

# MIAMIBEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: July 11, 2023

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB23-0572, **7801 Atlantic Way.**

An application has been filed requesting a Certificate of Appropriateness for the total demolition of the existing single-family home and the construction of a new single-family.

### **STAFF RECOMMENDATION**

Approval of the Certificate of Appropriateness with conditions.

### **EXISTING STRUCTURE**

Local Historic District:	Altos Del Mar
Classification:	Contributing
Original Construction Date:	1935
Original Architect:	Schoepl & Southwell

### **ZONING / SITE DATA**

Folio:	02-3202-004-0230
Legal Description:	Lot 6, Block 5 & a portion lying east & adjacent west of the erosion control line, Altos Del Mar No. 1 Subdivision, According to the Plat Thereof, as Recorded in Plat Book 105, Page 62, of the Public Records of Miami-Dade County, Florida.

Zoning:	RS-3, Single-family residential
Future Land Use Designation:	RS-3, Single-family residential
Lot Size:	16,000 S.F.
Proposed Unit Size:	4,673 S.F. / (Max unit size = 4,700 S.F.)
Proposed Height:	37'-0" feet as measured from grade
Existing Use/Condition:	Single-family home
Proposed Use:	No change

### **THE PROJECT**

The applicant has submitted plans entitled "7801 Atlantic", as prepared by SDH\_STUDIO, dated April 10, 2023.

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application appears to be consistent with the Land Development Regulations. 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 use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

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

Section 7.1.2.4(a)(i) of the Land Development Regulations 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 partial or total demolition has not been provided.**
- (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.  
**Satisfied**
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.  
**Satisfied**
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.  
**Satisfied**  
**The land elevation of the 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 shall be provided at the 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 in General Ordinances.

**Not Applicable**

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

**Satisfied**

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

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

**Satisfied**

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

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

**Satisfied**

**COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a certificate of appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to section 2.13.7(d)(ii)(1) of the Land Development Regulations (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.  
**Not Applicable**
  - b. The Secretary of Interior's Standards for Reconstruction as may be amended from time to time.  
**Not Applicable**
  - c. 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 historic preservation board shall consider the following criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. Exterior architectural features.  
**Satisfied**
  - b. General design, scale, massing and arrangement.  
**Satisfied**  
**The proposed new home has been designed in a manner consistent with the approved Altos Del Mar Design Guidelines incorporating broken up massing, architectural setbacks, and entrances facing both streets.**
  - c. Texture and material and color.  
**Satisfied**
  - d. The relationship of subsections 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.  
**Not Satisfied**  
**The applicant is proposing to totally demolish the existing Contributing single-family home.**
- III. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(3) of the Land Development Regulations 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 2.13.1(c).

**Satisfied**

- d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance 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).  
**Not Applicable**
- 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**
- p. In addition to the foregoing criteria, the requirements of chapter 104, of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.  
**Not Applicable**
- q. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.  
**Partially Satisfied**  
**See Compliance with Sea Level Rise and Resiliency Review Criteria section of this report.**

**CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA**

Section 2.13.7(d)(vi)(4) of the Land Development Regulations 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 part of a historic preservation district or as a historic architectural landmark or site, or is designated pursuant to section 2.13.9 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 structure is designated as Contributing within the Altos Del Mar 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 or expense.

**Satisfied**

**The building is of such design, craftsmanship, or material that is 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 county, 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 building is a distinctive example of the Mediterranean Revival style of architecture which contributes 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 chapter 1 of these land development regulations, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

**Satisfied**

**The subject building is classified as a Contributing building in the Miami Beach Historic Properties Database.**

- e. Retention of the building, structure, improvement, landscape feature or site promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

**Satisfied**

**The retention of the buildings is 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, or the design

review guidelines for that particular district. If the district in which the property is located lists retail uses as an allowable use, then the ground floor shall contain such uses. At-grade parking lots shall not be considered under this regulation. Parking lots or garages as main permitted uses shall not be permitted on lots which have a lot line on Ocean Drive or Espanola Way.

**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.

**Satisfied**

**The applicant is presenting plans for a replacement home as part of this application.**

- h. The county unsafe structures board has ordered the demolition of a structure without option.

**Not Applicable**

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

**COMPLIANCE WITH ALTOS DEL MAR DESIGN GUIDELINES**

On August 10, 2000, the Historic Preservation Board adopted Design Guidelines for properties located within the Altos Del Mar Local Historic District. The goals of the Guidelines are:

- Preservation and rehabilitation which contribute to the character of the historic districts.
- To advance the quality of design and construction within the Altos Del Mar single-family historic district.
- Maintain the historic street grid and restore the historic names of the streets.
- Follow the historic building pattern for setbacks, yard areas and open space.
- Ensure a similarity of scale (height, size, and massing) between old and new buildings.
- Mitigate the incongruity that would be created between old and new buildings by the coastal flood protection regulations, with limitations on building height, setbacks and massing.
- Protect and enhance public pedestrian access to the beach.
- Maintain the appearance of the historic neighborhood from Collins Avenue.
- Preserve unobstructed views from beachfront homes toward the water.
- Preserve and enhance the informal character and lushness of the vegetation in public and private spaces.



