

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation      Historic Preservation Board

TO:                    Chairperson and Members  
                          Historic Preservation Board

DATE: March 8, 2022

FROM:                Thomas R. Mooney, AICP  
                          Planning Director



SUBJECT:            HPB21-0493 a.k.a. HPB19-0341, **1751, 1757 & 1775 Collins Avenue.**

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the three contributing buildings on the site, the construction of a detached ground level tower addition at the southeast portion of the site, the construction of a detached ground level addition at the northeast portion of the site and the construction of two attached additions, including one or more waivers and a variance to reduce the required subterranean rear setback. Specifically, the applicant is requesting approval for the introduction of two additional basement levels below the previously approved basement level.

#### **STAFF RECOMMENDATION**

Approval of the Certificate of Appropriateness with conditions.

#### **BACKGROUND**

On August 13, 2013, the Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 8-story Raleigh Hotel building, including the construction of two new 2-story ground level detached additions in the rear yard, with the exception of the landscape plan (HPB 7367). On April 14, 2015, the Board reviewed and approved modifications to the previously issued Certificate of Appropriateness (HPB 7367). On August 20, 2018, a full building permit for the project was issued (BC1703576).

On July 31, 2019, the City Commission adopted Ordinance No. 2019-4285, amending the RM-3 zoning regulations to allow for an increase of the maximum allowable height from 50 feet to 200 feet for ground level additions on oceanfront lots over 115,000 square feet in the Architectural District.

On September 8, 2020, the board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the three contributing buildings on the site (The South Seas, Richmond and Raleigh hotels), the construction of a detached ground level tower addition at the southeast portion of the site, the construction of a detached ground level addition at the northeast portion of the site and the construction of two attached additions, including one or more waivers and a variance to reduce the required subterranean rear setback.

## **EXISTING STRUCTURES**

Local Historic District: Ocean Drive/Collins Avenue

### **South Seas Hotel, 1751 Collins Avenue**

Classification: Contributing  
Original Construction Date: 1941  
Original Architect: L. Murray Dixon

#### **Façade renovation and rear addition**

Construction Date: 1954  
Architect: Melvin Grossman

### **Richmond Hotel, 1757 Collins Avenue**

Classification: Contributing  
Original Construction Date: 1941  
Original Architect: L. Murray Dixon

#### **Façade renovation and rear addition**

Construction Date: 1954  
Architect: Melvin Grossman

### **Raleigh Hotel, 1775 Collins Avenue**

Classification: Contributing  
Original Construction Date: 1940  
Original Architect: L. Murray Dixon

#### **Partial 7<sup>th</sup> floor addition**

Construction Date: 1953  
Architect: Albert Anis

## **ZONING / SITE DATA**

Legal Description:

#### **Parcel 1, 1751 Collins Avenue:**

The north 10 feet of lots 15 & 6 & lots 7 & 14 less the north 5 feet & portion lying east and adjacent west of the erosion control line, of the Alton Beach 1<sup>st</sup> Subdivision, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

#### **Parcel 2, 1757 Collins Avenue:**

Lots 8 & 13 & the north 5 feet of lots 7 & 14 & portion lying east and adjacent west of the erosion control line, of the Alton Beach 1<sup>st</sup> Subdivision, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

#### **Parcel 3, 1775 Collins Avenue:**

Lots 9 to 12 & str of land lying east & between said lots & ocean, Block 28 & portion lying east & adjacent west of the erosion control line, of the Alton Beach 1<sup>st</sup> Subdivision,

according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Zoning: RM-3, Residential multi-family, high intensity  
Future Land Use Designation: RM-3, Residential multi-family, high intensity  
Lot Size: 132,816 S.F. / 2.0 Max FAR  
Existing Use/Condition: Hotels with accessory restaurants  
Proposed Uses: Hotel, multi-family residential, accessory restaurants and spa and 112 space subterranean parking garage

### **THE PROJECT**

The applicant has submitted plans entitled “The Raleigh Masterplan”, Kobi Karp Architecture and Interior Design Inc., dated January 10, 2022.

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application appears to be consistent with the City Code with the exception of variances requested herein.

1. The proposed driveway leading from basement level B1 to basement level B2 does not appear to comply with the minimum required 22’-0” driveway width for a two-way driveway, due to the location of a number of columns within the driveway. Staff believes this may be a drafting error.

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

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

A preliminary review of the project indicates that the proposed **multi-family residential and hotel uses** are **consistent** with the Future Land Use Map of the Comprehensive Plan.

