

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 11, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB0716-0046, **915, 947 and 955 Washington Avenue – Moxy Hotel**.

The applicant, Washington Avenue Associates, LLC, is requesting a Certificate of Appropriateness for the substantial demolition, renovation and restoration of the existing structures and the construction of a new 7-story ground level addition.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

BACKGROUND

On September 27, 2016, the Planning Board will review a request for Conditional Use approval for the construction of a new 7-story commercial hotel development exceeding 50,000 square feet, including a parking garage, commercial uses and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV., Section 142, Article II. and Section 142, Article V of the City Code.

EXISTING STRUCTURES

Local Historic District: Flamingo Park

915 Washington Avenue

Status: Contributing
Original Construction Date: 1936
Original Architect: Henry Hohauser

947 Washington Avenue

Status: Contributing
Original Construction Date: 1942
Original Architect: Kiehnel & Elliott

955 Washington Avenue

Status: Contributing
Original Construction Date: 1936
Original Architect: E. L. Robertson

ZONING / SITE DATA

Legal Description:

Parcel 1 (915 Washington Avenue): Lots 10-13, Block 31 of Ocean Beach Addition No. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

Parcel 2 (947 Washington Avenue): Lot 14, Block 31 of Ocean Beach Addition No. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

Parcel 3 (955 Washington Avenue): Lot 15, Block 31 of Ocean Beach Addition No. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

Zoning:	CD-2, Commercial medium intensity
Future Land Use Designation:	CD-2, Commercial medium intensity
Lot Size:	39,000 S.F. / 2.0 Max FAR
Existing FAR:	31,172 S.F. / 0.80 FAR
Proposed FAR:	77,787 S.F. / 1.99 FAR
Existing Height:	1-story
Proposed Height:	7-stories
Existing Use/Condition:	Commercial
Proposed Use:	Hotel/Commercial

THE PROJECT

The applicant has submitted plans entitled "Moxy South Beach" as prepared by Kobi Karp Architecture, Interior Design, Planning, dated September 1, 2016.

The applicant, Washington Avenue Associates, LLC, is requesting a Certificate of Appropriateness for the substantial demolition, renovation and restoration of the existing structures and the construction of a new 7-story ground level addition.

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.

1. **Sec. 142-309 (6)b.** Physical Separation between Buildings: Unless otherwise approved by the Historic Preservation Board at its sole discretion a physical separation must be provided between buildings greater than 200 feet in length and at/or above 35 feet in height from the ground floor. Notwithstanding the foregoing for building sites with a lot frontage in excess of 500 feet no physical separation is required if:
 - (i) The length of the building at/or above 35 feet in height from the ground floor does not exceed 50 percent of the length of the frontage of the property; and
 - (ii) The offsets required in subsection (a) above, are a minimum of twenty feet (20') in depth from the setback line and the combined offset widths total no less than 30 percent of the entire building frontage.
2. A fee in lieu of proving parking will be required for the parking spaces not provided.

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

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **hotel and commercial uses** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

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

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Satisfied
The introduction of the proposed parapet wall extensions at 915 and 947 Washington Avenue, to match the parapet height of 955 Washington Avenue, will adversely impact the character of all three 'Contributing' structures and disrupt each building's sense of autonomy.

The proposed semi mirrored storefront glass and frameless glass doors are not consistent with the character of the existing 'Contributing' buildings or surrounding historic district.

The proposal to setback the storefront windows approximately 3'-0" eastward of the façade of the building at 915 Washington Avenue will result in at least one 'floating' rectangular column where the existing fluted pilasters are located is highly inconsistent with the original design of the 'Contributing' building.
 - 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 Satisfied
The introduction of the proposed parapet wall extensions at 915 and 947 Washington Avenue, to match the parapet height of 955 Washington

Avenue, will adversely impact the character of all three ‘Contributing’ structures and disrupt each building’s sense of autonomy.

The proposal to setback the storefront windows approximately 3’-0” eastward of the façade of the building at 915 Washington Avenue will result in at least one ‘floating’ rectangular column where the existing fluted pilasters are located is highly inconsistent with the original design of the ‘Contributing’ building.

- b. General design, scale, massing and arrangement.

