

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # **006-2022**

LETTER TO COMMISSION

TO: Honorable Mayor Dan Gelber and Members of the City Commission

FROM: Alina T. Hudak, City Manager 

DATE: January 10, 2022

SUBJECT: Deauville Beach Resort, 6701 Collins Avenue-Update

The purpose of this Letter to Commission is to provide additional information regarding the property containing the former Deauville Beach Resort ("Deauville") as a follow up to the Letter to Commission (LTC) issued on Friday, January 7, 2022.

SUMMARY

The Deauville is a contributing building within the North Beach Local Historic District. It has been closed since July 25th of 2017 when there was a fire in the Deauville's electrical room. Damage to the building structure before and after the closure of the hotel has been of grave concern to the Mayor and City Commission as well as the Administration. This concern predated the collapse of the Champlain Tower South, and the concern has been intensified since the Champlain collapse.

Pursuant to City Commission directive both before and after the Champlain collapse, the City took extensive action to attempt to ensure that the building was not demolished by neglect. These efforts included enforcement action by the Building department and by filing suit to attempt to force the Deauville owner to meet its obligations with respect to the 40-year building re-certification process and pursuant to a 2018 Unsafe Structures Board Order. The intent was always to prevent the building's demolition by neglect. One of those obligations was for the owner to provide a Structural Condition Assessment Report from a licensed engineer.

After years of enforcement action and litigation, including over \$1.7M in fines, the owner has finally provided the required Structural Condition Assessment Report. Unfortunately, that report (which the Building Official is in the process of verifying) makes clear that the building is unsafe and cannot be saved due to structural defects in the building.

Following the issuance of the LTC multiple questions were submitted to the City regarding this situation and the next steps associated with the Deauville. The intent of this document is to update the City Commission and constituents on what actions are being taken by the City and what the next steps will likely include.

THE BUILDING OFFICIAL'S INSPECTION

After carefully reviewing the Report, the Building Official immediately sent a structural and building inspector to the property to verify the exterior conditions of the building as depicted in the Report. The Building department exterior inspection verified those elements of the Report visible from outside the building.

The Deauville owner for the first time in more than five years has agreed to allow the City to inspect the interior of the building in areas detailed in the Report in order to verify the interior site conditions. The site visit is scheduled for later this week. The team that will be inspecting the building will be a combination of City Structural Engineers and Threshold Inspectors as well as Consultant Structural Engineers. This team has over 90 years of cumulative licensed experience with Florida Building Code (FBC), previous South Florida Building Code (SFBC) as well as the High Velocity Hurricane Zone with regards to design, construction, and inspection. The intent is to verify the information in the report and obtain the necessary information for the Building Official to make an informed decision regarding the safety of the building.

Simultaneously the City has submitted the engineers structural report to the County staff that administers the Board Of Rules and Appeals (BORA) for peer review. BORA is the designated entity that oversees the day to day operations of Building Officials across the County and ensures that all decisions are consistent with the Florida Building Code.

In the event that the interior conditions depicted in the Report are verified by the Building Department at the inspection, then a demolition order by the Building Official is likely due to the significant structural damage outlined in the Report.

HISTORIC PRESERVATION AFTER-THE-FACT DEMOLITION POLICY

If the Deauville is demolished by order of the Building Official, the demolition permit will be conditioned to require the property owner to file an after-the-fact application for Certificate of Appropriateness (COA) for the demolition to the Historic Preservation Board (HPB). Subsequently, the HPB will review the application for after-the-fact demolition and determine whether/how the demolished building shall be replaced. Before any new construction occurs on this property, either the current owner or a future owner will be required to obtain an after-the-fact COA for demolition pursuant to Section 118-503(b)(1) of the City Code.

Under the City's Historic Preservation Ordinance, Sec. 118-503(b)(2), there is a **presumption** that "a contributing building demolished without obtaining a COA from the HPB, shall only be replaced with a new structure that incorporates the same height, massing and square footage of the previous structure on site, not to exceed the floor area ratio (FAR) of the demolished structure and not to exceed the maximum FAR and height permitted under the City Code, with no additional square footage added." According to architectural plans submitted to the City by the property owner in 2013, the existing Deauville site contains approximately 319,137 square feet of floor area (1.92 FAR) and the maximum floor area currently allowed for the site is approximately 499,848 (3.0 FAR + 20,000 sq. ft. for hotel amenities).

The presumption may be rebutted, and the HPB may allow for the addition of more square footage (not to exceed the property's maximum FAR) if the HPB finds that:

- (a) The proposed new structure is consistent with the context and character of the immediate area; **and**
- (b) The property owner made a reasonable effort to regularly inspect and maintain the structure free of structural deficiencies and in compliance with the minimum maintenance standards of this Code.

Replication of demolished contributing structures -- Pursuant to Section 118-

503(b)(3) of the City Code, the HPB has the authority to require the replication of an original, contributing structure. Replication is defined as "the physical reconstruction, including all original dimensions in the original location, of a structure in totality, inclusive of the reproduction of primary facade dimensions and public area dimensions with appropriate historic materials whenever possible, original walls, window and door openings, exterior features and finishes, floor slab, floor plates, roofs and public interior spaces. The HPB shall have full discretion as to the exact level of demolition and reconstruction required."

Additional mitigation efforts - As is recommended by the National Park Service in cases where there is a potential loss of a historic building, the Administration has begun the process of engaging a professional with experience in documenting historic buildings with high-definition laser scanning. The use of this technology will allow for rapid and precise documentation of the property from the right-of-way.

EC/AS