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

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

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

- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Not Applicable**  
**There are no modifications to the approved and permitted landscape plan at this time.**
- (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 site is consistent with the surrounding properties.**
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.  
**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**  
**Additional information will be required at time of building permit review.**
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.  
**Not Applicable**
- (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**  
**There is no habitable area proposed to be located below base flood elevation plus freeboard.**
- (10) In all new projects, water retention systems shall be provided.  
**Satisfied**  
**Additional information will be required at time of building permit review.**
- (11) Cool pavement materials or porous pavement materials shall be utilized.  
**Not Applicable**
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.  
**Satisfied**

**COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

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

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.  
**Satisfied**
  - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. Exterior architectural features.  
**Not Applicable**
  - b. General design, scale, massing and arrangement.  
**Not Applicable**
  - c. Texture and material and color.  
**Not Applicable**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Not Applicable**
  - e. The purpose for which the district was created.  
**Not Satisfied**  
**To ensure the promotion of the general welfare of the City by providing an opportunity for study of local history, architecture and design of this building, additional safeguards should be undertaken during the construction of the 3-level basement.**
  - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.  
**Not Applicable**
  - 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.

**Satisfied**

- 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 Applicable**

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

**Satisfied**

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

**Satisfied**

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be

designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

**Satisfied**

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

**Not Applicable**

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

**Not Applicable**

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Not Applicable**

- 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.

**Not Applicable**

- 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.

**Not Applicable**

- 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.

**Not Applicable**

### **STAFF ANALYSIS**

As noted in the Background section of this report, on September 8, 2020, the board reviewed and approved a Certificate of Appropriateness for the redevelopment of the site including, but not limited to partial demolition, renovation and restoration of the South Seas, Richmond and Raleigh hotels, the construction of a new multi-family residential tower and 2-story pavilion. Additionally, a new approximately 64,000 sq. ft. basement located primarily below the new residential tower and pavilion was approved. The previously approved basement level included a residential vehicular drop-off area accessed via 18<sup>th</sup> Street, through the pavilion, back of house and service areas and an approximately 15,000 sq. ft. spa.

The applicant is currently requesting approval for the introduction of an additional two levels of basement area to provide 112 parking spaces. The approved project requires 155 parking spaces, and no parking was provided. Staff would note that in lieu of providing the required parking spaces, the applicant may pay a fee-in-lieu of provided parking or provided dedicated parking within 1,200 feet of the site.

The additional basement levels will have no visual impact on the site and is a more appropriate option than attempting to provide an above grade parking garage structure that would have an adverse impact on the contributing structures within the site and surrounding historic district. Additionally, the LDR's currently do not prohibit basement parking. Notwithstanding the foregoing, staff has serious concerns relative to the additional excavation and construction of a 3-level basement, particularly for the purpose of storing vehicles. Although this location has one of the higher site elevations in the City, Miami Beach is a barrier island and the future impacts of sea level rise make a proposal such as this exceedingly precarious.

Staff would note that as part of the previous approval, the Board imposed a condition requiring additional precautions be taken during construction to protect the structures on the site and surrounding buildings, including vibration monitoring. In an abundance of caution, staff recommends the implementation of additional safeguards in accordance with the Board's authority as provided for in Section 118-561(b) to further ensure the retention of the Contributing buildings on the site to promote the general welfare of the City by providing an opportunity for study of local history, architecture and design of this building. To this end, staff recommends the following additional measures:

- Prior to the issuance of a building permit for the construction of 2<sup>nd</sup> and 3<sup>rd</sup> levels of the basement, the project engineer shall submit a letter to the Planning Department. Such letter shall include a construction schedule identifying events that render the historic structures most vulnerable during the excavation and demolition phases.
- The applicant shall be required to provide onsite supervision by the structural and/or shoring engineer of record, as applicable.



- The applicant shall be required to notify the Planning Department no later than the next business day if there is any indication of structural compromise or failure during this phase of construction.

