

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: May 10, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB22-0501, **2701 and 2727 Indian Creek Drive, 233 27th Street and 230 28th Street. – Indian Creek Hotel.**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the building located at 233 27th Street including the construction of an attached addition, the partial demolition, renovation, restoration and relocation of the building located at 230 28th Street, the total demolition of an accessory kitchen building, one or more waivers and variances from the minimum hotel unit size and required setbacks.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

Approval of the variance Nos. 1-6 with conditions.

Denial of variance No. 7

EXISTING STRUCTURES

Local Historic District: Collins Waterfront

2701 Indian Creek Drive

Classification: Contributing
Construction Date: 1932
Architect: Russell T. Pancoast

Detached addition

Classification: Non-Contributing
Construction Date: 2015
Architect: William Lane

2727 Indian Creek Drive

Classification: Contributing
Construction Date: 1936
Architect: George L. Pfeiffer

233 27th Street

Classification: Contributing

Construction Date: 1935
Architect: Henry Hohauser

230 28th Street

Classification: Contributing
Construction Date: 1922
Architect: Not Listed

ZONING / SITE DATA

Legal Description:

Parcel 1 (2701 Indian Creek Drive)

Lots 11 & 12, Block 9, of the Miami Beach Improvement Co Subdivision, according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Parcel 2 (2727 Indian Creek Drive)

Lots 9 & 10, Block 9, of the Miami Beach Improvement Co Subdivision, according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Parcel 3 (233 27th Street)

Lot 8, Block 9, of the Miami Beach Improvement Co Subdivision, according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Parcel 4 (230 28th Street)

Lot 7, Block 9, of the Miami Beach Improvement Co Subdivision, according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Zoning: RM-2, Residential multi-family, medium intensity
Future Land Use Designation: RM-2, Residential multi-family, medium intensity

Lot Size: 39,031 sq. ft. / 2.0 Max FAR
Existing FAR: 31,060 sq. ft. / 0.79 FAR
Proposed FAR: 78,062 sq. ft. / 2.00 FAR
Existing Height: 31'-3" (Indian Creek Hotel) / 3-stories
Proposed Height: 69'-0" / 7-stories
Existing Use/Condition: Hotel with accessory restaurant and multi-family residential
Proposed Use: Hotel with accessory restaurant and multi-family residential

THE PROJECT

The applicant has submitted plans entitled "New Addition for: Indian Creek Hotel", as prepared by Charles H. Benson & Associates Architects, P.A., dated March 7, 2022.

COMPLIANCE WITH ZONING CODE

The application as submitted, appears to be consistent with the requirements of the City Code, with the exception of the variances requested herein.

1. A payment into the fee in-lieu of providing parking program is required to satisfy the parking requirement.

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 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 also 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
A recycling or salvage plan for total demolition has not been provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (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
- (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.
Not Satisfied
The building to be relocated is proposed to have a first finished floor level of 6.33' NGVD. It would be reasonably feasible elevate the building so that the first finished floor level is located at 8.00' NGVD (base flood elevation 7.0' + 1.0' freeboard).

- (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.
Satisfied
Additional information shall be provided at the time of building permit review.
- (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
Additional information shall be provided at the time of building permit review.

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.
Not Satisfied
The west façade of the new addition, which will be highly visible from the south and west, is not commensurate with the north, east and south facade designs.

- 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
Variances have been applied for as part of this application.
 - 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.
Satisfied
 - 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.

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

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the

appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structures are designated as part of the Collins Waterfront 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 Contributing structures on the site are of such design, craftsmanship, or material that they 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 Contributing structures on the site are distinctive examples of styles of architecture that contribute to the district.

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

Partially Satisfied

All structures on the site, with the exception of the 2015 kitchen addition, are classified as Contributing 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.

Partially Satisfied

The retention of the Contributing buildings on the site is critical to developing an understanding of important Miami Beach architectural styles.

The retention of the 2015 kitchen addition is not critical to developing an understanding of an important Miami Beach architectural style.

- 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 a Contributing structure.

