

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: April 14, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director

 for TM

SUBJECT: HPB20-0376 a.k.a. HPB 7490, **3425 Collins Avenue.**

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting modifications relative to the contributing Versailles building including the design of the public interior, partial demolition and expansion of the floor plates eastward and modifications to the rooftop addition including variances from the required side facing a street setbacks.

### **RECOMMENDATION**

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

### **BACKGROUND**

On September 13, 2011, the Board approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of an existing 9-story building and an existing 16-story building, including the installation of new balconies on the east and south elevations, and the construction of a new 10-story multifamily building with a roof-top pool deck at the rear of the site, along with a new landscape and hardscape plan for the entire site.

On November 14, 2014, the Board approved a new Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new residential development (HPB 7490).

On March 8, 2016, Board approved modifications to the previously approved Certificate of Appropriateness including the approval of additional demolition, building design modifications and site plan modifications (HPB 7490).

At the same meeting, the Board approved modifications to previously approved variances to reduce the Dune Overlay and Oceanfront Overlay required setbacks; to reduce the minimum required subterranean, pedestal and tower setbacks, to reduce the required sum of the side pedestal and tower setbacks, to exceed the maximum building and fence height and to exceed the maximum projection of balconies (BOA 3760). Additionally, new variances were approved by the Board to reduce the required subterranean front, side and rear setbacks, to reduce the required front setback

for a driveway, to exceed the maximum allowed height for a porte-cochere and to exceed its maximum length (HPB 7603).

On October 5, 2016, a full building permit (B1504467) was issued for the approved project. Since that time, a significant amount of demolition has occurred, including the removal of the 1955 south addition, portions of the ground level exterior walls and all exterior doors and windows.

### **EXISTING STRUCTURE**

Local Historic District:	Collins Waterfront
Classification:	Contributing
Original Construction Date:	1940
Original Architect:	Roy France

### **ZONING / SITE DATA**

Legal Description:	Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-3, Residential multi-family, high intensity
Future Land Use Designation:	RM-3, Residential multi-family, high intensity
Lot Size:	73,812 S.F. / 3.0 Max FAR
Proposed FAR:	221,426 S.F. / 3.0 FAR
Proposed Height:	200'-0"
Proposed Use:	Hotel and Residential

### **THE PROJECT**

The applicant has submitted plans entitled "Aman Resort at the Historic Versailles Hotel", as prepared by Revuelta architecture international, dated February 10, 2020.

The applicant is proposing several modifications to the previously approved project. The scope of work is limited to the Contributing Versailles building and includes modifications to the design of the public interior, partial demolition and expansion of the floor plates eastward and modifications to the rooftop addition.

The applicant is requesting the following variances:

1. A variance to reduce by 10.47' the minimum required pedestal side facing a street setback of 16.0' in order to extend the floorplates on floors 2 through 5.
2. A variance to reduce by 10.47' the minimum required tower side facing a street setback of 16.0' in order to extend the floorplates on floors 6 through 14.

- Variances requested from:

#### **Sec. 142-247 - Setback requirements.**

*(a) The setback requirements for the RM-3 residential multifamily, high intensity district are as follows:*

Side, facing a street subterranean and pedestal: Minimum – 7.5' or 8% of lot width, whichever is greater.

Side, facing a street tower: Minimum – 7.5' or 8% of lot width, whichever is greater.

The proposed rear addition expanding the floorplates of levels 2 through 14 has been designed to follow the existing non-conforming pedestal and tower side facing a street setbacks at the north side of the property. The retention of the building and its existing setbacks creates the practical difficulties that result in the variance requested. The construction of additional floor area following the existing setbacks is the minimum necessary to improve the property while preserving the Contributing building. Further, the municipal parking lot located on the north side of 35<sup>th</sup> Street will ensure there are no adverse impacts to any residential or hotel property within the district.

### **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 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**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. Additional information shall be submitted with regard to both the structural members required to support the eastward projecting balconies and all rooftop structures, in order to determine the project FAR. Any structure eastward of the face of the wall required to support the projection will result in a requirement to revise the submitted FAR calculations. The project may not exceed **3.0 FAR** at the time Building Permit approval.

