

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: September 13, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB0616-0043, **355 Washington Avenue – Casa Coloretta Hotel.**

The applicant, Casa Coloretta, LLC, is requesting a Certificate of Appropriateness for the partial demolition and renovation of the existing 1-story 'Contributing' structure and the construction of a 1-story rooftop addition, including variances to reduce the required rear and interior side setbacks and variances from the unit size requirements.

STAFF RECOMMENDATION

Approval of Certificate of Appropriateness with conditions
Approval of variances #1 and #2 as requested
Denial of variance #3.

EXISTING STRUCTURE

Local Historic District:	Ocean Beach
Status:	Contributing
Original Construction Date:	1953
Original Architect:	August Swarz

ZONING / SITE DATA

Legal Description:	Lot 15, Block 7, Ocean Beach Florida Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida.
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Zoning:	R-PS3, Residential Performance Standard, medium-high density
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Future Land Use Designation:	R-PS3, Residential Performance Standard, medium-high density
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Lot Size:	6,500 S.F. / 1.75 Max FAR
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Existing FAR:	3,855 S.F. / 0.59
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Proposed FAR:	8,300 S.F. / 1.28 FAR, as represented by the architect
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Existing Height:	14'-0" / 1-stories
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Proposed Height: 25'-0" / 2-stories
Existing Use/Condition: Suite Hotel, 8 units
Proposed Use: Suite Hotel, 15 units

THE PROJECT

The applicant has submitted plans entitled "Renovation/Additional 2nd Story To: Hotel Casa Coroletta, 355 Washington Ave" as prepared by JAM Associates, dated 07-20-16.

The applicant is requesting a Certificate of Appropriateness for the partial demolition and renovation of the existing 1-story 'Contributing' structure and the construction of a 1-story rooftop addition, including variances to reduce the required rear and interior side setbacks and variances from the unit size requirements.

The applicant is requesting the following variance(s):

1. A variance to reduce by 1'-6" the minimum required pedestal side interior setback of 5'-0" in order to construct open stairs attached to the existing building at 3'-6" from the south side property line.

- Variance requested from:

Sec. 142-697. - Setback requirements in the R-PS1, 2, 3, 4 districts.

(a) The setback requirements in the R-PS1, 2, 3, 4 districts are as follows:

Pedestal, Side Interior, Lots 50 feet wide or less: —5 feet.

Staff is supportive of the variance from the minimum side setback of 5'-0". The reduction is only for a necessary open stairs required for emergency and safety requirements in order to construct a second story addition over the existing contributing building. The building was originally constructed 10 foot setbacks on both sides, which is a much more substantial setback compared with the 5 feet allowed by the Code. Staff finds that the renovation and retention of the contributing building while providing required emergency vertical circulation for a modest addition creates the practical difficulties that require the variance request.

2. A variance to reduce by 12'-5" the minimum required pedestal rear setback of 13'-0" in order to construct open stairs attached to the existing building at 7" from the rear property line.

- Variance requested from:

Sec. 142-697. - Setback requirements in the R-PS1, 2, 3, 4 districts.

(a) The setback requirements in the R-PS1, 2, 3, 4 districts are as follows:

Pedestal, Rear, Nonocceanfront lots: — 10% of lot depth.

The building was originally constructed with a rear setback of 7 inches and was designed with access steps to the units on the south side. A stair and elevator are proposed at the rear of the building following the existing rear setback in order to maintain the steps that provide access to the units, which is a common element in many historic buildings. The stairs are a required means of egress for the proposed project to ensure safety of its occupants. Staff finds that the

project satisfies the practical difficulties criteria based on the retention and renovation of the existing contributing building constructed with a non-conforming rear setback.

3. A variance to reduce by a range from 58 s.f. to 17 s.f. the minimum required area of 550 s.f. for new suite hotel units in order to construct 7 hotel units with full cooking facilities with a minimum area of 492 s.f. and a maximum area of 533 s.f.

- Variance requested from:

Sec. 142-1105. - Suites hotel.

When a hotel unit contains cooking facilities it shall be considered as a suite hotel unit and shall conform with the following:

(2)Cooking facilities in units of less than 550 square feet shall be limited to one microwave oven and one five-cubic-foot refrigerator. Notwithstanding the forgoing, historic district suites hotels may have full cooking facilities in units with a minimum of 400 square feet.