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

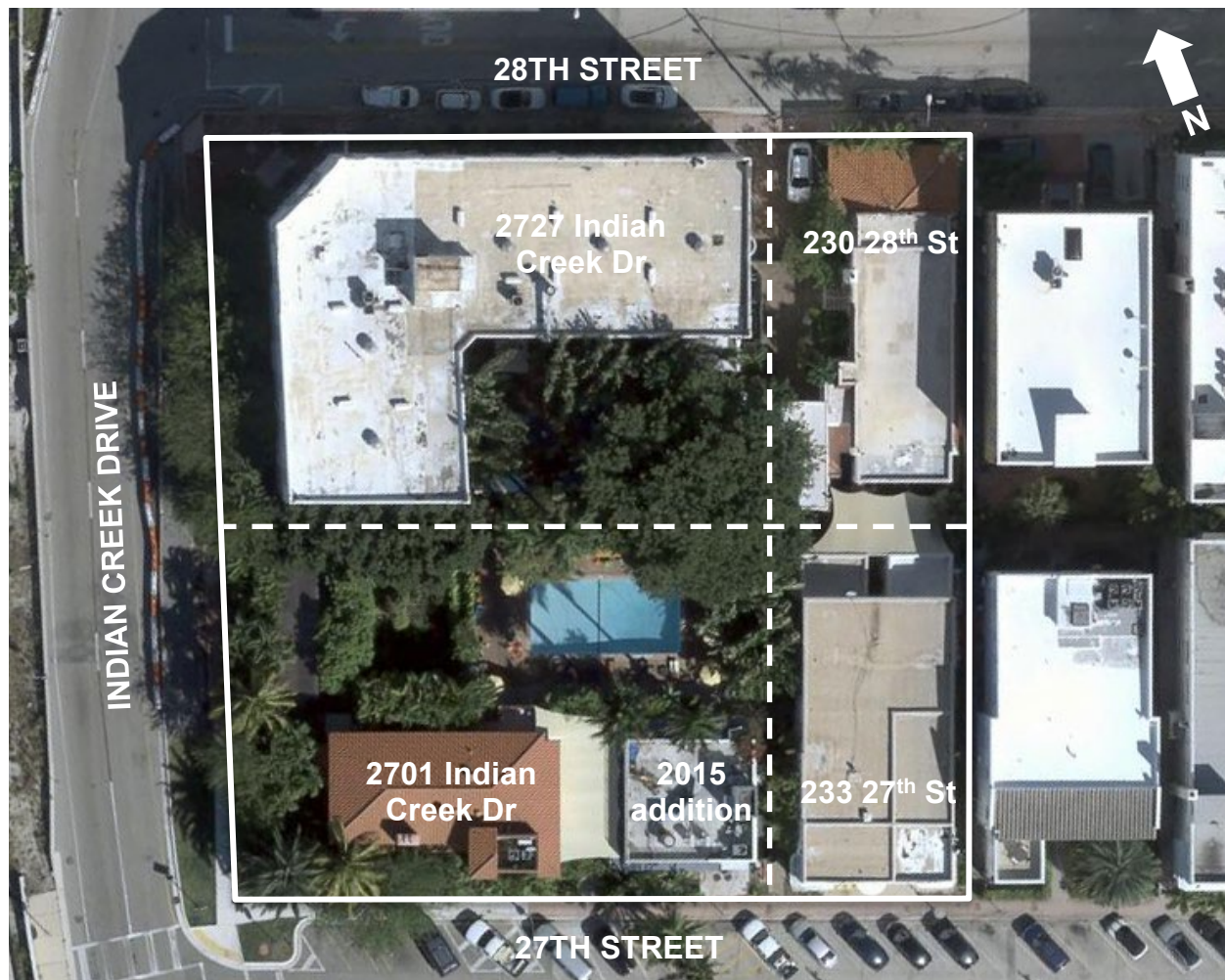
Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of any structure on the site.

