

**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.



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- 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.

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- 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 8th 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 18th 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 18th 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



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- 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.

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- 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 would 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



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during this phase of the basement phase of construction [KN11]

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 18th 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.

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- 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.



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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.



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- 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 11 day of March, 2022



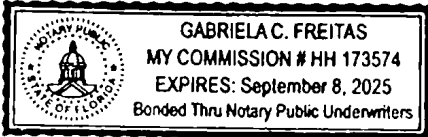
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HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
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 11th day of March 2022 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.



[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: Sept. 8, 2025

Approved As To Form: _____
City Attorney's Office: Nickellegis (3/11/22)

Filed with the Clerk of the Historic Preservation Board on Jessica Gonzalez 3/11/2022 | 2:57 PM EST
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Strike-Thru denotes deleted language
Underscore denotes new language

[Signature]