

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: July 14, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB20-0380, **550 Washington Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition and renovation of the existing building including the construction of attached additions and modifications to original public interior spaces and a variance to exceed the maximum permitted building height.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions
Approval of the variance

EXISTING STRUCTURE

| | |
|-----------------------------|-----------------|
| Local Historic District: | Ocean Beach |
| Classification: | Contributing |
| Original Construction Date: | 1945 |
| Original Architect: | Henry Hohausser |

ZONING / SITE DATA

Legal Description:

ALL OF LOT 2, BLOCK 48, OF OCEAN BEACH, FLORIDA, ADDITION NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 87, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID LOT 2; THENCE RUN SOUTHWESTERLY ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 31.22 FEET MORE OR LESS TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH FACE OF A C.B.S. BUILDING; THENCE RUN WESTWARDLY ALONG THE NORTH FACE OF SAID C.B.S. BUILDING AND ITS WESTERLY EXTENSION, A DISTANCE OF 21.75 FEET, MORE OR LESS TO A BREAK IN SAID C.B.S. BUILDING; THENCE RUN SOUTH ALONG A FACE OF SAID C.B.S. BUILDING A DISTANCE OF 0.2 FEET, MORE OR LESS TO

THE FACE OF A NORTH WALL OF SAID C.B.S. BUILDING; THENCE RUN WESTWARDLY ALONG THE FACE OF THE NORTH WALL OF SAID C.B.S. BUILDING, A DISTANCE OF 86.75 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWARDLY ALONG AN EAST FACE OF SAID C.B.S. BUILDING AND ITS NORTHERLY EXTENSION A DISTANCE OF 23.68 FEET, MORE OR LESS, TO A POINT; THENCE RUN WESTWARDLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 2, FOR A DISTANCE OF 5.0 FEET TO A POINT; THENCE RUN NORTHWARDLY ALONG A LINE PARALLEL TO THE NORTHERLY EXTENSION OF SAID EAST FACE OF SAID C.B.S. BUILDING FOR A DISTANCE OF 7.0 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE RUN EASTWARDLY ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 119.66 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

AND

THE WEST 735 FEET OF LOT 3 AND THE EAST 9.0 FEET OF THE WEST 744.0 FEET OF THE NORTH 8.0 FEET OF LOT 3, BLOCK 48, OF OCEAN BEACH, FLORIDA, ADDITION NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 81, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

| | |
|------------------------------|---|
| Zoning: | C-PS2, Commercial general mixed-use |
| Future Land Use Designation: | C-PS2, Commercial general mixed-use |
| Lot Size: | 13,586 S.F. / 2.0 Max FAR |
| Existing FAR: | 23,919 S.F. / 1.76 FAR |
| Proposed FAR: | 25,876 S.F. / 1.90 FAR |
| Existing Height: | 51'-4" / 4-stories (50'-0" maximum) |
| Proposed Height: | 52'-4" / 4-stories (Variance requested) |
| Existing Use/Condition: | Entertainment venue |
| Proposed Use: | No change |

THE PROJECT

The applicant has submitted plans entitled "Paris Theater Restaurant – 550 Washington Ave", prepared by Beilinson Gomez, dated May 29, 2020.

The applicant is requesting the following variance:

1. A variance to exceed by up to 2'-4" the maximum building height of 50'-0" allowed in order to construct an addition up to 52'-4" as measured from minimum finished floor of 6.14' NGVD .
 - Variance requested from:

Sec. 142-698. – Commercial performance standard area requirements.

*(b) The commercial performance standard area requirements are as follows:
Maximum Building Height, CPS-2: 50 feet – East of Lenox Avenue.*

Supplementary section:

Sec. 114-1. - Definitions.

Height of building means the vertical distance from the lowest floor according to the following, as applicable:

- a) *When the minimum finished floor elevation is located between grade and base flood elevation plus “City of Miami Beach Freeboard” height shall be measured from the minimum finished floor elevation to the highest point of the roof.*

The applicant is proposing improvements to the existing structure, including an addition of approximately 518 sf on the eastern side of the building at the roof level. The new addition has an approximate floor to ceiling height of 8'-4" to accommodate additional storage space for the entertainment and restaurant use proposed. This new addition, although not significantly high, exceeds the overall maximum height allowed of 50'-0" as measured from the existing lowest floor, as it is located on top of the existing roof structure. The additional height increase will not be significantly visible from any side of the street on Washington Avenue at pedestrian level and would not have a negative impact on the existing historic structure or on the adjacent buildings. Since the site has an existing contributing structure that will be retained and restored and the site has an unusual shape with limited area for the addition of new square footage, staff finds that there are practical difficulties and design challenges when adding new floor area to an existing contributing structure in association with current life-safety and minimum code requirements. For these reasons staff recommends approval of the variance as proposed.

