

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: June 15, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: HPB20-0442, **100 21<sup>st</sup> Street.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the hotel building, the total demolition of an accessory cabana structure, the construction of ground level and rooftop additions, one or more waivers and a variance to relocate signage to a non-street facing façade.

### **STAFF RECOMMENDATION**

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

### **BACKGROUND**

On May 26, 2021 the Mayor and City Commission approved the vacation of a portion of the City right-of-way adjacent to the site equaling approximately 6,736 sq. ft. Additionally, at the same meeting the Mayor and City Commission adopted an Ordinance amending the Land Development Regulations pertaining to oceanfront properties in the RM-3 district, including amendments to rooftop and ground level addition regulations.

### **EXISTING SITE**

Local Historic District:	Ocean Drive/Collins Avenue
Classification:	Contributing
Original Construction Date:	1950
Original Architect:	Albert Anis

### **ZONING / SITE DATA**

Legal Description:	Lot 1 & riparian rights & Lots 3 & 5, Block A, of the Miami Beach Improvement Company Subdivision, according to the plat thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-3, Residential multifamily, high intensity
Future Land Use Designation:	RM-3, Residential multifamily, high intensity

Lot Size:	65,097.28 S.F. / 2.00 Max FAR
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Existing FAR:	127,345 S.F. / 1.95 FAR
Proposed FAR:	128,660 S.F. / 1.97 FAR
Existing Height:	~83'-4" / 8-stories
Proposed Height:	106'-5" / 9-stories
Existing Use/Condition:	Hotel
Proposed Use:	No change

### **THE PROJECT**

The applicant has submitted plans entitled "Bulgari Hotel Miami Beach", as prepared by Revuelta Architecture International, dated March 8, 2021.

### **COMPLIANCE WITH ZONING CODE**

The application as proposed, with the exception of the variance requested herein, appears to be consistent with the City Code.

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 Planning Department prior to the issuance of a Building Permit.

### **CONSISTENCY WITH 2040 COMPREHENSIVE PLAN**

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

### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

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

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this

Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

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

- (1) A recycling or salvage plan for partial or total demolition shall be provided.  
**Not Satisfied**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**  
**Impact windows are proposed to be installed.**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**  
**Operable windows are proposed to be installed.**
- (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.  
**Satisfied**
- (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 elevation of 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.  
**Satisfied**
- (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**

**The finish floor of the lobby is proposed to be located at 9.50' NGVD.**

- (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**

**No habitable space is located below base floor elevation plus City of Miami Beach Freeboard.**

- (10) In all new projects, water retention systems shall be provided.

**Satisfied**

**Additional information shall be provided at the time of building permit review.**

- (11) Cool pavement materials or porous pavement materials shall be utilized.

**Satisfied**

**Additional information shall be provided at the time of building permit review.**

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

**Satisfied**

**COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

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

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.

**Satisfied**

- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.

**Satisfied**

- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. Exterior architectural features.

**Satisfied**

- 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 the 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**

**Insufficient information has been provided regarding the design of the lobby.**

- 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**

**The proposed project including the ground level and rooftop additions has been designed in a manner which is highly compatible with the environment and adjacent structures. Further, the eastern ground level addition has been sited in a manner that will mitigate any adverse visual impacts on adjacent and abutting properties, as well as from the public rights of way and along the beachwalk, enhancing the appearance of surrounding properties.**

- 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**

**The proposed site plan does not impede pedestrian sight lines and view corridors.**

- 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.

**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**

**The proposed additions have been oriented and massed in a manner which maintain view corridors important to the historic district.**

- 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 building is designated as part of the Ocean Drive/Collins Avenue 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 existing 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 structure is a distinctive example of the Post War Modern style of architecture and 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 Non-Contributing 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 building is classified as a Contributing building in the Miami Beach Historic Properties Database.**

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

**Satisfied**

**The retention of the building 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.**

- 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 the total demolition of the building.**

- 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 the structure.**

**STAFF ANALYSIS**

The subject structure, constructed in 1950 and designed by architect Albert Anis, is an outstanding example of the Post War Modern style of architecture. The primary façade of the building faces north toward a municipal parking lot (originally Collins Park) and features an asymmetrical design with a strong horizontal emphasis interrupted by a vertical signage wall. The applicant is proposing a comprehensive renovation of the subject property including the restoration of the primary façade and the construction of several attached additions. Additionally, in a nod to the original “Seagull Hotel” name, the applicant is proposing to install a seagull icon in the approximate location of the original neon seagull as shown in the postcard below.



