this waiver, provided the required detailed plan for off-street loading is provided with the next submission, pending the continuance of this application.

Finally, the applicant is requesting a waiver in order to retain the non-conforming setback and parking credits for the portions of the building to remain. The thresholds for retaining non-conforming floor area, height, setbacks and parking credits are outlined in Section 118-395(b) of the City Code. If the Board finds that the criteria for the replication of the Contributing building, as outlined in Section 118-395 of the City Code below are satisfied, a waiver can be granted.

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

(b) *Nonconforming buildings.*

- (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:

d. Development regulations for buildings located within a designated historic district or for an historic site:

1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
 - i. At least 75 percent of the front and street side facades;
 - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
 - iv. All architecturally significant public interiors.
2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the City;
 - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - v. The structure has yielded or is likely to yield information important in prehistory or history; or
 - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii., iv., v. & vi., above are satisfied.

In summary, the applicant's architect has done a generally good job of developing a successful architectural language for the new addition, which has the potential to appropriately respond to the existing Contributing building on site and the established context of the immediate area. Staff is confident that the recommendations outlined in this report will address all of the aforementioned Certificate of Appropriateness inconsistencies and will result in a successful redevelopment. In order to assure that all issues delineated herein are fully addressed, staff would suggest that the application be continued to a future meeting to allow sufficient time for the applicant to further develop the design of the new building. In the event that the Board approves the project, staff has included a draft order enumerating conditions staff would recommend be included in any approval.

VARIANCE ANALYSIS

As noted in the project portion of this report, staff is supportive of the front setback variance only for the new construction of walls and roof slab within the existing building footprint. The variance

request for that portion of new hotel units encroaching into the front yard at levels 3rd to 5th lacks practical difficulties or hardship, as the existing building will be nearly completely demolished and the site is significantly larger than most properties within the RM-2 district with a lot area that exceeds 22,200 SF.

Variances #2 and #3 are related to the new underground parking area. As proposed, it does not comply with minimum height clearance and stair requirements to ensure compatibility with future developments and resiliency to the impacts of climate change and rising sea levels. Therefore, in addition to the reasons set forth in the Certificate of Appropriates review criteria, staff finds that the project does not comply with the sea level rise and resiliency review criteria in Chapter 133, Article II and recommends that these variances be denied.

RECOMMENDATION

In view of the foregoing analysis and the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable, staff recommends the application be continued to a date certain of July 9, 2019.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 14, 2019

FILE NO: HPB18-0252

PROPERTY: 355 19th Street

APPLICANT: Park Hotel, LLC

LEGAL: Lots 15-16 & 17, Block F, of the Miami Beach Imp Co Subdivision, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the substantial demolition of the existing building and the construction of an attached addition, as part of a new hotel development, one or more waivers, and variances to reduce the required front setback, to exceed the maximum allowable projection and to eliminate the stair and minimum height clearance required when parking is provided at the ground level.

ORDER

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

I. Certificate of Appropriateness

A. The subject site is located within the Museum Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) & (8) in Section 133-50(a) of the Miami Beach Code.
2. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd', 'e', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
4. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd', 'e', 'j', & 'm' in Section 118-564(a)(3) 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 and 133-50(a) if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The 5-story addition shall be further setback from 19th Street in order to minimize its impact on the remaining portions of the existing 2-story Contributing building, in a manner to be reviewed and approved by the Board.
 - b. The proposal to retain the existing exterior facing side walls of the Contributing building shall not be permitted as currently proposed.
 - c. The elevated pedestrian bridge and associated trellis located at the 5th level of the new addition shall be eliminated.
 - d. All parking located south of the drive aisle shall be eliminated in order to create a more appropriate transition between the sidewalk and elevated courtyard. This area of the project shall be revised to include area of pervious paving and native landscape material in a manner which provides for better on site water management.
 - e. The existing elevated pedestrian walkway which was part of the original design of the Contributing building shall be retained and restored in a manner consistent with available historical documentation, including the pipe and canvas railings (if permitted by Building and Life Safety Codes), 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 original screening elements located on the south elevations of the east and west wings shall be reintroduced, consistent with available 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.
 - g. The elevators shall be internalized into 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.
 - h. The rooftop planters shall be recessed into the roofs of the remaining portions of the Contributing building and shall not project above, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - i. The reconstructed portions of the roof overhang shall have an angled fascia, consistent with available 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.

- j. All exterior architectural features located on the southern portions of the building to remain shall be fully restored and/or reintroduced, consistent with available 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.
 - k. A plaque or historic display describing the history and evolution of the original building shall be placed on the site and shall be located in a manner visible from the right of way or shall be placed within a prominent location within the public interior portion, prior to the issuance of a Certificate of Occupancy for 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.
 - l. 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.
 - m. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. The landscape plan shall be further developed in order to be more complimentary to the remaining portions 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. All exterior vehicular and pedestrian surface hardscape inclusive of steps shall consist of a permeable decorative paving system, to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The use of pre-approved suspended paving system (i.e.: Silva Cell or approved equal) shall be incorporated as part of the streetscape plan in order to provide additional rooting volume for the required street trees subject to the review and approval of the CMB Urban Forester.
 - d. 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.
3. In accordance with Section 118-395(b)(2) of the City Code, the requirement

pertaining to an existing structure's setbacks and parking credits, is hereby waived.

4. 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.

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 up to 14'-7" the required front setback of 20'-0" in order to construct portion of wall and roof slabs on the retained portion of the existing building at 5'-5" and ~~construct new hotel units at 16'-9"~~ from the front property line facing 19th Street.

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

2. A variance to eliminate the minimum clearance of 12'-0" from based flood elevation plus minimum freeboard (9.0' NGVD) to the underside of the slab of the first habitable floor in order to construct a subterranean parking and construct the first habitable floor at 13.0' NGVD.
3. A variance to eliminate the requirement to provide a substantially transparent stair at the ground level with access from the building's main lobby to all upper floors and located before access to main elevators.

- 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 #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, only as it relates to variance #1, as noted above, 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 #1 and **Denies** the requested variance(s) #2 and #3 and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

4. 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.
5. In the event that the parking area become not functional due to raising of the surrounding street and adjacent areas in the future, the applicable parking requirements at that time will have to be satisfied.

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. 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.
- B. 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.

- C. 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.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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.
- I. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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

PROVIDED, the applicant shall build substantially in accordance with the plans **entitled "Park Avenue Hotel" as prepared by Revuelta Architecture International, dated May 14, 2019**, 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 _____ ()

DRAFT