The building was originally constructed with 8 efficiencies including full kitchens and has been used as a suite hotel in recent years. The code allows historic suite hotel units, as the existing units, to be a minimum of 400 s.f. However, new hotel units with full kitchen facilities are required to be 550 s.f. The units proposed at the second floor do not comply with this requirement and a variance is requested. Staff finds that there are no practical difficulties associated with the variance requested and recommend that the Board denies the applicant's request. The Code allows a microwave and a small refrigerator in hotels units with a floor area below 550 s.f. Based on this, staff recommends that the ranges be removed and only the minimum appliances allowed by the Code be provided. With this modification the applicant would be able to operate the building as a hotel and make a reasonable use of the property.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

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

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

Satisfied for variance requests #1 and #2;

Not Satisfied for variance request #3;

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

Satisfied for variance requests #1 and #2;

Not Satisfied for variance request #3;

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

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

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

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

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

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

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

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

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

Satisfied.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application with the exception of the variances requested herein, may be inconsistent with the following portions of the City Code:

1. Section 142-696. Required open space calculations can only include areas that are open to the sky. Open space diagram shall be revised.
2. Section 130-32 (26). A fee in lieu of providing seven (7) parking spaces will be required.

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

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

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

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Satisfied
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
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.
Not Satisfied
The exterior planters located at the second floor on the north and south side elevations are insufficiently sized to provide adequate rooting space for plant material to thrive overtime.
 - 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.
Not Satisfied
The exterior planters located at the second floor on the north and south side elevations are insufficiently sized to provide adequate rooting space for plant material to thrive overtime.
 - 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.
Satisfied

- 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 exterior planters located at the second floor on the north and south side elevations are insufficiently sized to provide adequate rooting space for plant material to thrive overtime.
- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied

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

Satisfied

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

Satisfied

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

Satisfied

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 part of the Ocean Beach Local Historic District; the building is classified as a 'Contributing' structure in the 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 would be difficult and inordinately expensive to reproduce.

- 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 subject structure is one of the last remaining examples of its kind and is a distinctive example of an architectural or design style 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 subject structure is designated 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 this structure 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 total demolition of the existing 'Contributing' building.

- h. The Miami-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 any part of the subject building.

STAFF ANALYSIS

The subject site contains one 'Contributing' building. The building was constructed in 1953 and designed by architect August Swarz in the Post War Modern Style of architecture. Although original microfilm plans have been located within the City's Building Department records, all plans are illegible. In the absence of any early photographs, it can only be conjectured which elements of the existing structure date to its original design. Since no major renovations are listed in the Building Department records, except for window replacements in 1998 and 2006, it is likely the building is substantially intact.

The applicant is proposing the renovation of the existing structure and the construction of a 1-story rooftop addition with landscaped roof deck as part of a hotel redevelopment project. The compatible and fairly modest addition is characterized by a covered catwalk along the south elevation and projecting planter structures. The rooftop addition is proposed to be setback approximately 15'-3" from the front of the existing building in order to minimize its visibility from

Washington Avenue. It is important to note that even with the setback; the addition will still be visible when viewed from the opposite side of the street. The City Code does provide for the Historic Preservation Board to modify the line of sight requirements for rooftop additions based on the following criteria: (i) the addition enhances the architectural contextual balance of the surrounding area; (ii) the addition is appropriate to the scale and character of the existing building; (iii) the addition maintains the architectural character of the existing building in an appropriate manner; and (iv) the addition minimizes the impact of existing mechanical equipment or other rooftop elements. Staff finds that the design for the rooftop addition satisfies the above criteria.

Although generally supportive of the proposed project, staff has several concerns. First, staff would note that the plans contain several inconsistencies as outlined below:

- The profile and proportions of the planters depicted on the north and south sides of the 'West Façade' elevation rendering (no sheet number provided); is not consistent with the proposed architectural elevations as shown on sheet A-8.0.
- The second level exterior planter projection located on the elevator tower shown on the proposed architectural sheet A-6.0 is not consistent with the 'South Façade' elevation rendering (no sheet number provided).
- The trash enclosure shown on the proposed architectural elevation sheet A-6.0 is not consistent with the "South Façade' rendering (no sheet number provided).
- The exterior planters shown at the 2nd level on sheet A-6.0 is not consistent with the 'South Façade' elevation rendering (no sheet number provided).
- The overall landscape elevation as depicted on the 'North, South, and West Façade' elevation renderings are not consistent with the plant material as proposed on the landscape plans, sheets LA-2 and LA-3.

Notwithstanding the inconsistencies with regard to the planter structures, staff believes that the exterior planters on the second floor of the north and south side elevations as depicted on sheet A-9.0, are insufficiently sized to provide adequate rooting space for plant material to thrive overtime. Additionally, access to planters for maintenance will be challenging. Consequently, staff would recommend that the north and south elevations be simplified and that the planter structures be removed at the second level. Additionally, staff would recommend that the second story windows on the north elevation shown on Sheet A-9.0, be lowered so that they are below the interior drop ceiling.

Finally, since the subject site is located within close proximity to residential units, staff is recommending a number of operational conditions for the active roof deck.