Not Satisfied

The introduction of the proposed parapet wall extensions at 915 and 947 Washington Avenue, to match the parapet height of 955 Washington Avenue, will adversely impact the character of all three ‘Contributing’ structures and disrupt each building’s sense of autonomy.

The proposal to setback the storefront windows approximately 3’-0” eastward of the façade of the building at 915 Washington Avenue will result in at least one ‘floating’ rectangular column where the existing fluted pilasters are located is highly inconsistent with the original design of the ‘Contributing’ building.

- c. Texture and material and color.

Not Satisfied

The proposed semi mirrored storefront glass and frameless glass doors are not consistent with the character of the existing ‘Contributing’ buildings or surrounding historic district.

- d. The relationship of a, b, c, above, to other structures and features of the district.

Not Satisfied

The proposed semi mirrored storefront glass and frameless glass doors are not consistent with the character of the existing ‘Contributing’ buildings or surrounding historic district.

- e. The purpose for which the district was created.

Not Satisfied

The introduction of the proposed parapet wall extensions at 915 and 947 Washington Avenue, to match the parapet height of 955 Washington Avenue, will adversely impact the character of all three ‘Contributing’ structures and disrupt each building’s sense of autonomy.

The proposed semi mirrored storefront glass and frameless glass doors are not consistent with the character of the existing ‘Contributing’ buildings or surrounding historic district.

The proposal to setback the storefront windows approximately 3’-0” eastward of the façade of the building at 915 Washington Avenue will result in at least one ‘floating’ rectangular column where the existing fluted pilasters are located is highly inconsistent with the original design of the ‘Contributing’ building.

- 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.
Not Satisfied
The introduction of the proposed parapet wall extensions at 915 and 947 Washington Avenue, to match the parapet height of 955 Washington Avenue, will adversely impact the character of all three 'Contributing' structures and disrupt each building's sense of autonomy.
- 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 proposed semi mirrored storefront glass and frameless glass doors are not consistent with the character of the existing 'Contributing' buildings or surrounding historic district.
 - 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.

Not Satisfied

The introduction of the proposed parapet wall extensions at 915 and 947 Washington Avenue, to match the parapet height of 955 Washington Avenue, will adversely impact the character of all three 'Contributing' structures and disrupt each building's sense of autonomy.

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Not Satisfied
An exterior lighting plan has not been submitted.
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied
- 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 structures are designated as part of the Flamingo Park Local Historic District; the buildings are designated as 'Contributing' structures in the historic district.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The existing structures would be difficult and inordinately expensive to reproduce.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The subject structures are one of the last remaining examples of their kind and are distinctive examples of an architectural or design style which contributes to the character of the district.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The subject structures are designated as 'Contributing' buildings 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 these structures 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 total demolition of the existing 'Contributing' buildings.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of any part of the subject buildings.

STAFF ANALYSIS

The subject site is comprised of three mid-block parcels, each containing a structure that is classified as 'Contributing' in the Miami Beach Historic Properties Database. The southern building, 915 Washington Avenue, was constructed in 1936 and designed by Henry Hohauser in the Art Deco style of architecture. The middle building, 947 Washington Avenue, was constructed in 1942 and designed by Kiehnel & Elliott in the Art Deco style of architecture. The northern building, 955 Washington Avenue, was constructed in 1936 and designed by E. L. Robertson in the Art Deco style of architecture as part of a larger building which included the structure at 983(999) Washington Avenue. All three structures primary façades remain substantially intact with the exception of the configuration of the storefront windows and doors.

It is important to note that on September 27, 2016, the Planning Board will review a request for the construction of a new 7-story commercial hotel development exceeding 50,000 square feet, including a parking garage, commercial uses and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV., Section 142, Article II., and Section 142, Article V of the City Code. The Planning Board will review the project with regard to important issues related to the operations of the development, including noise, parking, traffic, deliveries, sanitation and security.