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 and residential uses** are **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**  
**This will be reviewed at time of Building Permit**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Not Applicable**  
**There are no modifications to the approved and permitted landscape plan at this time.**
- (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 land elevation of the site is consistent with the surrounding properties.**
- (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**

**There are no modifications to the driveways or garage ramping for new construction at this time.**

- (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 finish floor of the lobby of the Versailles building is currently located at base flood elevation plus 1'-0".**

- (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**

**There is no habitable area proposed to be located below base flood elevation plus freeboard.**

- (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**  
**All significant exterior architectural features on the primary facades are proposed to be restored.**
  - b. General design, scale, massing and arrangement.  
**Satisfied**  
**The design, scale massing and arrangement is consistent with the scale and character of the surrounding historic district.**
  - 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**  
**The Contributing Versailles building is proposed to be retained and restored.**
  - 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 section of this report.**
- 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.  
**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 Applicable**  
**There are no changes to the permitted lighting plan currently proposed.**
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.  
**Not Applicable**  
**There are no changes to the permitted landscape plan currently proposed.**

- 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 Contributing within the Collins Waterfront 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 distinctive example of architectural styles 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 structure 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 important Miami Beach architectural styles.**

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

**Not Applicable**

**The demolition proposed 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 total demolition.**

- 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 the structure.**

**ANALYSIS**

As noted in the 'Background' section of this report, a full building permit (B1504467) was issued for the approved project in October 2016. Shortly after the issuance of the permit, a significant amount of demolition occurred, including the removal of the 1955 south addition, portions of the ground level exterior walls and all exterior doors and windows. On May 9, 2017, the applicant returned to the Board to request a Certificate of Appropriateness for the installation of artistic graphic banners to be installed on the facades of the building. At that time, the Board expressed concern regarding the possible deterioration of the structure due to exposure from the elements and the perceived lack of construction progress on the site. Consequently, the Board requested the property owner provide periodic updates specific to the protection of the building and status of construction. The applicant returned to the Board on five separate occasions beginning in December 2017 to provide status updates. As of October 2019, the property owner advised the Board that while their desire was to renovate the building in accordance with the approved plans, market conditions were such that there was no immediate timeline to do so.

In early 2020, the property owner formed a partnership with Aman Resorts/OKO Group in order to facilitate the completion of the project. Since that time, staff has met with the new project team on several occasions to discuss possible modifications to the previously approved Certificate of Appropriateness. Most recently, on February 11, 2020, after a presentation by representatives from Aman Resorts, the Board discussed several potential design changes to the Versailles building and expressed unanimous support for the project.

The scope of the subject application is limited to the original Versailles building. It is important to note, that while the applicant has prioritized the restoration and renovation of the Contributing structure, additional modifications including changes to the design of the previously approved new residential tower, are expected to be submitted at a later date. Staff would commend the applicant for proposing several significant restorative elements that are not currently part of the approved project. These include:

- Restoration of the original hotel use within the historic Versailles tower.
- Reconstruction of the original "Gulf Stream" dining room located at the northeastern side of the property, previously approved for total demolition and partial reconstruction as an open-air pool pavilion.
- Restoration of the north and south façades previously approved to be substantially modified.
- Reconstruction of the original rooftop structures previously approved to be demolished.

The applicant is currently requesting the following modifications to the approved project in order to accommodate the highly unique program requirements of an Aman Resort Hotel:

**Reconfiguration of the vertical circulation**

The currently proposed plans include relocation of the stairs and elevators in order to improve the level of service within the guest room floors. Two passenger elevators and two service elevators are proposed to be located within the center of the ground floor public interior on axis with the Collins Avenue entrance. This new circulation core will require the demolition of the floorplates throughout the building. It is important to note, that the Board had previously approved substantial demolition of the floorplates in order to comply with Building Code requirements for the minimum size of egress stairs and elevator shafts, as well as the structural support required for the introduction of the previously approved cantilevered balconies and private rooftop pools.

The project architect and structural engineer have been working very diligently to provide staff and the Board with detailed shoring and bracing plans and a proposed sequenced demolition plan for each floor. While time consuming, this type of sequenced demolition significantly reduces risk of structural failure, since the reconstruction of a demolished floor occurs prior to any other floor being removed. Based on this information, staff is reasonably confident that if the proposed demolition and temporary shoring and bracing plans are appropriately implemented, the exterior facades can be successfully restored without additional or total demolition being requested by the applicant at a later date.

### **Ground floor lobby**

In order to accommodate the introduction of the new circulation core, the applicant is requesting to reorient the ground floor lobby space. The new lobby is proposed to be centered around the Collins Avenue entrance with a view corridor through the lobby eastward. The original four non-structural decorative columns are proposed to be introduced within the new lobby. As outlined in the Historic Resources Report, the original 1940 lobby had been modified over the years. The most substantial modifications took place as part of the 1955 building expansion. It is important to note that except for the original walls and columns, no original historic fabric remains within this area.

