

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: January 14, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB19-0353, **1530 Collins Avenue.**

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 minimum size required for hotel units and to reduce the off-street parking requirements.

STAFF RECOMMENDATION

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

EXISTING STRUCTURE

Local Historic District:	Ocean Drive/Collins Avenue
Status:	Contributing
Construction Date:	1953
Architect:	MacKay & Gibbs

ZONING / SITE DATA

Legal Description:	Lots 4 & 5, Block 57 of the Ocean Front Property of the Alton Beach 1 st Subdivision, according to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.
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Zoning:	MXE, Mixed-use entertainment
Future Land Use Designation:	MXE, Mixed-use entertainment
Lot Size:	20,571 S.F. / 2.0 Max FAR
Existing FAR:	Not provided
Proposed FAR:	40,992 S.F. / 1.99 FAR
Existing Height:	~20'-0"
Proposed Height:	50'-0"
Existing Use/Condition:	Hotel
Proposed Use:	No change

THE PROJECT

The applicant has submitted plans entitled "Aqua Hotel", as prepared by Revuelta Architecture International. dated November 12, 2019.

The applicant is requesting the following variances:

1. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit 60 hotel units (66%) at less than 300 s.f. (the smallest at 265 s.f.), 27 hotel units between 300 s.f. and 335 s.f. (30% of the units) and 4 hotel units exceeding 335 s.f. (4% of units).

- Variance requested from:

Sec. 142-545. - Development regulations.

*The development regulations in the MXE mixed use entertainment district are as follows:
Minimum Apartment Unit Size (Square Feet): Hotel units - in a local historic district / site:
200, Otherwise 15%: 300 — 335, 85%: 335+.*

The applicant is proposing to demolish a substantial portion of the existing building located on the west side (rear) of the property. The front portion of the building facing Collins Avenue will be retained and restored. The project includes a multistory addition at the rear for an expanded hotel development.

The MXE zoning district allows the reconfiguration of hotel units with a minimum area of 200 sf when located within an existing structure located in a local historic district. Nine (9) hotel units are proposed within the existing building and 91 units are proposed in the new addition. The hotel units within the new construction are required to comply with the minimum unit size requirements. Based on the total 91 units proposed, 14 units (15%) are allowed between 300 sf to 335 sf, and 77 units (85%) are required to be larger than 335 sf. In this case, the applicant is requesting a variance to allow the majority of the units (60 units) below 300 sf, 27 units between 300 and 335 sf and 4 units larger than 335 sf. Staff would note that there is an Ordinance pending before the City Commission, which would allow new construction of hotel units, as proposed by the applicant with a minimum unit size of 200 sf. Because of this consideration, as well as the fact that the MXE zoning district has historically had some of the smallest hotel units in the city, staff is not opposed to this variance request.

2. A variance to reduce up to 20% (9 parking spaces) the required number of parking spaces (46) for new hotel units.

- Variance requested from:

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

*Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:
(26)Hotel, suites hotel, motel, or motor lodge: One space per unit, except as follows:*

*Properties located within a local historic district or National Register Historic District,
New floor area for hotel rooms, associated with retaining, preserving and restoring a*

building or structure that is classified as "contributing" as of March 13, 2013, as defined below:-- 0.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units.

The Board may grant a variance for the total amount of parking required for a hotel and related accessory uses by up to 20 percent

The required parking for the new hotel units is 0.5 parking spaces per unit. Based on the number of new units (91), 46 parking spaces are required to be either provided on site, reduced with other alternative parking incentives, as detailed in section 130-40 of the City Code, or satisfied by participation in the one-time fee in lieu of providing parking program.

The applicant is requesting a variance for a reduction of 20% (9) of the total required parking. This would result in a requirement for thirty-seven (37) parking spaces which can be satisfied by payment in lieu of providing parking or by providing the spaces off site, within 1,200 feet of the property. Staff has no objection to this minimal reduction in parking requirements for the proposed hotel use, as the contributing building at the front will be retained and restored and providing the required parking on site would negatively impact the contributing structure. Additionally, the subject parcel is in close proximity to dedicated transit locations, as well as public parking facilities, thus further mitigating the variance requests.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

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

The application, as submitted, with the exception of the variances requested herein, appears to be inconsistent with the following requirements of the City Code:

1. Sec. 142-1161: Bar area indicated at the roof level, page A-105 is not an allowable height exception and shall be removed from plans.
2. Sec. 142-545: The project as proposed exceeds the maximum FAR allowed. The following areas shall be included in the FAR calculations: covered stairs treads at the roof, area below the flight of stair from 1st floor landing to the second-floor slab, all covered corridors at first and second floor, covered area in the courtyard and covered terrace at the second floor.

This 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 is **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
- (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) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Satisfied
- (5) The project applicant shall consider the 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. The applicant shall also specifically

study the land elevation of the subject property and the elevation of surrounding properties.

Satisfied

The first finished floor within the portions of the building to be retained is located at 9.25' NGVD and the first finished floor within the attached addition is located at 10.25' NGVD.

- (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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Not Applicable

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable

The first finished floor within the portions of the building to be retained is located at 9.25' NGVD and the first finished floor within the attached addition is located at 10.25' NGVD.

- (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.

Not Applicable

- (10) In all new projects, water retention systems shall be provided.

Satisfied

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Satisfied

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 elevated roof deck located along the eastern portion of the roof deck contributes to an increase in the perceived mass of the building.
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Satisfied
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied
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.
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 elevated roof deck located along the eastern portion of the roof deck contributes to an increase in the perceived mass of the building.
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and

reflection on adjacent properties and consistent with a City master plan, where applicable.

Satisfied

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

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

Satisfied

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

Not Satisfied

The elevated roof deck located along the eastern portion of the roof deck contributes to an increase in the perceived mass of the building.