Demolition

The proposed redevelopment project consists of 204 hotel units, ground level dining/bar establishments totaling 410 seats, an approximately 1,300 sq. ft. ground level retail space, an approximately 20,000 sq. ft. 2nd level amenities deck with 156 seats, and an 80 seat active roof deck. In order to construct the new 7-story ground level addition, the applicant is proposing the near total demolition of all structures with the exception of the Washington Avenue façades. Staff would note that while the amount of demolition is substantial, all significant architectural features located on the primary façades are proposed to be retained and restored. Further, the applicant is proposing to lower the existing storefront kneewalls to a consistent height of 1'-3". Finally, staff would note that the applicant has submitted shoring plans and sections demonstrating how the facades will be maintained during the course of demolition and construction.

The amount of demolition proposed exceeds the thresholds for the repair and/or rehabilitation of non-conforming buildings and the structures would not be permitted to retain their existing non-conformances. However, if the Board finds that the project satisfies the criteria for the retention and restoration of the 'Contributing' buildings, as outlined in Section 118-395 of the City Code below, a waiver can be granted without the need for variances.

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

(b) *Nonconforming buildings.*

- (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:

- d. Development regulations for buildings located within a designated historic district or for an historic site:

1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
 - i. At least 75 percent of the front and street side facades;
 - ii. At least 75 percent of the original first floor slab;
 - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
 - iv. All architecturally significant public interiors.
2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the City;
 - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - v. The structure has yielded or is likely to yield information important in prehistory or history; or
 - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii., v. & vi, above are satisfied.

New Addition

Staff is generally supportive of the design for the proposed 7-story ground level addition, as it has been developed in a manner that responds well to the existing buildings and site conditions. In this regard, the design of the proposed brise soleil system references the original decorative upper façade relief of the 915 Washington Avenue building. Further, the 7-story addition has been set back approximately 66'-6" from the west façades of the existing structures, minimizing its visual impact on the existing buildings and the surrounding historic district. Finally, changes in plane and material in combination with architectural projects, serve to break down the scale of the proposed addition.

Restoration & Modifications to the existing 'Contributing' buildings

Staff is pleased that the applicant is proposing to restore the upper facades of all three structures on the site however, staff has some concerns with regard to the modifications proposed for the storefront systems, bay configurations and parapet walls.