In summary, as is the case with similar requests for basement parking, staff has concerns with implementing this type of parking storage on the site. Additionally, given the transient nature of the proposed use, and access to alternative modes of transit, staff also questions the actual need to provide the amount of parking proposed on the site. However, staff continues to be supportive of the restoration and redevelopment of all Contributing buildings on the site and is enthusiastic about the property's return to an active and vibrant use. As noted above, since basement parking is not currently prohibited under the code, staff recommends approval of the project, subject to the conditions in the attached draft order.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the request for modifications to a previously issued a Certificate of Appropriateness 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: March 8, 2022

PROPERTY/FOLIO: 1751 Collins Avenue / 02-3234-019-0500  
1757 Collins Avenue / 02-3234-019-0510  
1775 Collins Avenue / 02-3234-019-0460

FILE NO: HPB21-0493 a.k.a. HPB19-0341

IN RE: An application has been filed by BSD Raleigh Trustee LLC, a Delaware Limited Liability Company, as trustee of the Raleigh Land Trust requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the three contributing buildings on the site, the construction of a detached ground level tower addition at the southeast portion of the site, the construction of a detached ground level addition at the northeast portion of the site and the construction of two attached additions, including one or more waivers and a variance to reduce the required subterranean rear setback. Specifically, the applicant is requesting approval for the introduction of two additional basement levels below the previously approved basement level.

LEGAL: Parcel 1, 1751 Collins Avenue:  
The north 10 feet of lots 15 & 6 & lots 7 & 14 less the north 5 feet & portion lying east and adjacent west of the erosion control line, of the Alton Beach 1st Subdivision, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Parcel 2, 1757 Collins Avenue:  
Lots 8 & 13 & the north 5 feet of lots 7 & 14 & portion lying east and adjacent west of the erosion control line, of the Alton Beach 1st Subdivision, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Parcel 3, 1775 Collins Avenue:  
Lots 9 to 12 & str of land lying east & between said lots & ocean, Block 28 & portion lying east & adjacent west of the erosion control line, of the Alton Beach 1st Subdivision, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

**CONSOLIDATED 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' 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. The height of the new tower addition shall not exceed 175'-0".
    - b. Levels lobby through 11 or the portion up to 119'-0" in height of the new tower addition, as shown on tower south elevations, sheet B4-A4.02 of the submitted plans, the habitable floor may be extended eastward by 5'-0" to 110' from eastern property line, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or directions of the Board. The portion above 119' in height of the new tower addition, as shown on the south elevations, sheet B4-A4.02 of the submitted plans, the start of the habitable floor shall remain at 130' from the eastern property line.
    - c. All exterior surface materials for all Contributing structures on the site shall be as consistent as possible with regard to physical properties, finish and color with the original exterior materials in accordance with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or directions of the Board.
    - d. There shall be no TCO or CO issued for the new residential tower portion of the project until the restoration, as approved by the Board, of all Contributing structures on the site is substantially complete. Staff will perform an inspection of the entire property to ensure substantial completeness of the approved restoration prior to the approval of any TCO or CO for the new residential tower.

- e. The existing structure located at 1775 Collins Avenue (Raleigh Hotel) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
  - i. Consistent with the proposed plans, the following rooftop additions shall be removed: the 2-story penthouse, the 1-story enclosure at the southwest corner of the building, the 1-story enclosure at the north west corner of the building and a portion of the rooftop addition at the 8<sup>th</sup> level, in front of the north side of the tower element.
  - ii. The panels and metal dividers of the vertical arch element, along the Collins Avenue façade, shall be restored under the supervision of a materials conservator.
  - iii. The original signs and accent lighting elements shall be restored/reintroduced.
  - iv. The lanterns at the Collins Avenue porch and 18<sup>th</sup> Street entrance shall be recreated.
  - v. The public interior areas shall be fully restored in accordance with the approved Building Permit plans BC1703576.
  - vi. All kitchen venting and exhaust shall be chased through the roof and no mechanical louvers may be located along the Collins Avenue and 18<sup>th</sup> Street facades.
  - vii. A plaque or historic display describing the history and evolution of the Raleigh Hotel building shall be placed on the site of the building 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.
- f. The existing structure located at 1757 Collins Avenue (Richmond Hotel) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
  - i. The exterior of the remaining portion of the building shall be fully restored to the greatest extent possible, consistent with available historical documentation.
  - ii. Final details of all exterior surface finishes and materials, including samples of the pink filled keystone and the patterns of breeze block shall be submitted.
  - iii. The original “The Richmond” sign located at the eyebrow shall be recreated.
  - iv. A plaque or historic display describing the history and evolution of the Richmond Hotel building shall be placed on the site of the building 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.