These guidelines are summarized below, followed by an analysis of the proposed project's compliance with each guideline:

1. NEIGHBORHOOD DESIGN GUIDELINES:

- a. *Perimeter Walls and Fences* - Metal picket fences should be kept low and should be setback from the property line to allow for a traditional landscape barrier; largely transparent. CBS/ Stucco walls shall not exceed three (3) feet in height and may incorporate metal picket fencing above.

**Not Applicable**

**On May 11, 2004 the Board approved a master plan (HPB File No. 2170) for perimeter walls for lots which include the subject site.**

- b. *Flowering Street Plants* - Whenever possible, the actual flowering plant corresponding to the original street name shall be planted along that street and used as a decorative landscape theme.

**Satisfied**

- c. *Landscaping* - Those areas east of the rear terrace setback (eighty [80] feet west of the Miami Beach Bulkhead line) shall be landscaped with vegetation native to the South Florida coastal region.

**Satisfied**

- d. *Landscaping at Street Ends* - Ground covers, shrubs and vines should be kept low in order to maintain views through to the ocean. Shade should be provided by palms, seagrape or other non-invasive canopy trees.

**Satisfied**

2. BUILDING AND SITE DESIGN GUIDELINES (for new homes):

- a. *Relationship to Adjacent Buildings* - Houses should be designed in a manner which is sensitive to the massing and siting of adjacent structures. In particular, taller portions of new houses shall be kept to a minimum and should endeavor not to broadside the outdoor spaces of adjacent properties.

**Satisfied**

- b. *Positive Outdoor Space* - Outdoor spaces should be designed to have a distinct and definite shape and should have a good degree of enclosure whether for aesthetic or security purposes. Whenever possible views through to other spaces should be encouraged.

**Satisfied**

- c. *Courtyards and Half-Hidden Gardens* - Gardens and other small outdoor spaces should be designed to be semi-private; neither placed fully in front of the house, nor fully in the back. Gardens should occur in a halfway position, side-by-side with the house, in a location which is half hidden from the street, and half exposed. Similarly, courtyards should not be fully enclosed and should have at least one view out to some larger open space. Active courtyards are encouraged and should

incorporate foot paths which connect rooms which open directly onto to the space.  
**Satisfied**

- d. *Main Entrances* - Collins Avenue buildings should have a clearly recognizable front entrance facing the avenue while oceanfront buildings should have this entrance facing Atlantic Way. Entrances should be immediately visible to pedestrians and vehicles even if vehicular entrances are located elsewhere. In this regard, each facade of the house should be given equal dignity to that of the front facade and the front entrance should further incorporate a bold, visible shape which stands out from the facade of the building and is distinguishable as the main entrance.

**Satisfied**

- e. *Entrance Transition* - A transition space between the street and the front door is encouraged to subtly demarcate the gradient from public to private. It is recommended that the path which connects the street and entrance be brought through this transition space (such as a half-hidden garden), and the space should be marked by a change of light, a change of direction, a change of surface, a change of level, and perhaps by gateways which make a change of enclosure, and above all with a change of view.

**Satisfied**

- f. *Car Ports and Garages* - Place car ports and garages in such a relationship to the house that the shortest route from the parked car into the house is always through the main entrance. For non-oceanfront lots, locate the garage off Atlantic Way or a side street; and for oceanfront properties off Atlantic Way or a side street. Make the parking space for the car into an actual room which creates a positive and graceful place where the car stands.

**Satisfied**

- g. *Building Wings* - Houses should be designed so that their massing breaks down into wings which correspond, approximately, to the most important natural social grouping within the house. Make each wing long and narrow never more than 30' feet in width.

**Satisfied**

- h. *Long Thin House* - Design the wings of the house to be narrow such that rooms occur one after the other rather than clustered into a large volume. The result will produce a surprisingly narrow house which embraces the site.

**Satisfied**

- i. *Private Cottage* - A cottage or wing with some sort of autonomy from the main house should be provided. It is recommended the cottage or wing be connected but visibly distinct from the main house and far away from the master bedroom. It should perhaps have its own private entrance and roof.

**Satisfied**

- j. *Cascade of Roofs* - The building complex should be designed with a coherent system of roofs; the largest, widest roofs over those parts of the building which are most significant and the lesser roofs cascading off the large roofs in a manner

congruent with the hierarchy of social spaces underneath them.

**Satisfied**

- k. *Usable Roofs* - Some portion of almost every roof system should be made usable for a terrace or garden. Place the roof garden or terrace at various stories, and always make it possible to walk directly out onto the roof garden or terrace from some lived-in part of the building.

**Satisfied**

- l. *Light on Two Sides of Every Room* - It is recommended that each room be located so that it is adjacent to an outdoor space on at least two (2) sides so natural light and air circulation is prevalent in every room from more than one direction.

