



April 20, 2020

By Email to [deborah.tackett@miamibeachfl.gov](mailto:deborah.tackett@miamibeachfl.gov)

By City of Miami Beach Online Portal Filing

Chairman and Members of the  
Miami Beach Historic Preservation Board  
c/o Deborah Tackett  
City of Miami Beach Planning Department  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: HPB File No. 20-0388 Application for an after-the-fact Certificate of Appropriateness for HPB approval of a retractable canopy on the property located at 1100 Ocean Drive, Miami Beach, Florida, adjacent to the Casa Casuarina

Dear Chairman and Members of the Historic Preservation Board,

I represent VMSB, LLC (the "Applicant"), relating to land use and zoning matters relating to the Property before the Historic Preservation Board ("HPB"). Please accept this Letter of Intent as part of the application, on behalf of the Applicant, for an after-the-fact Certificate of Appropriateness for HPB approval of a retractable canopy ("COA") on the property located at 1116 Ocean Drive, Miami Beach, Florida (the "Property"), adjacent to the Casa Casuarina.

## **I. The Property**

The Property is located in the Ocean Drive/Collins Avenue Historic District and the Miami Beach Architectural District. The Property is zoned Mixed Use Entertainment (MXE) on the City of Miami Beach Official Zoning Map and designated Mixed Use Entertainment (MXE) on the City's Future Land Use Map.

The Property contains a 3-story Hotel from 1930 originally called Casa Casuarina designed by Arthur Laidler-Jones for Mr. Alden Freeman. Mr. Freeman, was inspired by the Alcazar de Colon in Santo Domingo, Christopher Columbus family home designed by his son in 1510. Freeman built Casa Casuarina so when his friends visited Miami Beach they would have a place to stay. Enclosed please find a copy of the building cards for the Property and a Historic Resource Report ("Historic Report"). After Mr. Freeman's ownership, it transferred several times and the property was renamed the Amsterdam Palace for many decades becoming a poorly maintained apartment complex. Then in 1992 Gianni Versace purchased the property and fully renovated and expanded the property living there until his murder in 1997. The Applicant has retained its original name as Casa Casuarina.

**II. Project**

Applicant is submitting to the Historic Preservation Board ("HPB") after-the-fact Certificate of Appropriateness for HPB approval of a retractable canopy ("COA") located in the area immediately south of Casa Casuarina in the open space where outdoor seating is located for events related to the hotel.

**III. Request for Certificate of Appropriateness**

Applicant is hereby requesting an approval of the COA for the retractable canopy ("COA") located in the area immediately south of Casa Casuarina in the open space where outdoor seating is located for events related to the hotel.

**IV. Compliance with COA Criteria**

In accordance with Section 118-564 of the Code, the Application complies with the criteria for issuance of a COA. The proposed physical improvements and additions are designed to be compatible with the existing physical structure. The general design, scale and massing of the canopy and its structural elements are appropriate to the size of the lot, and compatible with the existing improvements and with the surrounding properties. This application does not propose demolition. This application does not request waivers or variances.

**V. Sea Level Rise and Resiliency Review Waiver**

Section 133-50(a) provides review criteria for compliance with the City's recently adopted sea level rise and resiliency criteria.

*(i) A recycling or salvage plan for partial or total demolition shall be provided.*

N/A.

*(ii) Windows that are proposed to be replaced shall be hurricane proof impact windows.*

N/A.

*(iii) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.*

N/A.

- (iv) *Resilient landscaping (salt tolerate, highly water absorbent, native, or Florida-friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.*

All new landscaping will consist of Florida friendly plants.

- (v) *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.*

N/A.

- (vi) *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 additional feet in height.*

N/A.

- (vii) *As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.*

Yes.

- (viii) *Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated to the base flood elevation, plus City of Miami Beach Freeboard.*

It is not feasible to raise the portions of the existing building being maintained.

- (ix) *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 54 of the City Code.*

Yes.

- (x) *As applicable to all new construction, stormwater retention systems shall be provided.*

N/A.

(xi) *Cool pavement materials or porous pavement materials shall be utilized.*

N/A.

(xii) *The design of each project shall minimize the potential for heat island effects on-site.*

Yes.

**VI. Conclusion**

The Applicant is requesting the approval of the after-the-fact Certificate of Appropriateness for a retractable canopy in the property located at 1100 Ocean Drive, Miami Beach, Florida. This canopy will enhance the existing use of the seating in the open space without impact to the surrounding properties. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,

*Kent Harrison Robbins*

Kent Harrison Robbins  
Attorney for Applicant VMSB, LLC

Enclosures: Land Use Board Orders

OFF. REC. 15993PP0743

93R363155 1993 JUL 22 15:48

BEFORE THE BOARD OF ADJUSTMENT OF THE CITY OF MIAMI BEACH, FLORIDA

IN RE: The application of JEFFREY E. REICHENBACHER, ESQ. 1100 & 1116 OCEAN DRIVE LOTS 5,6 and 7; BLOCK 16 OCEAN BEACH ADDITION NO. 2 PB 2/56, Public Records of DADE County, Florida. MEETING DATE: JUNE 4, 1993 FILE NO. 2304

LEGAL:

*Folio No. 02-3234-008-0320*

ORDER

The applicant, Jeffrey E. Reichenbacher, Esq., filed an application with the Planning and Zoning Department for a variance in order to construct a two-story structure and a formal garden and pool. The new structure will be attached to the Casa Casuarina (Amsterdam Palace - 1116 Ocean Drive). The subject property is located in the MXE, Mixed-Use Entertainment District. The applicant requests the following:

- 1. Applicant wishes to waive 15 ft. of the minimum required 20 ft. south side yard setback in order to construct the two-story structure, pavilion and wall 5 ft. from the south property line.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made. The Board finds that the property in question is located in the MXE/HPD Zoning District. The Board further finds:

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;

continued . . .