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

Satisfied

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

Satisfied

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

Satisfied

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

Satisfied

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

Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

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

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

Satisfied

The existing structure is designated as Contributing within the Ocean Drive/Collins Avenue 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 Building 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 building is a distinctive example of the Post War Modern style of architecture which contributes to the district.

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

Satisfied

The subject building is classified as a Contributing building in the Miami Beach Historic Properties Database.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of the building is critical to developing an understanding of an important Miami Beach architectural style.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

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

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

Not Applicable

The applicant is not proposing to totally demolish a building.

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

Not Applicable

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

STAFF ANALYSIS

The subject structure, originally known as the Sun Deck Hotel and Apartments, was constructed in 1953 and designed by MacKay & Gibbs in the Post War Modern style of architecture. The plan of this Contributing 2-story garden style building is organized along an east-west axis with catwalks and hotel units facing onto a central interior courtyard. The asymmetrical front façade is set on an angle, following the alignment of Collins Avenue and features a number of significant architectural elements characteristic of the Post War Modern style of architecture.



Postcard, postmarked 1957

The applicant is currently proposing the construction of a rear 5-story addition as part of a redevelopment project consisting of 100 hotel units, a rooftop amenity deck and a 102-seat restaurant. In order to construct the new addition, the applicant is proposing to demolish the rear approximately 70% of the building. The portion of the building to be retained is proposed to be substantially restored including the restoration of the brick cladding and the reintroduction of the railing at the second level.

Staff is supportive of the contemporary design language of the 5-story addition which incorporates variations in surface materials and changes in plane. The addition has been set back from the existing Collins Avenue façade 42'-5 ¾" from the southeast corner and 57'-6 ¼" from the northeast corner, minimizing the impact on the adjacent 2 and 3-story Contributing buildings. Additionally, the eastern portion of the original open courtyard is proposed to be retained and connected to a new covered courtyard that extends westward into the new addition, successfully referencing the original courtyard typology.

Staff's only concern is relative to the design of the eastern roof deck. The height of this amenity deck, 3'-0" above the main roof line, and the north and south roof deck projections contribute to an increase in the perceived height and mass of the addition. Staff believes that it would be more appropriate to locate the higher deck to the southwestern corner of the addition and the lower deck with bar area to the eastern end further away from the residential buildings to the west. Further, staff recommends that the north and south roof deck projections at east edge of the roof area be setback in alignment with the center portion of the roof deck.

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.

- | | | |
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| * | * | * |
| (b) | <i>Nonconforming buildings.</i> | |
| | * | * |
| (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., above are satisfied.

In summary, staff is supportive of the application and recommends approval as noted below.

VARIANCE ANALYSIS

The applicant is requesting a variance to reduce the minimum room size for new hotel units. The City Code allows the reconfiguration of hotel units in the MXE district to be a minimum of 200 sf within an existing structure; however, within that portion of the building that is new construction, all units are required to comply with the minimum area of 300 sf. Because there is an Ordinance pending before the City Commission, and supported by the Planning Board, which would allow hotel units below 300 sf, and the fact that the MXE zoning district has historically had some of the smallest hotel units in the city, staff is not opposed to this variance request.

Regarding the variance for parking, staff is not opposed to the minimal variance request, considering that the retention of the existing building would not allow the location of parking on-site.

Lastly, staff would also note that modifications to the building will be required, as substantial amount of areas have not been included in the FAR calculations, which ultimately require modifications of the floor plans to not exceed the maximum area allowed, as noted in the zoning compliance portion of this report.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** as to the Certificate of Appropriateness and that the variance requests be **approved** 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: January 14, 2020

FILE NO: HPB19-0353

PROPERTY: 1530 Collins Avenue

APPLICANT: 1530 Collins, LLC

LEGAL: Lots 4 & 5, Block 57 of the Ocean Front Property of the Alton Beach 1st Subdivision, according to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness 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 minimum size required for hotel units and to reduce the off-street parking requirements.

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 Drive/Collins Avenue 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) in Section 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'e' & 'j' 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 pool and elevated deck shall be located to the southwestern corner of the addition and the lower amenity deck containing the bar area shall be located at the east end, 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 north and south roof deck projections at east edge of the roof area shall be setback in alignment with the center portion of the roof deck, 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. All exterior architectural features located on the existing Collins Avenue façade 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.
 - d. The A plaque or historic display describing the history and evolution of the original building shall be placed on the site along 19th Street and shall be located in a manner visible from the right of way, 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.
 - e. The applicant shall explore the reconstruction and reintroduction of the original "Sun Deck" pole sign as seen in the 1953 historical photograph, in a manner in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. Final design and details of the proposed exterior stair and ramp railings 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. Exterior railings shall return directly to the ground (no loops) and shall be clear anodized aluminum or stainless steel.
 - h. Final design and details of the proposed lift located within the front yard 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. The lift shall be substantially screened from view from the right-of-way.

- i. 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. All exterior vehicular and pedestrian hardscape surfaces 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.
 - b. 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.
 - c. 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):
 1. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit 60 hotel units (66%) at less than 300 s.f. (the smallest at 265 s.f.), 27 hotel units between 300 s.f. and 335 s.f. (30% of the units) and 4 hotel units exceeding 335 s.f. (4% of units).

2. A variance to reduce up to 20% (9 parking spaces) the required number of parking spaces (46) for new hotel units.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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

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

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

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

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

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

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

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.

- C. The Board hereby **Approves** the variance requests and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

2. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. Diagrams and calculations shall be revised to comply with the maximum FAR allowed.

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 agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners,

operators, and all successors in interest and assigns.

- J. 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.
- K. 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 "**Aqua Hotel**", as prepared by **Revuelta Architecture International**, dated **November 12, 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 _____ ()