ANALYSIS

The subject site is comprised of four parcels containing five structures, four of which are classified as Contributing in the Miami Beach Historic Properties Database. The northwest parcel, the Indian Creek Hotel (located at 2727 Indian Creek Drive), was constructed in 1936 and designed by

George L. Pfeiffer in the Art Deco style of architecture. The southwest parcel, 2701 Indian Creek Drive, contains two structures; a 2-story single-family residence constructed in 1932 and designed by Russell T. Pancoast in a Wood Frame Vernacular/Mediterranean Revival Transitional style of architecture and a 1-story detached kitchen addition, constructed in 2015. The southeast parcel contains a 2-story multi-family residential building constructed in 1935 and designed by Henry Hohauser in the Streamline Moderne style of architecture. The northeast parcel contains a 1-story single-family residence constructed in 1922 and designed in the Mission style of architecture.



The currently proposed scope of work is generally limited to the eastern portion of the site and includes the total demolition of the 2015 kitchen addition and relocation of the 1-story single family home (230 28th Street) to the kitchen location, the partial demolition of the 2-story multifamily building (233 27th Street) and the construction of an attached 7-story hotel addition.

Partial demolition, restoration and relocation of the 1-story building located at 230 28th Street and the total demolition of the 2015 kitchen addition

The existing building located at 230 28th Street was constructed in 1922 as a single-family residence and was originally located at 2814 Collins Avenue. In 1924, the home was moved to its current location to allow for the construction of the La Corona Hotel building. Several additions to

the home have been added over time including an addition to the front of the house in 1940 (see image below). The applicant is proposing the restoration of the exterior facades of the home including the removal of the front addition and the demolition of the rear approximately 50% of the structure. Staff has worked with the architect on the details of the restoration and believes that the current proposal is substantially consistent with available historical documentation. Further, staff has no objection to the partial demolition and would note that the portion of the building to be retained contains the majority of the remaining significant architectural features.



Photograph, 230 28th Street, including non-original front addition

Additionally, after nearly 100 years, the home is again proposed to be moved. The applicant is proposing to relocate the restored home along 27th Street between the 2-story Pancoast home and the 2-story Hohauser apartment building (to replace the kitchen building constructed in 2015, see image to the right). While staff acknowledges the thoughtful design of the kitchen addition, staff has no objection to its demolition in order to accommodate the relocation of the restored 1922 building. Staff has only one concern relative to the proposed elevation of the home (6.33' NGVD). Staff recommends that the building be raised an additional approximately 1'-8" to an elevation of 8.00' NGVD (the minimum required elevation for new residential and hotel buildings in this area) to be more resilient for the future.



2015 addition located along 27th Street

Partial demolition and restoration of the 2-story building located at 233 27th Street and the construction of an attached 7-story hotel addition

The existing building located at 233 27th Street (originally known as the Sun Deck Hotel Apartments) was constructed in 1935 and was designed by architect Henry Hohauser. As indicated in the 1935 plans, the building was originally designed with an approximately 20'-0" setback from the front property line. In 1936, a permit for an addition to the front of the building, also designed by Hohauser, was issued and in 1968, a permit to fill in the rest of the second floor along the front of the building was issued.



1948 Photograph



2021 Photograph

The applicant is currently proposing to restore the building to the 1936 Hohauser design, consistent with the 1948 photograph. Staff is extremely supportive of the proposed restoration of this excellent example of low-scale Art Deco architecture. The restoration proposed includes the reintroduction of the planters and architectural detailing at the entry door, the reintroduction of the second level terrace, the replacement of the through-the-wall air conditioning units with central air conditioning and the replacement of the existing non-original windows with new impact resistant windows with an historically accurate muntin configuration.

Additionally, the applicant is proposing to construct a new 7-story addition on the site containing 144 hotel units and a rooftop amenity deck. In order to accommodate the addition, the applicant is proposing the demolition of approximately 60% of the rear of the Hohauser building and two later 1-story rear additions. The new addition will be attached to the rear of the remaining portion of the Hohauser building and will extend north into the lot where the 1922 home to be moved, is currently located.