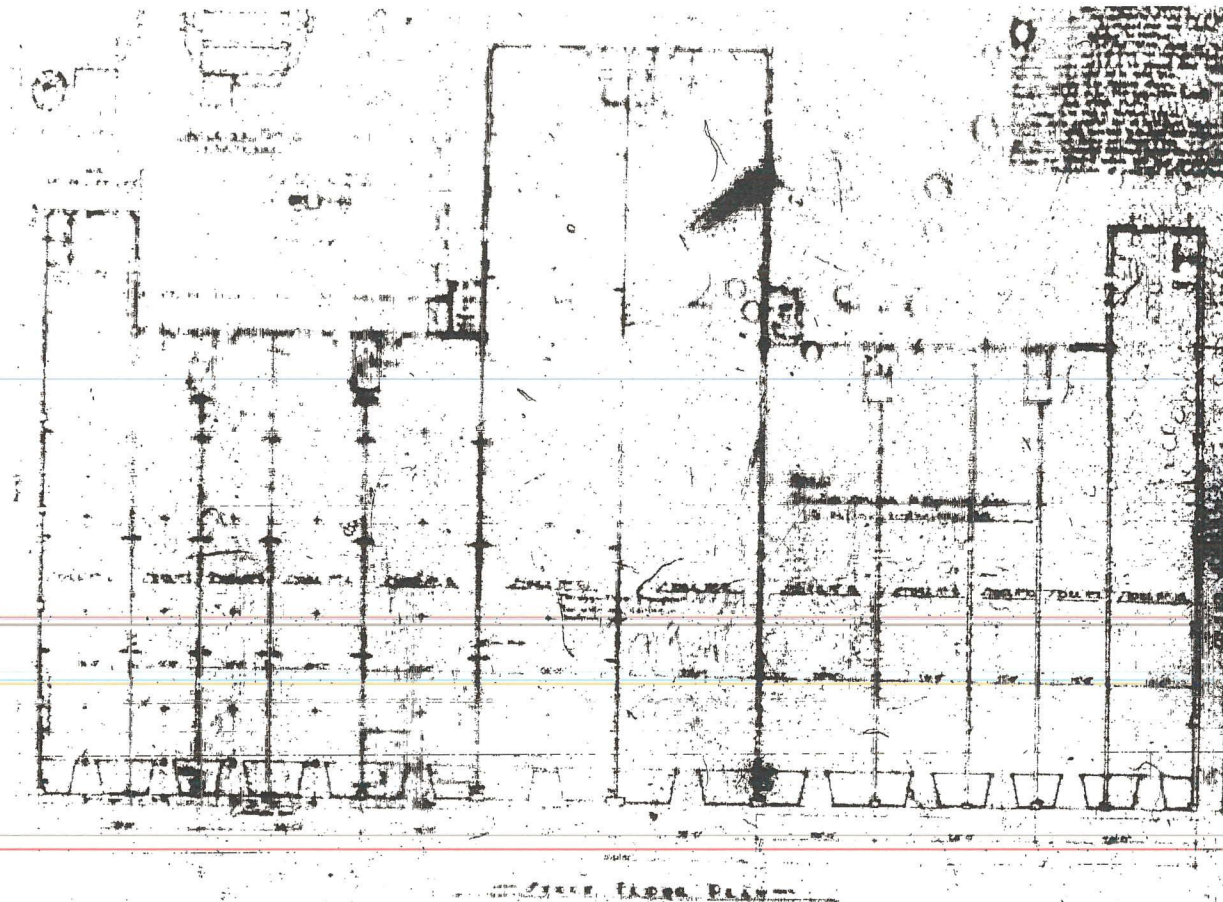
915 Washington Avenue

The symmetrical plan for 915 Washington Avenue is characterized by two central bays of equal width flanked by five bays of varying widths to either side. The applicant is proposing reconfigure the façade so that it is no longer symmetrical. The proposed façade consists of three bays to the south and four bays to the north, inconsistent with the original design of the 'Contributing'

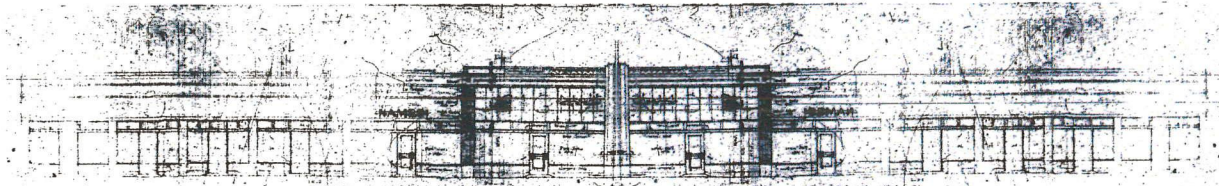
building. Consequently, staff would recommend the 5-2-5 façade configuration be retained in a manner consistent with the original building permit plans shown below.

Additionally, within the southern three bays of the north wing, the applicant is proposing to introduce an open to the sky dining area. As a part of this open air concept, angled breeze block walls and knee wall height planters are proposed to be introduced in place of the storefront windows, loosely recalling the existing entry condition. Further, the breezeblock pattern is inspired by the decorative upper façade relief feature.

Within the central two bays, the applicant is proposing to setback the storefront windows approximately 3'-0" eastward of the building façade. This will result in at least one 'floating' rectangular column where the existing fluted pilasters are located. Staff believes this condition is highly inconsistent with the original design and would therefore recommend that the storefront glazing, with the exception of the entry doors, not be recessed. Additionally, within this portion of the building, the applicant is proposing to install what appears to be a metal clad awning or concrete eyebrow. Regardless of the proposed material, staff believes that this continuous horizontal element which spans both bays interrupts the vertical emphasis of the center portion of the building. Consequently, staff recommends the elimination of this element.