COMPLIANCE WITH ZONING CODE

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

1. Sec. 142-698(b). There are multiple stairs, corridors and a new exterior mechanical chase that are not included in the FAR calculations. All covered steps shall count in the FAR. Maximum FAR shall be verified at the time of the building permit.

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 existing **commercial** use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
Only minimal demolition is proposed.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
There are no proposed window replacements.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Satisfied
Operable windows are not proposed.
- (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
- (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 subject property 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
- (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.
Satisfied
Elevating the existing finish floor level to base flood elevation plus freeboard may not be reasonably feasible given the scope of work proposed.
- (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
While habitable space is not proposed below base flood elevation plus freeboard,

the new commercial area on the ground floor will be required to include dry flood proofing systems.

- (10) In all new projects, water retention systems shall be provided.
Not Applicable to the scope of work proposed.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Not Applicable to the scope of work proposed.
- (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.
Not Applicable
The design of the proposed Washington Avenue doors is out of character with the existing Contributing building.
 - 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.
Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied
See Compliance with Zoning Code
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Not Satisfied
The design of the proposed Washington Avenue doors is out of character with the existing Contributing building.

The original poster boxes and decorative plaster features within the corridor are proposed to be completely obscured from view.
 - 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.

Satisfied

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

Not Applicable

- 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.

- 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 one of the last remaining examples of its kind.

- 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 Contributing in the Miami Beach Historic Properties Database.

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

Satisfied

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

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

Not Applicable

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

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

Not Applicable

Total demolition of a Contributing structure is not proposed.

- 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

The subject structure, originally known as the Variety Theatre and later the Paris Theatre, was constructed in 1945 and designed by Henry Hohaus. The building was originally constructed as a 1,200 seat theater with 8 apartment units. The structure has had multiple uses over the years, ranging from a flea-market in 1975 to a night club in 1988 and later a production studio. Presently, the building is used as an entertainment venue. The applicant is currently requesting approval for the construction of 3 attached additions and modifications to original public interior spaces.

Washington Avenue entrance

The applicant is proposing to remove and replace the non-original entrance doors along Washington Avenue and introduce a secondary set of doors within the corridor. The design of both sets of doors has been inspired by the work of French architect Jean Prouvé. Staff has no objection to the introduction of such distinctly designed doors within the corridor of the building. However, staff is concerned that the introduction of this design on the exterior of the primary façade will have an adverse impact on the character of the existing Contributing building and surrounding historic district. As such, staff recommends that any replacement doors along Washington Avenue consist of clear, colorless glass with minimal framing in order to more closely recall the original open-air vestibule.

Lobby corridor

An approximately 100'-0" long corridor connects the Washington Avenue entrance to the original theater lobby. The walls of this passageway contain original features of the theater including movie poster boxes and decorative plaster details. Within the corridor, the applicant is proposing to introduce a dramatic curving pathway defined by undulating walls clad with brass color vertical fins. These solid partition walls will completely obscure from view the poster boxes and decorative wall features. Since these are some of only significant interior architectural features remaining, staff is not supportive of the complete concealment of these original theater elements. To this end, staff recommends that the solid back portion of the curving walls be eliminated. The remaining vertical fins could be attached to the floor and ceiling and would provide a semi-transparent screening element which would maintain some visibility to the original theater features.