Staff is generally supportive of the design for the proposed 7-story addition, as it has been developed in a manner that responds well to the existing buildings and site conditions. In this regard, the addition is setback approximately 33'-0" from the front façade of the Hohauser building on the south. On the north side, the addition steps back after the first three floors, maintaining the 3-story street wall of the south side of 28th Street. Finally, changes in plane in combination with architectural projections, serve to break down the scale of the proposed addition. Staff recommends however, that the west façade be further developed in a manner that is commensurate with the north, east and south facades.



Indian Creek Hotel restoration and modifications

The applicant is proposing to replace all non-original windows on the Indian Creek Hotel building with new impact resistant casement windows with an historically accurate muntin configuration. Additionally, the existing through-the-wall and through-the-window air conditioning units will be replaced with a new central air conditioning system. Staff is extremely supportive of the proposed restoration work which will make the building more resilient for the future and will significantly enhance the character of the original design.

Additionally, to connect the Indian Creek Hotel building to the new addition, the applicant is proposing to construct a new bridge structures between the buildings. This modification will require the demolition of the existing stairs, landings and guardrails at the east façade of the eastern wing. The demolition requested does not require the demolition of any significant exterior architectural features. As such, staff has no objection to this request.

Waivers

The applicant is requesting a waiver related to the retention of non-conforming setbacks and parking credits for the 1935 Hohauser building. The thresholds for retaining non-conforming floor area, height, setbacks and parking credits are outlined in Section 118-395(b) of the City Code. If the Board finds that the criteria outlined in Section 118-395 of the City Code below are satisfied, a waiver may be granted.

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

- * * *
- (b) *Nonconforming buildings.*
- * * *
- (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:
- * * *
- d. Development regulations for buildings located within a designated historic district or for an historic site:
1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
 - i. At least 75 percent of the front and street side walls, exclusive of window openings;
 - ii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls, exclusive of window openings; and

- iii. All architecturally significant public interiors.
- 2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection (b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the City;
 - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - v. The structure has yielded or is likely to yield information important in prehistory or history; or
 - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii. & vi. above are satisfied and recommends in favor of the requested waiver.

Additionally, the applicant is requesting a waiver of the off-street loading space requirements outlined in Section 130-101 of the City Code. The project is required to provide three off-street loading spaces and no loading spaces are proposed to be provided. The Historic Preservation Board may waive the requirements for off-street loading spaces for properties containing a Contributing structure, provided that a detailed plan delineating on-street loading is approved by the Parking Department prior the issuance of a building permit. The applicant has preliminarily met with the Parking Department and will submit an on-street loading plan as required. Consequently, staff does not object to the granting of this waiver.

VARIANCE ANALYSIS

The applicant is requesting the following variances:

- 1. A variance to reduce by 15'-1 ½", the minimum required pedestal front (27th Street) setback of 20'-0", in order to relocate the contributing building at 230 28th Street to be located along 27th Street at a setback of 4'-10 ½" from the south side property line. Variance requested from:

Sec. 142-218. – Setback requirements.

(a) The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Subterranean and pedestal, Front: 20'-0"

The applicant is proposing to restore and relocate the existing 1922 building currently located at 230 28th Street to 27th Street between the 2-story Pancoast house and the 2-story Hohauser apartment building. The Pancoast house has an existing non-conforming front setback of 7'-9 ½" and the Hohauser building has an existing non-conforming front setback of 4'-10 ½". Further, the

1922 building currently has a non-confronting front setback of 4'-7" from the 28th Street front property line. Staff believes it is important to maintain the unique development pattern of this area of the City and finds that these special conditions justify the requested variance.

2. A variance to reduce by 6'-1 ½", the minimum required tower front (27th Street) setback of 39'-0", in order to construct a new addition at a setback of 32'-10 ½" from the south side property line. Variance requested from:

Sec. 142-218. – Setback requirements.

(a) The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Tower, Front: 20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant.