915 Washington Avenue - First Floor Plan Building Permit No. 8343

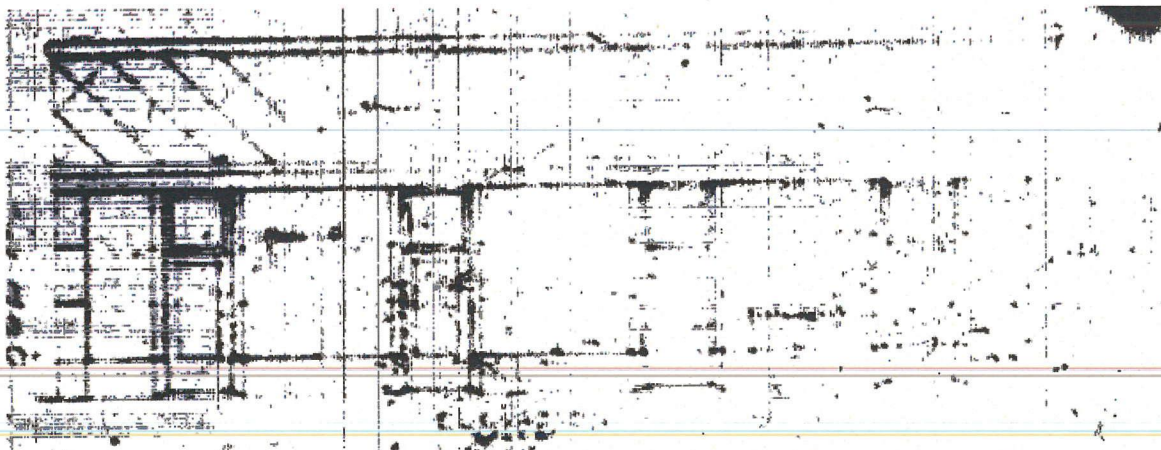


915 Washington Avenue - West Elevation Building Permit No. 8343

With regard to the proposed storefront window design, staff would note that it appears from the renderings provided, that the applicant is proposing a semi mirrored glass, dark colored window frames and frameless glass doors. In order to be more consistent with the original design of the building, staff would recommend clear glass windows with the minimum tint to comply with energy codes, clear anodized aluminum, powder coated grey or silver frames and doors with a frame and kick plate. Additionally, after examining the original permit plans, staff believes that all of storefronts contained transom lites, and would recommend the reintroduction of transoms within the storefront windows consistent with the original design shown above.

947 Washington Avenue

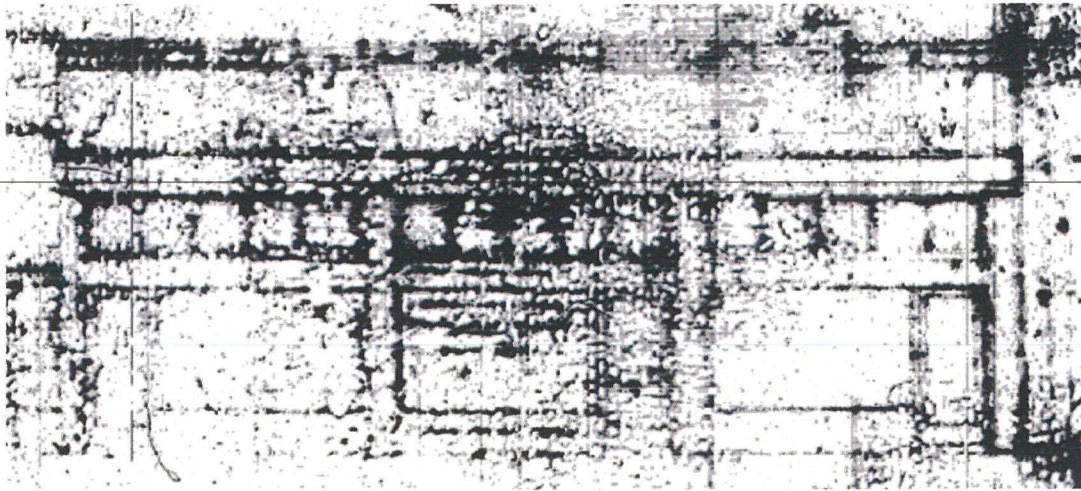
The existing building at 947 Washington Avenue was originally designed and remains today, a four, equal bay, retail building. As presented in the proposed elevation plan on Sheet A4.00 the four bay configuration is proposed to be retained. However, in the rendering on Sheet A2.17, the bays are lost and the entire width of the building appears to be a continuous storefront system. Staff believes this may be an oversight in the rendering; nevertheless, staff cannot support the elimination of the bay divisions which would be highly inconsistent with the original design of the building. Additionally, staff recommends that the windows within each opening be divided equally and that the entrance be centered within the northernmost bay.