*Postcard, postmarked 1956*

The proposed hotel will consist of 100 hotel units and amenities including a ground level full-service restaurant and second level spa. As part of the subject application, the applicant is requesting approval for the following modifications:

### **South and east additions**

The applicant is proposing to construct multi-level attached additions along the south and east sides of the building. In order to construct these additions, portions of the building are proposed to be demolished including the near total demolition of the south and east facades. Staff would note that the south portion of the building has no significant architectural features and has been completely obscured from view since the 1990s by the multi-level parking podium of the building to the south. Further, while the eastern façade does employ a modest grid design, this feature is proposed to be reinterpreted in the new east addition. Consequently, staff has no objection to the requested demolition.

Additionally, staff is highly supportive of the design direction of the proposed additions as they appropriately respond to the architectural vocabulary of the Post War Modern structure to which they attach. In this regard, the horizontal fin screens that clad the north and south sides successfully establish a clearly contemporary, yet compatible relationship with the strong horizontal emphasis of the Contributing building. Additionally, the introduction of limestone clad horizontal elements along the east facade, effectively recalls the masonry balcony guardrails of the original east façade.

### **Rooftop addition**

At the roof level of the existing building, the applicant is proposing to construct an approximately 9,400 square feet, 15'-0" tall addition, including a pool and deck located above. The addition is setback from the north, east and west façades of the contributing building; however, the addition will still be visible when viewed from the opposite side of 21<sup>st</sup> Street. The City Code does provide the Historic Preservation Board with discretion to modify the line of sight requirements for rooftop additions based on the following criteria:

- (i) the addition enhances the architectural contextual balance of the surrounding area;
- (ii) the addition is appropriate to the scale and character of the existing building;
- (iii) the addition maintains the architectural character of the existing building in an appropriate manner; and
- (iv) the addition minimizes the impact of existing mechanical equipment or other rooftop elements.

In order to address the criteria noted above, staff recommends that the proposed projecting overhang be reduced to a maximum projection of 4'-0". Additionally, staff recommends that the eastern end of the uppermost roof deck not extend beyond the floor below. If the above-mentioned recommendations are implemented, the design for the rooftop addition would satisfy the criteria outlined above.

### **Modifications to the porte-cochere & entry**

The existing original porte-cochere structure is proposed to be retained and restored by the applicant; however, the driveway and entry porch are proposed to be reconstructed at a lower elevation to increase the clearance height. Staff is supportive of this creative solution as it will not require the demolition and reconstruction of the original porte-cochere. As part of the restoration of this significant design feature, staff recommends that a new lighting element be introduced within the existing lighting channel along the edge of the porte-cochere and eyebrow structure as can be seen in the postcard image on the previous page.

### **Modifications to the lobby**

Historical documentation of the original lobby is extremely limited, and staff has not been able to locate any historical photographs of the original lobby space. Further, staff would note that the lobby was significantly altered in the early 1990s. The applicant is proposing to completely reconfigure and reduce the existing lobby area. Additionally, in connection with the lowering of the elevation of the driveway and entry, the lobby level is also proposed to be lowered by 1'-7" from 11.08' NGVD to 9.50' NGVD (1.5' above required Base Flood Elevation). Due to an overall lack of documentation of the original design and the significant alterations that have taken place overtime, staff has no objection to the proposed lobby reconfiguration. Staff would note however, that no information has been provided regarding the design of the proposed lobby space. As such, staff has included a condition in the attached draft order requiring that the interior design of the space be compatible with the Post War Modern style era.

### **Modifications to the attached 1 and 2-story east wing**

Original building records indicate that the existing 1 and 2-story attached east wing was permitted separately from the main hotel structure. Based on the description in the original building permit card, it appears that the 2-story portion of the east wing was originally constructed as a restaurant and the 1-story portion was originally constructed as cabanas. The applicant is currently proposing the substantial demolition and partial reconstruction of this building in order to introduce a new restaurant at the ground level and spa uses at the second level and rooftop. The existing north façade of the wing is primarily a blank stucco wall with little to no significant architectural detail. Staff has no objection to the requested demolition and believes that the proposed new design, particularly at the north façade, will greatly enhance the pedestrian experience along the connection path to the Beachwalk.

### **Rear yard modifications**

A complete renovation is proposed for the rear yard area including significant landscape and hardscape enhancements, the construction of a new pool and deck and the demolition of the existing 1-story cabana structure located at along the south side property line. Staff has no concern relative to the modifications proposed and believes that the overall design is appropriate for this causal beachfront area.

Finally, staff would note that the applicant is requesting the Board approve a waiver to retain any non-conforming setback and parking credits due to the demolition proposed in this application. After further review, staff has determined that the waiver is not required as the project complies with the requirements in Section 118-395(b)(2)(d)(1) of the City Code. In summary, staff is extremely supportive of the application and is enthusiastic about the return of this property to active use and recommends approval as noted below.