OFF. REC. 15993P0744

File No. 2304 (continued)  
Jeffrey E. Reichenbacher, Esq.  
1100 & 1116 Ocean Drive

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.

IT IS THEREFORE ORDERED, by the Board, that the variance as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The west elevation of the new two-story addition shall be further detailed, by means of banding, indentations, arches and other treatments to provide some visual interest and to break up the mass of this windowless wall; said re-design shall be approved by staff of the Planning, Design and Historic Preservation Division.
2. The applicant shall install a new water line between the water main and the structure in the event that the existing pipe is made of lead.
3. There shall be a Unity of Title filed combining the two properties prior to the issuance of a Building Permit.
4. The applicant shall comply with Coastal Construction Control Line and Federal Flood Hazard Ordinances.
5. On site drainage shall be provided.
6. Utility service connections shall be placed underground.
7. Proper garbage facilities shall be provided.
8. Necessary sections of sidewalk, curb and gutter shall be removed and replaced.

continued . . .

OFF. REC. 15993PG0745

File No. 2304 (continued)  
Jeffrey E. Reichenbacher, Esq.  
1100 & 1116 Ocean Drive

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Zoning Board of Adjustment with any applicable modifications. The applicant shall take all necessary steps to have a permit issued by the Building Department within a period of six (6) months from the date of hearing (June 4, 1993), unless the Board specifies a more restrictive time limitation; otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal to the appropriate court. This Order does not constitute a permit, but upon presentation of this Order to the Planning, Design and Historic Preservation Division, a permit shall be approved and processed in accordance and pursuant to the ordinances of the City of Miami Beach.

Dated this 21 day of June, 1993.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA. RECORD VERIFIED HARVEY RUVIN CLERK CIRCUIT COURT

BOARD OF ADJUSTMENT OF THE CITY OF MIAMI BEACH, FLORIDA

BY: *Bruce Menin*  
 BRUCE MENIN  
 CHAIRMAN

STATE OF FLORIDA )  
 ) SS  
 COUNTY OF DADE )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> June by Bruce A. Menin, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

My commission expires 12/1/95

*R. Child*  
 NOTARY PUBLIC (Signature)  
 Notary STATE OF FLORIDA  
 Public My Comm Exp 12/1/95  
 NOTARY PUBLIC  
 STATE OF FLORIDA  
 (type, print or stamp name)

Approved As To Form:  
 Planning, Design and Historic Preservation Division (OC)  
 Legal Department (JED)

CFN: 20180262776 BOOK 30962 PAGE 1693  
 DATE:05/02/2018 11:20:29 AM  
 HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

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

MEETING DATE: April 10, 2018  
 FILE NO: HPB17-0177  
 PROPERTY: 1116 Ocean Drive  
 APPLICANT: VMSB, LLC  
 LEGAL: Lots 5, 6 & 7, Block 16 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.  
 IN RE: The Application for the installation of canopy structures with retractable fabric at the ground and roof levels. **(Request for the installation of the canopy structure at the ground level and associated demolition has been withdrawn without prejudice.)**

**ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

- A. The subject site is located within the Ocean Drive/Collins Avenue Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
  - 1. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
  - 2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd', 'e', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
  - 3. Is not consistent with Certificate of Appropriateness Criteria 'c', 'd', 'e', 'h', 'j', 'k', 'm' & 'n' in Section 118-564(a)(3) of the Miami Beach Code.
  - 4. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) 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:



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- a. Prior to the issuance of a building permit for the canopy above the open courtyard at 1116 Ocean Drive, the dense landscape material located along Ocean Drive shall be removed and the original coral rock stem wall located on the eastern face of the elevated terrace below the existing metal fencing shall be restored in accordance with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- b. The demolition of any architectural element including but not limited to the decorative railings, that may be required in order to construct the roof level canopy above the open courtyard at 1116 Ocean Drive, shall require review and approval by the Historic Preservation Board.
- c. Final details of all surface finishes and materials for the canopy proposed to be installed at the roof level within the building courtyard, including samples, shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- d. Fixtures, including but not limited to lighting, speakers, fans, heaters, misters shall not be permitted to be attached to the canopy structure.
- e. The request for the installation of the canopy structure located at the ground level within the pool deck area has been withdrawn without prejudice.

## II. Variance(s)

- A. No variance(s) were filed as part of this application.

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

- A. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- B. 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.
- 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. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.



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- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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.
- J. 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 "Casa Casuarina Retractable Canopies" as prepared by Schapiro Associates, dated March 19, 2018, and as approved by the Historic Preservation Board, as determined by staff.

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

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



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

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

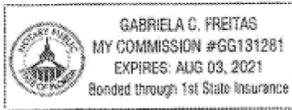
Dated this 20 day of April, 2018.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH TACKETT  
CHIEF OF HISTORIC PRESERVATION  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2018 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 8-3-21

Approved As To Form: Nick Tallegas (4/20/2018)  
City Attorney's Office:

Filed with the Clerk of the Historic Preservation Board on Jessie Jewley (4/30/18)

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[Signature]