3. A variance to reduce by 4'-8 ½", the minimum required pedestal front (28th Street) setback of 20'-0", in order to construct a new addition at a setback of 15'-3 ½" from the north side property line. Variance requested from:

Sec. 142-218. – Setback requirements.

(a) The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Subterranean and pedestal, Front: 20'-0"

4. A variance to reduce by 16'-0 ½", the minimum required tower front (28th Street) setback of 39'-0", in order to construct a new addition at a setback of 22'-11 ½" from the north side property line. Variance requested from:

Sec. 142-218. – Setback requirements.

(a) The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Tower, Front: 20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant.

5. A variance to reduce by 10'-7 ¼", the minimum required pedestal side interior setback of 15'-11", in order to construct a new addition at a setback of 5'-3 ¾" from the east side property line. Variance requested from:

Sec. 142-218. – Setback requirements.

(a) The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Subterranean and pedestal, Side, Interior, Lots equal or greater than 65 feet in width: Minimum 10 feet or 8% of lot width, whichever is greater

6. A variance to reduce by 12'-6 ¼", the minimum required tower side interior setback of 17'-10", in order to construct a new addition at a setback of 5'-3 ¾" from the east side property line. Variance requested from:

Sec. 142-218. – Setback requirements.

(a) The setback requirements in the RM-2 residential multifamily, medium intensity district

are as follows:

Tower, Side, Interior: The required pedestal setback plus 0.10 of the height of the tower portion of the building

Variances 2 through 6 are related to the proposed setbacks for the new 7-story addition. The addition is located along the east interior side of the property and extends from the rear of the Hohaus building north to 28th Street. Staff believes that the proposed location of the addition will have the least impact on the Contributing buildings and the surrounding historic district. Additionally, the applicant is proposing to substantially retain all four Contributing buildings on the site. Staff believes that the existing conditions, including the retention of all Contributing buildings and the historic courtyard create the practical difficulties that warrant the approval of the requested variances.

7. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300 and 335 sq. ft. and 85% of units shall be larger than 335 sq. ft., in order to permit 104 hotel units (93%) with a size less than 300 sq. ft. (the smallest at 241 sq. ft.). Variance requested from:

Sec. 142-217. – Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Unit Size (Square feet), Hotel units: 15%: 300-335, 85%: 335+

The new hotel addition is proposed to contain 144 units ranging in size from 241 sq. ft. to 422 sq. ft.; however, the majority of the units (93%) are less than the minimum size requirement. Staff would note that the RM-2 zoning district regulations allow for the reconfiguration of hotel units with a minimum area of 200 sq. ft. when such units are within an existing structure and located in a local historic district. The Board has recognized previously that the retention of the existing exterior window configuration and architectural features of a building are sometimes in conflict with the interior renovations of the spaces in historic structures and may create practical difficulties when adjusting to the required unit size. In this case, the property currently contains non-conforming hotel unit sizes within the Contributing Indian Creek Hotel building. Staff believes that minor modifications to the interior layout of the new addition could be made in order to satisfy the minimum unit size requirement and has concluded that the variance for new undersized units does not satisfy the practical difficulties or hardship criteria, and as such, staff recommends denial this variance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the request for a Certificate of Appropriateness and variances be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Hardship and Practical Difficulties criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 10, 2022

PROPERTY/FOLIO: 2701 Indian Creek Drive / 02-3226-001-0920
2727 Indian Creek Drive / 02-3226-001-0910
233 27th Street / 02-3226-001-0900
230 28th Street / 02-3226-001-0890

FILE NO: HPB22-0501

IN RE: An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the building located at 233 27th Street including the construction of an attached addition, the partial demolition, renovation, restoration and relocation of the building located at 230 28th Street, the total demolition of an accessory kitchen building, one or more waivers and variances from the minimum hotel unit size and required setbacks.