### **VARIANCE ANALYSIS**

As part of the improvements to the property, the applicant is requesting the following variance:

1. A variance to relocate an allowable building identification sign to the parapet of a non-street facing (west) façade.
  - Variance requested from:

#### **Sec. 138-13. - General sign requirements and design standards.**

*The following standards shall apply to all signs unless otherwise exempted in this chapter*

*or these land development regulations:*

*(2) Signs shall front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage.*

The variance request is associated with the proposed building identification sign located on the west façade at the parapet level. While the west façade of the subject building faces Collins Avenue there is an intervening property located between the subject property and Collins Avenue. Section 138-13 of the City Code does not permit signage to be introduced on facades without direct street frontage. Therefore, a variance has been requested to relocate the permitted building identification sign from the north side fronting on 21<sup>st</sup> Street to the west side of the building. Staff would note that available historical documentation clearly identifies signage present in this location. Staff finds that the variance request satisfies the criteria for approval based on the retention of the historic building including new signage on the west façade and the unique property condition of being the one of the only oceanfront properties within the Miami Beach Architectural District without Collins Avenue frontage. As such, staff recommends approval of the variance.

#### **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: June 15, 2021

PROPERTY/FOLIO: 100 21<sup>st</sup> Street / 02-3226-001-0040

FILE NO: HPB20-0442

IN RE: An application has been filed by BHI Miami Limited Corp requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the hotel building, the total demolition of an accessory cabana structure, the construction of ground level and rooftop additions, one or more waivers and a variance to relocate signage to a non-street facing façade.

LEGAL: Lot 1 & riparian rights & Lots 3 & 5, Block A, of the Miami Beach Improvement Company Subdivision, according to the plat thereof, as Recorded in Plat Book 5, Page 7, 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 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 Sea Level Rise and Resiliency Review Criteria (1) in Section 133-50(a) of the Miami Beach Code.
  - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
  - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' & '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. A plaque or historic display describing the history and evolution of the building shall be placed on the site and shall be located in a manner visible from the right of way, prior to the issuance of a Certificate of Occupancy for the building, 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 overall design of the lobby shall be consistent with the Post War Modern style, 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. Prior to the issuance of a Building Permit, the applicant shall provide staff with documentation of the existing cladding for the vertical wall element. If staff determines that the cladding is an original material it shall be retained and restored. If the cladding is in poor condition as determined by staff, it may be replaced with a similar material, color and configuration as the existing material, 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. New neon or similar LED lighting shall be installed within the lighting channel at the edge of the porte-cochere and eyebrow structure, 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. All exterior windows and doors that are to remain shall be replaced with new impact resistant windows and doors with an historically accurate muntin configuration, 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 final design and details for the reconstruction of the original angled fin screening element located at the ground level north facade 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.
    - g. The final design and details for the reconstruction of the original doors and windows with projecting window frames located at the western end of the ground level north facade 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.
    - h. The final design and details for the horizontal fin screen elements to be located on the attached additions, including material 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.

- i. The final design and details for the projecting overhang located at the new rooftop addition, including material 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. The overhang shall have a maximum projection of 3'-0".
  - j. The deck located at the roof of the rooftop addition shall not extend past the exterior walls of the addition, 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. 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.
  - l. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. In accordance with Section 142-1161(d)(2) of the City Code, the requirement pertaining to the visibility of a rooftop addition when viewed at eye level (5'-6" from grade) from the opposite side of the adjacent right-of-way, is hereby waived.
  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 proposed landscape plan shall satisfy minimum landscape code requirements as prescribed by CMB Code Chapter 126.
    - b. All hedge and ground cover plantings within the street facing yards shall not exceed 42" in height at maturity.
    - 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.
    - d. The project design shall minimize the potential for a project causing a heat island effect on site.
    - e. Cool pavement materials or porous pavement materials shall be utilized.

- f. The use of Silva Cells or approved equal should be specified for canopy shade trees planted in areas where rooting space may be limited, inclusive of street trees, 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 relocate an allowable building identification sign to the parapet of a non street façade on the west side of the property.
- 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.

**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 issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code, as applicable.
- E. 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.

- F. 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.
- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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.
- M. 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 "**Bulgari Hotel Miami Beach**", as prepared by **Revuelta Architecture International**, dated **March 8, 2021**, 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  
HISTORIC PRESERVATION & ARCHITECTURE OFFICER  
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, Historic Preservation & Architecture Officer, 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