### **Eastward expansion of the floorplates**

The currently proposed plans include an approximately 8'-0" eastward extension of the upper floorplates with an additional projection of approximately 14'-7" for private balconies.

While not opposed to this eastward extension, it is not currently clear how the projecting balconies, particularly within the central bay, will be structurally supported. In order for these balconies to be excluded from floor area ratio calculations, they must be entirely projecting from the building wall without the use of additional columns or sheer walls. Currently, the plan includes what appears to be two vertical columns at the center of the building. Consequently, additional information will be required at the time of building permit review, in order to ensure that the project does not exceed the maximum floor area ratio for the site.

The proposed eastern extension references the original 1940 Roy France tower design and is clearly distinguishable from the historic architecture. Further, staff would note that the Board has consistently allowed for a greater level of modification on oceanfront facing facades. These projects include the Saxony, Seville, Caribbean, Cadillac and Crown hotels.

### **Modifications to the previously approved rooftop addition**

In order to accommodate a small restaurant at the penthouse level, the applicant is proposing to redesign the previously approved rooftop addition. Modifications include the reconstruction of original 1940 rooftop elements, elimination of the previously approved and highly visible circular stairs and large mechanical louvers, and the expansion of the rooftop addition eastward. Staff has no objection to the requested modifications at this level and believes that the currently

proposed design is more consistent with the historic architecture and is entirely out of the line of sight from Collins Avenue.

In summary, staff is supportive of the requested modifications noted above, which will allow for the successful rehabilitation of this important Contributing building. At this point the building has remained unoccupied for over 7 years, and staff believes that expediting the property's return to active use will greatly benefit the quality of life and character of the surrounding historic district.

### **VARIANCE ANALYSIS**

The proposed rear addition expanding the floorplates of levels 2 through 14 has been designed to follow the existing non-conforming pedestal and tower side facing a street setbacks at the north side of the property. The retention of the building and its existing setbacks creates the practical difficulties that result in the variance requested. The construction of additional floor area following the existing setbacks is the minimum necessary to improve the property while preserving the Contributing building. Further, the municipal parking lot located on the north side of 35<sup>th</sup> Street will ensure there are no negative impacts to any residential or hotel property within the district. Staff is supportive of this variance and recommends approval.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application be **approved**; subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: April 14, 2020

PROPERTY/FOLIO: 3425 Collins Avenue / 02-3226-001-1440

FILE NO: HPB20-0376

LEGAL: Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting modifications relative to the contributing Versailles building including the design of the public interior, partial demolition and expansion of the floor plates eastward and modifications to the rooftop addition including variances from the required side facing a street setbacks.

**CONSOLIDATED 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 Collins Waterfront 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 Sea Level Rise and Resiliency Review Criteria 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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
  - 4. Is not consistent with Certificate of Appropriateness Criteria 'b', & 'k' 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 loading space proposed to be located at the drop off area for the new residential tower along Collins Avenue shall not be permitted. All loading spaces required for the new residential tower shall be located internal to the structure.
    - b. Any kitchen equipment and venting systems associated with the ground level café shall be chased internally through to the roof.
    - c. The maximum FAR for the project site shall not exceed 3.0.
    - d. ~~The design for the new tower addition shall be presented to the Board in the form of a Status Report at the December 9, 2014 meeting.~~
    - d. The proposed glass railings for the new and balconies at the east elevation of the historic Versailles structure shall be replaced with masonry and glass railings and shall be consistent with the revised plans presented to the Board on November 14, 2014 dated February 10, 2020, 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 vertical supports for the proposed front canopy structure at the west elevation of the historic Versailles structure shall incorporate decorative urns and palm trees and shall be consistent with the revised plans presented to the Board on November 14, 2014, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - f. The enclosed corridors located on the roof terrace of the new tower shall not be permitted, and shall be redesigned as open air corridors.
    - g. The facades of the existing building shall be fully restored to the greatest extent possible, with the exceptions noted on the 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. The historic orientation of the original ground floor lobby area of the existing Contributing building is permitted to change in a manner consistent with the plans dated February 10, 2020 provided that original significant interior architectural features including but not limited to the four decorative columns and ceiling detail including light cove be reintroduced into the new lobby and it shall otherwise be fully



4. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
5. 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. Street trees shall be required along 35th Street and Collins Avenue, if feasible, in a manner to be reviewed and approved by the Public Works Department.
  - b. 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.
  - c. Any overhead utilities located in the adjacent public right-of-ways, shall be placed underground, if feasible, and subject to the review and approval of the Public Works Department.
  - d. Pursuant to the Escrow Agreement executed between the owner and the City, signed by both parties in March 2009, the owner has agreed to enter into a Streetscape Agreement for all public right-of-way improvements abutting the subject property, including 32<sup>nd</sup> Street between Collins Avenue and the Ocean, Collins Avenue, and 34<sup>th</sup> Street between Collins Avenue and the Ocean, inclusive of the City's public surface parking lot. The following conditions shall be required to be completed, as part of the Streetscape improvements, prior to the issuance of a Partial Certificate of Occupancy (P.C.O), Temporary Certificate of Occupancy (T.C.O.) or final Certificate of Occupancy (C.O.) for either the new building or existing building on the Versailles property (3425 Collins Avenue), whichever occurs last.
  - e. 34<sup>th</sup> Street: The owner will install drainage structures and hardscape improvements (including sidewalks, A.D.A. ramps, and vehicular approaches, as described in the City right-of-way plans adjacent to the east side of Collins Avenue at 34<sup>th</sup> Street), or will provide funding for such work, at the discretion of the City's Capital Improvement Projects Department.
  - f. 34<sup>th</sup> Street Surface Parking Lot: The owner will provide landscape and irrigation, or will provide funding for such improvements at the discretion of the City's Capital Improvement Projects Department for the 34<sup>th</sup> Street surface lot.
  - g. Public Beach Access at 34<sup>th</sup> Street: The owner will construct the paved public beach access, including all associated hardscape, landscape, and irrigation, from

Collins Avenue to the Ocean. This shall also include all landscape, hardscape, and irrigation located between the east end of the 34<sup>th</sup> Street parking lot and the Ocean.

- h. Pursuant to Condition 3.d.i below, the owner shall provide lighting in all landscape areas constructed or funded by the owner, in a manner to be reviewed and approved by staff.
6. The applicant has proffered and agreed to construct a grade level Public Beach Walk along the rear of the subject site, subject to the following conditions. The approval of the subject application is contingent upon such Public Beach Walk being constructed in accordance with the following conditions:
- a. The existing raised boardwalk adjacent to the dune and the site, in between 34<sup>th</sup> and 35<sup>th</sup> Streets, shall be demolished and removed. A new Public Beach Walk shall be designed, permitted and built by the applicant and shall connect to the existing raised boardwalks to the north and to the south. All costs associated with the design, permitting and construction of the Public Beach Walk, as described herein, shall be borne by the applicant.
  - b. The applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to design, permit and construct a Public Beach Walk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
  - c. The Public Beach Walk shall be generally consistent with the beach walk master plan, and shall require the review and approval of the Public Works Department, as well as all other applicable regulatory agencies and authorities.
  - d. The Public Beach Walk shall be substantially completed as soon as reasonably possible after the issuance of all required permits for its construction.
  - e. The construction of the Public Beach Walk will be timed to coincide with the beach walk project behind the Saxony Hotel. If the Versailles is ready for C.O. and construction of the Public Beach Walk has not commenced and completed, then the applicant shall post a bond, or provide other security acceptable to the City Attorney, for the cost of construction of the Public Beach Walk, to guarantee its construction and completion.

**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 to reduce 6'-0" from the minimum required setback of 11'-0" from the Erosion Control Line in order to construct a perimeter fence in the Dune Preservation Overlay District at 5'-0" from the Erosion Control Line and a height up to 16.50 NGVD.
2. A. A variance to reduce 10'-0" from the minimum required setback of 15'-0" from the side property line in order to construct a perimeter fence in the Oceanfront Overlay District at 5'-0" from the north property line and a height up to 16.50 NGVD.  
  
B. A variance to reduce 10'-0" from the minimum required setback of 15'-0" from the side property line in order to construct a perimeter fence in the Oceanfront Overlay District at 5'-0" from the south property line and a height up to 16.50 NGVD.
3. A. A variance to reduce all minimum required pedestal street side setback of 16'-0" in order to construct new stairs up to the north property line facing 35<sup>th</sup> Street.  
  