LEGAL: Parcel 1 (2701 Indian Creek Drive)
Lots 11 & 12, Block 9, of the Miami Beach Improvement Co Subdivision, according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Parcel 2 (2727 Indian Creek Drive)
Lots 9 & 10, Block 9, of the Miami Beach Improvement Co Subdivision, according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Parcel 3 (233 27th Street)
Lot 8, Block 9, of the Miami Beach Improvement Co Subdivision, according to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

Parcel 4 (230 28th Street)
Lot 7, Block 9, of the Miami Beach Improvement Co 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 Collins Waterfront 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) & (8) 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 not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(2) of the Miami Beach Code.
 4. Is 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 building located at 2727 Indian Creek Drive shall be renovated and restored, 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. All through-the-wall and through-the-window air conditioning units shall be removed and replaced with a central air conditioning system, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - ii. The existing non-original windows shall be replaced with new impact resistant windows and shall incorporate a muntin configuration that is consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The building currently located at 230 28th Street shall be fully renovated and restored, 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 relocated building shall have a first finished floor elevation of at least 8.00' NGVD, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - ii. The front addition shall be removed and front façade shall be restored to the greatest extent possible 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 the directions from the Board.
 - iii. All through-the-wall and through-the-window air conditioning units shall be removed and replaced with a central air conditioning system, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - iv. The existing non-original windows shall be replaced with new impact resistant windows and shall incorporate a muntin configuration that is consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- c. The building located at 233 27th Street shall be fully renovated and restored, 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 1968 addition at the second floor shall be removed and the facades shall be restored to the 1936 Hohauser design to the greatest extent possible 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 the directions from the Board.
 - ii. All through-the-wall and through-the-window air conditioning units shall be removed and replaced with a central air conditioning system, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - iii. The existing non-original windows shall be replaced with new impact resistant windows and shall incorporate a muntin configuration that is consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- d. The design of the west façade of the new addition shall be further developed, commensurate with the design of the north, south and east elevations, , 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. A plaque or historic display describing the history and evolution of the buildings 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.
 - f. 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.
 - g. 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 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived.
 - 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. 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. Prior to issuance of a Building Permit, the applicant shall provide a Tree Report prepared by a Certified Arborist for any existing canopy shade trees with a DBH of 3" or greater located in public or private property, which may be scheduled for removal or relocation for the review and approval of the City of Miami Beach Urban Forester.
 - b. 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.
 - c. The project design shall minimize the potential for a project causing a heat island effect on site.
 - d. Cool pavement materials or porous pavement materials shall be utilized.

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) which were either approved by the Board with modifications, or denied:

The following variance(s) was **approved** by the Board

1. A variance to reduce by 15'-1 ½", the minimum required pedestal front (27th Street) setback of 20'-0", in order to relocate the contributing building at 230 28th Street to be located along 27th Street at a setback of 4'-10 ½" from the south side property line.
2. A variance to reduce by 6'-1 ½", the minimum required tower front (27th Street) setback of 39'-0", in order to construct a new addition at a setback of 32'-10 ½" from the south side property line.
3. A variance to reduce by 4'-8 ½", the minimum required pedestal front (28th Street) setback of 20'-0", in order to construct a new addition at a setback of 15'-3 ½" from the north side property line.
4. A variance to reduce by 16'-0 ½", the minimum required tower front (28th Street) setback of 39'-0", in order to construct a new addition at a setback of 22'-11 ½" from the north side property line.
5. A variance to reduce by 10'-7 ¼", the minimum required pedestal side interior setback of 15'-11", in order to construct a new addition at a setback of 5'-3 ¾" from the east side property line.
6. A variance to reduce by 12'-6 ¼", the minimum required tower side interior setback of 17'-10", in order to construct a new addition at a setback of 5'-3 ¾" from the east side property line.

The following variance was **denied** by the Board

1. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300 and 335 sq. ft. and 85% of units shall be larger than 335 sq. ft., in order to permit 104 hotel units (93%) with a size less than 300 sq. ft. (the smallest at 241 sq. ft).
- 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 Nos. 1-6 and imposes the following conditions 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. 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. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 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.
- 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- 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.
- 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 **“New Addition for: Indian Creek Hotel”, as prepared by Charles H. Benson & Associates Architects, P.A., dated March 7, 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 _____ ())