Lobby and main theater space

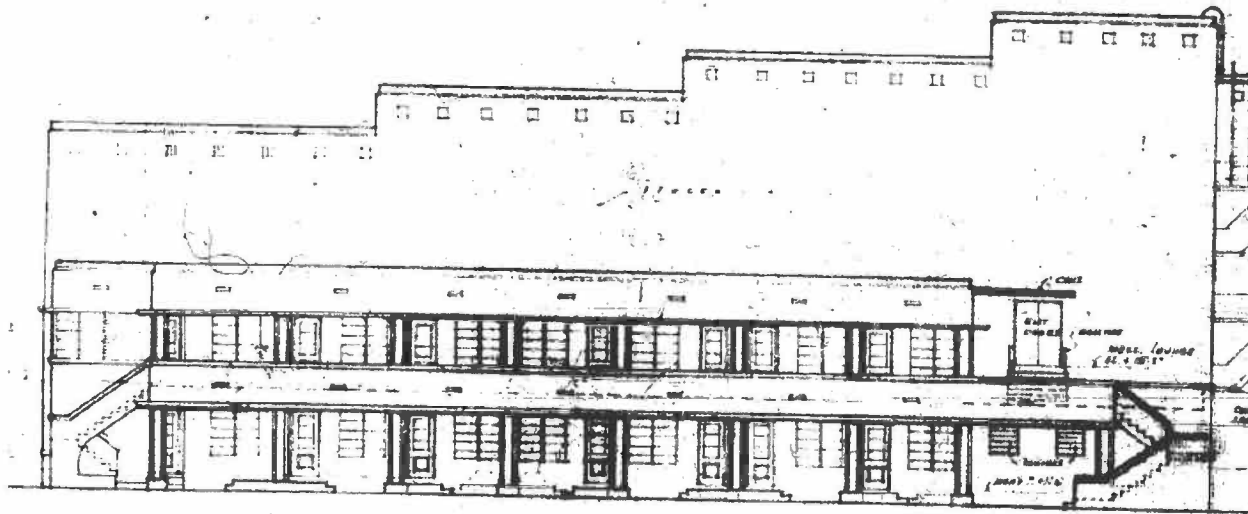
The original theater lobby contains a number of significant architectural features including ceiling moldings, decorative plaster detailing and original staircase handrails all of which are proposed to be retained. Within the main theater/venue space, the applicant is proposing to introduce a new design concept. Additionally, the applicant is requesting approval for the demolition of portions of the south wall of the space in order to introduce 4 box type seating areas. Although dramatic, staff has no objection to proposed design, mainly due to the fact that there are no remaining significant architectural features within the original theater volume.

Additions

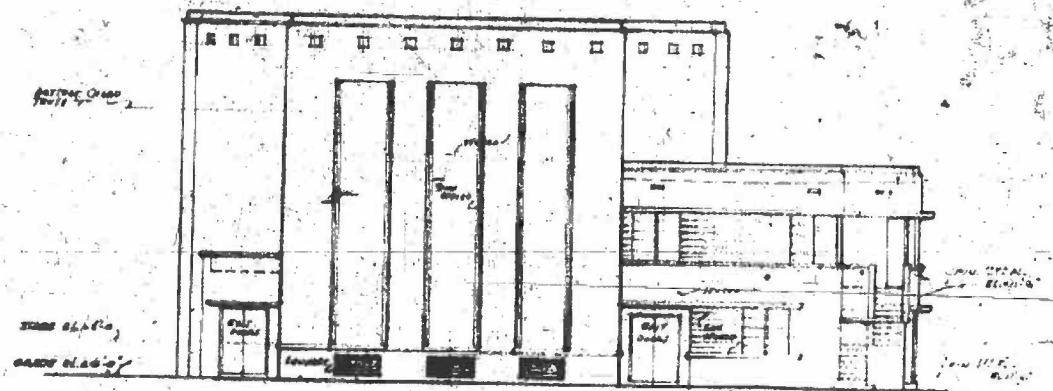
The applicant is proposing to construct three attached additions on the site. First, a 1-story rooftop addition is proposed to be constructed at the eastern end of the main theater volume. Staff would note that while this addition is located out of the technical line of sight requirement, it will be visible from certain vantage points along Washington Avenue. Staff has no objection to this addition as it will be nearly imperceptible due to the mass of the main volume of the building. Second, a 2-story ground level addition is proposed to be constructed along the north side of the building at the center of the site. Staff has no objection to this addition as it is entirely out of view from both Washington and Euclid Avenues.

Finally, a 1-story ground level addition is proposed to be constructed on the south side of the building adjacent to the original 8-unit apartment portion of the building. The south wall at the ground level of the apartment building is proposed to be removed in order to allow for the expansion of the kitchen area into the new addition. Although the construction of this new addition will substantially obscure the ground level south façade, staff would note that the second floor exterior corridor of the south elevation, with decorative pipe columns, is proposed

to be retained. Additionally, staff is recommending that both levels at the western end of the building be restored in a manner consistent with available historic documentation, including original windows openings, muntin configurations and horizontal banding between window openings. Further, staff recommends that the proposed mechanical screening at the roof of the original apartment building be setback a minimum of 20'-0" from the Euclid Avenue property line.



