

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: January 14, 2020

FILE NO: HPB19-0345

PROPERTY: 901 & 927 Lincoln Road

APPLICANT: The Sterling Building, Inc.

LEGAL: Parcel 1 (901 Lincoln Road):
Lots 5 & 6, Block 37 of the Commercial Subdivision of the Aiton Beach Realty Company, according to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

Parcel 2 (927 Lincoln Road):
Lots 2 to 4, Block 37 of the Commercial Subdivision of the Aiton Beach Realty Company, according to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the substantial demolition of the rear building and the construction of an attached rear addition as part of a new hotel development, one or more waivers and a variance to reduce the required rear setback.

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 Flamingo Park 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 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 'b', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.



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4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'd', 'e', 'j' & 'n' 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. The Floor Area Ratio for the property shall be calculated based on a lot size of 37,451 square feet, as depicted on the property survey.
 2. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The Sterling Building shall be restored to the greatest extent possible, 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 and at a minimum shall including the following:
 - i. The terrazzo flooring within the exterior Lincoln Road commercial entrances and breezeway shall be restored.
 - ii. The keystone and cast stone elements shall be repaired and restored under the supervision of a materials conservator.
 - iii. The second floor windows shall be replaced with impact resistant glass windows with a historically accurate muntin configuration.
 - iv. The ground level storefronts shall be replaced with impact resistant glass windows where feasible and appropriate.
 - v. The historic Sterling building identification sign shall be recreated and reinstalled on the building, in a manner consistent with available historical documentation.
 - vi. The original planter bins above the glass block frieze shall be reintroduced. Living plant material shall be incorporated into the bins unless evidence is submitted demonstrating the moisture and weight typically associated with living landscape systems will have adverse impacts on the integrity of the façade, at which time an appropriate alternative material may be approved.
 - vii. The glass block back-lighting shall be restored and maintained in working order.
 - viii. The existing awnings shall be removed and no new awnings shall be permitted to be attached to the keystone portion of the facade. Awnings may be permitted to be attached to the concrete eyebrow feature only after a permit has been



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approved for the reinforcement/reconstruction of the concrete eyebrow. There shall be no vertical supports for any new awning. Signage located on any awning shall only be permitted in accordance with Section 138-15 of the City Code.

- ix. The existing roll-down grilles within the breezeway shall be removed.
- x. Additional openings may be introduced within the existing upper masonry wall along the north side of the central breezeway, 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 west elevation of the remaining portion of the El Patio Building shall be restored to the greatest extent possible, 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 and at a minimum shall including the following:
 - i. The entire barrel tile roof portion shall be retained and restored.
 - ii. The southernmost storefront shall be restored and the two adjacent storefront bays to the north shall be reintroduced.
- c. The lobby area within the new addition shall be redesigned in order to facilitate the restoration of the El Patio Building west façade, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This may include the relocation of walls and columns and a taller floor to ceiling height at the ground level in order to clear the restored barrel tile roof.
- d. The stairwell located at the southeast corner of the new addition shall be relocated to the northeast corner, 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 east elevation of the new addition shall be further developed, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This may include the introduction of additional windows and projecting balconies.
- f. The location of the 'public benefits space' shown on the submitted plans shall not be permitted as proposed. Such space shall be relocated to a significantly more visible, and publicly accessible location. This may include, but shall not be limited to, the abutting open courtyard, or in another suitably prominent location in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.



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- g. A plaque or historic display describing the history and evolution of the original building shall be placed on the site within a publicly accessible area, 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.
 - h. Prior to the issuance of a building permit for the work approved herein, the unauthorized existing opaque film and advertising panels shall be removed from at least the three original bays of the 901 Lincoln Road building along the Jefferson Avenue elevation.
 - i. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of five (5'-0") feet from the Lincoln Road and Jefferson Avenue facades, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
 - j. The signage plan shall be further developed, and all new signage shall be consistent in type, finish/color and placement, 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. 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.
 - l. 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.
3. A detailed alley renovation and restoration plan shall be submitted and approved as part of the building permit plans for the project. The alley improvements shall be subject to the review and approval of all applicable City Departments and shall be fully completed prior to the issuance of a final certificate of occupancy for the new hotel rooms.
4. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.
5. In accordance with Section 130-101(d) of the City Code, the requirement pertaining to



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providing off-street loading spaces is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.

6. In accordance with Section 142-1161(d)(2) of the City Code, the requirement pertaining to the visibility of a rooftop addition when viewed at eye level (5'—6" from grade) from the opposite side of the adjacent right-of-ways, is hereby waived.

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 was withdrawn by the applicant:

1. A variance to eliminate all required rear setback of 5'-0" to construct a new multistory hotel addition at zero setback from the rear property line facing North Lincoln Lane. **(Variance withdrawn)**

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.

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- 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 "**Sterling Building**", as prepared by Kobi Karp, 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.

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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.

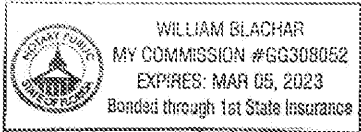
Dated this 29 day of January, 2020

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
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 29th day of January, 2020 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.



William Blachar
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: March 5th, 2023

Approved As To Form: _____
City Attorney's Office: Nick Kallezi (1/22/2020)

Filed with the Clerk of the Historic Preservation Board on Jessie Gulev (1/24/2020)

[Signature]