B. A variance to reduce 5'-7" from the minimum required pedestal street side setback of 16'-0" in order to construct a column in the elevated terrace at 10'-5" from the north property line facing 35<sup>th</sup> Street.
4. A. A variance to reduce by a range from 13'-2" to 5'-2" the minimum required pedestal street side setback of 16'-0" in order to construct the first and second floor at a setback ranging from 2'-10" to 10'-10" from the south property line facing 34<sup>th</sup> Street.  
  
B. A variance to reduce a range from 15'-4" to 3" the minimum required pedestal street side setback of 16'-0" in order to construct the third and fourth floors of the new 16 story addition at a range from 8" to 15'-9" from the south property line facing 34<sup>th</sup> Street.  
  
C. A variance to reduce 11'-0" from the minimum required pedestal street side setback of 16'-0" in order to construct a perimeter fence at 5'-0" from the south property line facing 34<sup>th</sup> Street and a maximum height of 16.50 NGVD.
5. A variance to reduce 31'-4" from the minimum required pedestal sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 8".
6. A variance to reduce 1'-10" from the minimum required subterranean street side setback of 10'-0" in order to construct columns at 8'-2" from the south property line facing 34<sup>th</sup> Street.
7. A. A variance to reduce a range from 15'-4" to 3" the minimum required tower street side setback of 16'-0" in order to construct the fourth through sixteen floors of the new 16 story addition at a range from 8" to 15'-9" from the south property line facing 34<sup>th</sup> Street.

- B. A variance to reduce 7'-2" from the minimum required tower street side setback of 16'-0" in order to construct the pool and pool deck at 8'-10" from the south property line facing 34<sup>th</sup> Street.
8. A variance to reduce 25'-9" from the minimum required tower sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 6'-3".
9. A variance to exceed by 3'-0" the maximum permitted building height of 200'-0" in order to construct a new 16 story residential addition on the southwest side of the property with a maximum height of 203'-0" measured from base flood elevation plus 1'-0" (9.00' NGVD) to the top of the roof kitchen counter.
10. A. A variance to reduce 4'-0" from the minimum required subterranean street side setback of 10'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 6'-0" from the north property line facing 35<sup>th</sup> Street.
- B. A variance to reduce a range from 10'-0" to 6'-0" from the minimum required subterranean street side setback of 10'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at a range from 0'-0" to 4'-0" from the south property line facing 34<sup>th</sup> Street.
11. A variance to reduce 4'-0" from the minimum required subterranean rear setback of 50'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 46'-0" from the rear property line.
12. A variance to reduce 4'-0" from the minimum required subterranean front setback of 20'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 16'-0" from the front property line facing Collins Avenue.
13. A variance to exceed by 10.6% (9'-5") the maximum permitted width of 30% (26'-7") of the building's core front (88'-8") in order to construct a new porte-cochere with a width of 40.6% (36'-0") of the building's front, facing Collins Ave.
14. A variance to exceed by 3'-0" the maximum permitted height of 16'-0" for a porte-cochere in order to construct a new porte-cochere in front of the property up to 19'-0" in height, facing Collins Ave.
15. A variance to reduce 11'-6" from the minimum required front setback of 20'-0" for at grade parking in order to construct a new driveway at 8'-6" from the front property line facing Collins Avenue.
16. A variance to reduce by 10.47' the minimum required pedestal side facing a street setback of 16.0' in order to extend the floorplates on floors 2 through 5.
17. A variance to reduce by 10.47' the minimum required tower side facing a street setback of 16.0' in order to extend the floorplates on floors 6 through 14.

- 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 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.

- C. The Board hereby grants the requested variance(s) 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 detailed drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

- e. The top of the foundation of any structure and the top of underground sheet piles shall be at least 3' below the grade elevation (3.58' NGVD) established for the property in order to provide enough rooting space for the proposed landscape.
3. 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.
4. A revised landscape plan, 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
  - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
  - c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
  - d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
  - e. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
  - f. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.

- g. 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.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. 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 Design Review Criteria and/or the directions from the Board.
- j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**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. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same are contained herein, in the ~~original Orders~~ dated November 14, 2014 and March 8, 2016. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the November 14, 2014 or March 8, 2016 Orders, the provisions hereof shall control.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.

- 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. 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.
- L. 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.
- M. 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.
- N. 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 "plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated September 22, 2014, plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated January 25, 2016, and plans entitled "Aman Resort at the Historic Versailles Hotel", as prepared by Revuelta architecture international, dated February 10, 2020, 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 \_\_\_\_\_ (                    ) )

~~Strike-Thru~~ denotes deleted language  
Underscore denotes new language