- v. The lobby ceiling shall be retained and restored or reconstructed.
- g. The existing structure located at 1751 Collins Avenue (South Seas Hotel) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
  - i. The exterior of the remaining portion of the building shall be fully restored to the greatest extent possible, consistent with available historical documentation.
  - ii. Final details of all exterior surface finishes and materials, including samples of the green filled keystone and the patterns of breeze block shall be submitted.
  - iii. The original "South Seas" sign located at the eyebrow shall be recreated.
  - iv. A plaque or historic display describing the history and evolution of the South Seas Hotel building shall be placed on the site of the building 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.
  - v. The lobby ceiling shall be retained and restored or reconstructed.
  - vi. The generator shall not be located within the interior volume of the South Seas Hotel building.
- h. Additional information with regard to the balcony design and structure for the new residential tower shall be submitted prior to the issuance of the Building Permit in order to verify the floor area ratio (FAR) of the project does not exceed 2.0.
  - i. The applicant shall take every precaution to protect the adjacent structures during construction, consistent with applicable strategies outlined in the National Park Service Preservation Tech Notes Bulletin entitled *Temporary Protection, Number 3, Protecting a Historic Structure during Adjacent Construction*, dated July 2001.
  - j. If the applicant proceeds with construction of additional basement area, the applicant shall implement comprehensive stormwater management and floodproofing systems in consultation with the Building and Public Works Departments. The systems shall incorporate the following:
    - i. The stormwater management system shall be designed in accordance with the 10/25-year storm event criteria, as determined by the Building Official.
    - ii. The stormwater management system shall include a combination of bio-swales and/or rain gardens, exfiltration trenches, and stormwater injection wells.

- iii. A conventional cistern shall be provided to collect and store runoff from roof and deck drains and shall include an overflow system to divert runoff to the drainage wells.
- iv. The existing and proposed basement area shall be dry floodproofed to BFE +1. The basement driveway entrance and exit shall be dry floodproofed to BFE +4.
- v. Sump pumps shall be provided in the basement and shall have the capacity to remove accumulated water, as well as all vapor and seepage of water during a flooding event.
- vi. All construction materials below BFE +1 shall be flood damage resistant.
- vii. A Floodproofing Emergency Operations Plan and a Floodproofing Inspection and Maintenance Plan shall be filed with the Building Department.
- k. The applicant shall submit an engineering analysis confirming that the basement area could be modified to expand water management capacity at a future point in time where the basement is compromised and can no longer serve other functions, in a manner to be reviewed and approved by the Planning Department, in consultation with the Building and Public Works Departments.
- l. The proposed breeze block and uppermost eyebrow be eliminated of the rear addition to the Richmond Hotel shall be eliminated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- m. 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.
- n. 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.
- o. Prior to the issuance of a building permit for the construction of 2nd and 3rd levels of the basement, the project engineer shall submit a letter to the Planning Department. Such letter shall include a construction schedule identifying events that render the historic structures most vulnerable during the excavation and demolition phases.
- p. The applicant shall be required to provide onsite supervision by the structural and/or shoring engineer of record, as applicable.
- q. The applicant shall be required to notify the Planning Department no later than the next business day if there is any indication of structural compromise or failure

during this phase of construction.

2. 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. All shrubs, hedges, low planting and ground cover, and any non-tree proposed to be located the perimeter of the property fronting onto Collins Avenue and the western portion of 18<sup>th</sup> Street, shall not exceed 18" in height at maturity, 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. A view corridor shall be created by maintaining a minimum of 50% of the required rear yard setback open and unencumbered, apart from landscaping and decorative open picket fences, from the erosion control line to the rear setback line.
  - c. The 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.
3. In accordance with Section 130-101(d) of the City Code, the requirement pertaining to providing off-street loading spaces is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.
4. 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.
5. The Board acknowledges and accepts the applicant's proffer to limit the use within the historic Raleigh Hotel building (1775 Collins Avenue) to hotel with accessory uses and the applicant shall submit a restrictive covenant to that end in a form approved by the City Attorney's Office prior to the issuance of a building permit for the project.

**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 reduce by 13'-8" the the required subterranean rear setback of 100'-0" in order to construct a driveway for residential pick-up and drop-off at a minimum of 86'-4" from the rear property line.

- 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 variances, 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. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness and variance approval as same as are contained herein, in the Order dated September 8, 2020 (HPB19-0341). Accordingly, this Order shall serve as the Final Order for the proposed project. In the event of a conflict between the provisions hereof and those of the previous Orders, the provisions hereof shall control.
- A. B. 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. C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. D. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- D. 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.
- E. F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- F. G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. H. 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. I. 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. J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

- ~~K.~~ L. 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 "**The Raleigh Masterplan**", **Kobi Karp Architecture and Interior Design Inc., dated August 17, 2020 and January 10, 2022**, 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 \_\_\_\_\_ (                    )

~~Strike-Thru~~ denotes deleted language  
Underscore denotes new language