947 Washington Avenue - West Elevation Building Permit No. 16728

955 Washington Avenue

This three bay retail building was designed as part of a larger building which included the structure at 983(999) Washington Avenue. The applicant is proposing to introduce a large restaurant that encompasses the buildings at 955, 947 and a portion of 915 Washington Avenue. Due to the single tenant occupancy, no doors are proposed to be introduced within the storefronts of 955 Washington Avenue. Staff is not opposed to this design; however, would recommend that the storefront windows and transoms be divided into five equal sections consistent with the original building elevation plan shown below.



955 Washington Avenue - West Elevation Building Permit No. 8721

Introduction of new parapet

Finally, although not clearly indicated in the plans, it appears that the applicant is proposing to construct walls on top of the existing parapet walls of the buildings at 915 and 947 Washington Avenue, flush with the height of the parapet at 955 Washington Avenue. Staff believes that the introduction of this parapet extension is due to the applicants desire to construct a planter behind the parapet walls. In staff's opinion, the introduction of the proposed parapet wall extensions, resulting in buildings with the same overall height, will adversely impact the character of all three 'Contributing' structures and disrupt each building's sense of autonomy. Consequently, staff recommends that the planter feature be redesigned in order to retain the original parapet heights.

RECOMMENDATION

In view of the foregoing analysis, staff recommends 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.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 11, 2016

FILE NO: HPB0716-0046

PROPERTY: 915, 947 and 955 Washington Avenue

APPLICANT: Washington Avenue Associates, LLC

LEGAL: Parcel 1 (915 Washington Avenue): Lots 10-13, Block 31 of Ocean Beach Addition No. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

Parcel 2 (947 Washington Avenue): Lot 14, Block 31 of Ocean Beach Addition No. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

Parcel 3 (955 Washington Avenue): Lot 15, Block 31 of Ocean Beach Addition No. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the substantial demolition, renovation and restoration of the existing structures and the construction of a new 7-story ground level addition.

ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the Flamingo Park Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 1. Is not consistent with 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', 'c', 'd', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'd' & 'g' in Section 118-564(a)(3) of the Miami Beach Code.
 4. 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 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. Final design and details of the proposed storefront windows, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Storefront windows located on contributing buildings shall have clear glass with the minimum tint required to meet energy codes, clear anodized aluminum or powder coated light grey or silver frames and doors with frames and a kick plate.
 - b. The 5-2-5 bay configuration of the building at 915 Washington Avenue shall be maintained, 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 recessed storefront windows of the center two bays of the 915 Washington Avenue building shall not be approved. All storefront glazing, with the exception of the two entry doors, shall be aligned with the exterior face of the west elevation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit entry doors from being recessed.
 - d. Transom windows shall be introduced within the storefront windows on the 915 Washington Avenue building consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. The scored stucco grid pattern located at the center two bays of the 915 Washington Avenue building shall be reintroduced consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. The awning/eyebrow structure located at the center two bays of the 915 Washington Avenue building shall not be permitted.
 - g. All kitchen venting and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - h. All building signage shall require a separate permit and shall consist of reverse channel, back-lit letters, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- i. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - j. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - k. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - l. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any portion of an exterior wall fronting Washington Avenue, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or substantially transparent fixtures for display purposes only.
 - m. Exterior and interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No intensive 'white' lighting shall be permitted on the exterior or within the retail area.
2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.
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. At a minimum, such plan shall incorporate the following:
- a. The City's standard tree grate system shall be provided to the existing street trees in the ROW, 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 utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - c. 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.

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. No variance requests have been filed as part of this application.

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. 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.
- 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. 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.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- 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

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 "Moxy South Beach" as prepared by Kobi Karp Architecture, Interior Design, Planning, dated September 1 2016, and as approved by the Historic Preservation Board, as determined by staff.

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

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

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

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

Dated this _____ day of _____, 20__.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

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

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

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

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

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