550 Washington Avenue, partial south elevation, Permit No. 21003



550 Washington Avenue, west elevation, Permit No. 21003

VARIANCE ANALYSIS

The applicant is requesting a variance to exceed the maximum building height of 50'-0" for an addition facing the eastern side of the property. Staff is supportive of the variance requested due to the practical difficulties created by the retention of the existing structure that features a very low finished floor of 6.14' NGVD. The City Code requires that the maximum building height of a structure be measured from the lowest finish floor when located between grade elevation and base flood elevation plus freeboard, as in this case. Therefore, the maximum building height shall be measured from the existing low finish floor. For new construction, the finish floor can be located at a higher elevation and the maximum building height can be measured from up

to base flood elevation plus 5 feet, which for this property would be significantly higher than the proposed building height. Based on the retention of the existing structure, staff is supportive of the variance request and recommends approval.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** including the variance requested, 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: July 14, 2020

PROPERTY/FOLIO: 550 Washington Avenue / 02-4203-009-1900

FILE NO: HPB20-0380

IN RE: The application for a Certificate of Appropriateness for the partial demolition and renovation of the existing building including the construction of attached additions and modifications to original public interior spaces and a variance to exceed the maximum permitted building height.

LEGAL: ALL OF LOT 2, BLOCK 48, OF OCEAN BEACH, FLORIDA, ADDITION NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 87, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE PORTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID LOT 2; THENCE RUN SOUTHWESTERLY ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 31.22 FEET MORE OR LESS TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH FACE OF A C.B.S. BUILDING; THENCE RUN WESTWARDLY ALONG THE NORTH FACE OF SAID C.B.S. BUILDING AND ITS WESTERLY EXTENSION, A DISTANCE OF 21.75 FEET, MORE OR LESS TO A BREAK IN SAID C.B.S. BUILDING; THENCE RUN SOUTH ALONG A FACE OF SAID C.B.S. BUILDING A DISTANCE OF 0.2 FEET, MORE OR LESS TO THE FACE OF A NORTH WALL OF SAID C.B.S. BUILDING; THENCE RUN WESTWARDLY ALONG THE FACE OF THE NORTH WALL OF SAID C.B.S. BUILDING, A DISTANCE OF 86.75 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTHWARDLY ALONG AN EAST FACE OF SAID C.B.S. BUILDING AND ITS NORTHERLY EXTENSION A DISTANCE OF 23.68 FEET, MORE OR LESS, TO A POINT; THENCE RUN WESTWARDLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID LOT 2, FOR A DISTANCE OF 5.0 FEET TO A POINT; THENCE RUN NORTHWARDLY ALONG A LINE PARALLEL TO THE NORTHERLY EXTENSION OF SAID EAST FACE OF SAID C.B.S. BUILDING FOR A DISTANCE OF 7.0 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE RUN EASTWARDLY ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 119.66 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

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THE WEST 735 FEET OF LOT 3 AND THE EAST 9.0 FEET OF THE WEST 744.0 FEET OF THE NORTH 8.0 FEET OF LOT 3, BLOCK 48, OF OCEAN BEACH, FLORIDA, ADDITION NO. 3, ACCORDING TO THE

PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 81, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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 not consistent with Sea Level Rise and Resiliency Review Criteria '3' in Section 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'c' 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. Any new entry doors proposed along Washington Avenue shall consist of clear, colorless glass with minimal framing in a manner to recall the original open-air vestibule design. Final design and details of any replacement doors along Washington Avenue, including finishes and materials, 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.
 - b. The solid back portion of the curving walls within the corridor shall be eliminated. Vertical fins may be attached to the floor and 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. The westernmost portion of the original apartment building shall be restored consent with available historic documentation including original windows openings, muntin configurations and horizontal banding between window openings, 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 proposed mechanical screening at the roof of the original apartment building shall be setback a minimum of 20'-0" from the Euclid Avenue property line, 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):
 - 1. A variance to exceed by up to 2'-4" the maximum building height of 50'-0" allowed in order to construct an addition up to 52'-4" as measured from minimum finish floor of 6.14' NGVD .
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

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

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

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

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

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

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

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

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

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

- C. The Board hereby **approves** the requested variance, as noted 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 FAR drawings shall be submitted at the time of the building permit to verify maximum FAR allowed.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- H. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- K. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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

PROVIDED, the applicant shall build substantially in accordance with the plans "**Paris Theater Restaurant – 550 Washington Ave**", prepared by **Beilinson Gomez**, dated **May 29, 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 _____ ()

DRAFT