VARIANCE ANALYSIS

As part of the improvements to the site, a new second story addition is proposed as well as new floor area at the first floor including, an enclosed trash room, elevator and two stairs. The building was originally constructed with non-conforming front and rear setbacks. However, the existing side setbacks of 10 feet exceed the minimum requirements. Three variances are requested for the project to construct an open stair at the rear and to have full kitchens in 7 new hotel units with an area below the minimum allowed. Staff is supportive of variances #1 and #2 for the side and rear setbacks. Staff finds that these variances are the minimum necessary to develop a second story addition, retain the existing contributing building and comply with the minimum standards required by the Code. However, staff does not support the variance request

#3 as it is a self-imposed variance not associated with any special circumstances, hardship or practical difficulties. The removal of the ranges from the units will not impede the hotel use in the property. In summary, staff recommends approval of variances #1 and #2 and the denial of variance #3.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** as to the Certificate of Appropriateness and variance requests #1 and #2, and **denied** as to variance request #3, 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: September 13, 2016

FILE NO: HPB0616-0043

PROPERTY: 355 Washington Avenue

APPLICANT: Casa Coloretta, LLC

LEGAL: Lot 15, Block 7, Ocean Beach Florida Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the partial demolition and renovation of the existing 1-story 'Contributing' structure and the construction of a 1-story rooftop addition, including variances to reduce the required rear and interior side setbacks and variances from the unit size 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 Beach Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'g' & 'h' in Section 118-564(a)(3) of the Miami Beach Code.
 - 4. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:

1. Revised elevations, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The exterior projecting planter structures located on the second level of the north and south elevations shall be eliminated, 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 windows located at the second level of the north elevation shall be lowered below the interior drop ceiling, 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. 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.
 - d. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district.
 - f. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Signage shall consist of reverse channel, back-lit letters, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans 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. 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 overall number of native and salt tolerant plant species should be increased, particularly on 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.
 - b. An automated irrigation system for the site inclusive of all exterior planters and roof gardens shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The *Clusia guttifera* / Small Leaf *Clusia* shall be replaced with a different shrub species, preferably native, 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 utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - e. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
3. The Applicant agrees to the following operational conditions for any and all permitted hotel and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.
 - a. ROOFTOP CONDITIONS
 - i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
 - ii. Rooftop facilities, inclusive of any pool or spa and pool or spa deck, shall be for the exclusive use of registered hotel guests and their invitees.
 - iii. Outdoor speakers, except those required for life safety purposes, shall not be permitted at the roof deck.

- iv. Cooking facilities of any kind shall not be permitted on rooftop.
- v. No outdoor bar counters shall be permitted.

b. NOISE CONDITIONS

- i. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- ii. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s), which were either approved by the Board with modifications, or denied (Underlying denotes new language and ~~strikethrough~~ denotes stricken language):
 - 1. A variance to reduce by 1'-6" the minimum required pedestal side interior setback of 5'-0" in order to construct open stairs attached to the existing building at 3'-6" from the south side property line.
 - 2. A variance to reduce by 12'-5" the minimum required pedestal rear setback of 13'-0" in order to construct open stairs attached to the existing building at 7" from the rear property line.
 - 3. A variance to reduce by a range from 58 s.f. to 17 s.f. the minimum required area of 550 s.f. for new suite hotel units in order to construct 7 hotel units with full cooking facilities with a minimum area of 492 s.f. and a maximum area of 533 s.f. (Variance denied)
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to Variance(s) II.A.1 and

II.A.2 as noted above, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, as it relates to Variance(s) II.A.1 and II.A.2 as noted above:

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

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

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

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

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

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

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

C. The Board hereby **Denies** the Variance requests as noted in II.A.3 and grants the requested variance(s), as noted in II.A.1 and II.A.2, and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The new hotel units at the second floor shall comply with section of the Code 142-1105.
3. Landscape shall be provided to a larger extend between the entry steps at the north side of the property, subject to the review and approval of staff.

4. The maximum width of the walkway at the north side shall be 44 inches.

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. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- B. 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.
- A. The Final Order shall be recorded in the Public Records of Miami-Dade County, within 30 days of the Board approval.
- B. Applicant shall submit revised plans pursuant to Board conditions no later than 60 days after Board approval, as required.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is

GRANTED, including the Application for Variances II.A.1 and II.A.2 as noted above, and that the Application for variance II.A.3 as noted above, is DENIED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Renovation/Additional 2nd Story To: Hotel Casa Coroletta, 355 Washington Ave" as prepared by JAM Associates, dated 07-20-16, and as approved by the Historic Preservation Board, as determined by staff.

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

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

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HPB0616-0043
Meeting Date: September 13, 2016

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ () _____

Filed with the Clerk of the Historic Preservation Board on _____ () _____

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