**Satisfied**

- m. *Outdoor Terraces, Galleries and Balconies* - Outdoor terraces, balconies and galleries should be designed as habitable, outdoor rooms with a depth of at least six feet. Whenever possible these and other small additions such as arcades, balconies, niches, outdoor seats, awnings, trellised rooms, and the like are recommended at the edges of the buildings in an effort to soften the building's presence in the neighborhood.

**Satisfied**

- n. *Connection to the Site* - Merge the building to the land around it by including paths, terraces and steps around its edges. Place them deliberately to make the boundaries between house and yard somewhat ambiguous; so that it is impossible to say exactly where the building stops and earth begins.

**Satisfied**

### **STAFF ANALYSIS**

The existing 2-story single-family home located at 7801 Atlantic Way was constructed in 1935 and designed by the architectural firm of Schoeppel & Southwell in the Mediterranean Revival style of architecture. Notable design features include a walled entry courtyard and a 2-story octagonal entry tower. In order to construct a new home on the site, the applicant is requesting approval for the total demolition of the existing structure.

### **Altos del Mar Historic District**

The Altos del Mar Local Historic District was designated in 1987 and is the only remaining oceanfront single-family residential district within the City. The district lies within the Altos del Mar Subdivision platted in 1919. Altos del Mar, or Highlands of the Sea, was an early single-family residential subdivision on Miami Beach and is particularly important for the role it played in opening the City's north shore to development. The original Altos del Mar subdivision ran from 75<sup>th</sup> Street to 83<sup>rd</sup> Street and included both sides of Collins Avenue. The same year, Altos del Mar Subdivision No. 2 was plated from 83<sup>rd</sup> Street to 87<sup>th</sup> Terrace (the northernmost boundary of the City). The main focus of the neighborhood was Airoso Way (now Atlantic Way) running between Collins Avenue and the beach, creating 50' wide by 250' deep oceanfront lots along the east side and 50' wide by 125' lots between Atlantic Way and Collins Avenue to the west. Overtime, these lots developed with single-family homes totaling over 50 by 1965.

In 1966, the City received a \$1.5 million-dollar matching grant from the Department of Housing and Urban Development for the acquisition of land for open space purposes. This money, and later bonds were used to acquire single-family properties in the Altos del Mar area between 79<sup>th</sup> and 87<sup>th</sup> Streets and by 1976 this new park area opened to the public as the North Shore Open Space Park.

In 1983, the City and State proposed acquiring the adjacent blocks to the south (between 76<sup>th</sup> and 79<sup>th</sup> Street) to expand the park as part of the State of Florida “Save our Coasts” initiative. By June of 1983, the State had reached agreements to buy 6 out of the 36 lots; however, many property owners refused to sell. State law prohibited the use of Save Our Coasts funds from purchasing land from unwilling sellers. A few months later, the City condemned the three-block area, allowing the State to buy the land through the City. By 1986, the State had acquired 7 of 24 lots between 77<sup>th</sup> at 79<sup>th</sup> Streets (in 1983 the City decided to scale back the project by one block). As part of the partnership, the State required that 85% of the lots must be acquired or the project would not move forward.

Amid concerns that the park expansion project would be abandoned by the State (leaving desirable oceanfront land potentially available for multi-family or hotel development), the City initiated the designation of the Altos del Mar Historic District in an effort to preserve the single-family character of the neighborhood. On December 2, 1986, the State approved a plan in which they would take control of the park from 76<sup>th</sup> to 87<sup>th</sup> Streets including the homes between 77<sup>th</sup> and 79<sup>th</sup> Streets to be incorporated into the park and designated as part of an historic district. In 1987, the designation process was completed, and the Altos del Mar Historic District was designated.

The State continued to move forward with the acquisition of additional properties including the block between 76<sup>th</sup> and 77<sup>th</sup> Streets, in furtherance of the Save Our Coasts initiative. In 1993, the planned expansion of the park into the historic district was abandoned by the State and North Shore Open Space Park reverted back to City ownership. However, the question of what to do with the State-owned land south of 79<sup>th</sup> Street remained. In 2003, an agreement was made in which the City would be given the land between 76<sup>th</sup> and 77<sup>th</sup> Streets for use as a park and the State would sell the single-family lots located within the historic district at auction.

The State’s decision to require bidders to purchase a minimum of two lots, raised serious concerns regarding future development. More specifically, the City believed that lot aggregation would negatively impact the single lot historical development pattern and the character of the single-family neighborhood. Therefore, the City, uncertain of the State’s plan for the properties, developed design guidelines adopted by the Historic Preservation Board in 2000 and enacted zoning regulations specific to the Altos del Mar Historic District in 2001 to promote the preservation of the historic scale and character of the district.

When the historic district was designated in 1987, seven of the twelve oceanfront lots contained homes, and since 2005, four of those homes have been demolished. Interestingly, four of the twelve lots, remained undeveloped at the time of designation. Between 2012 and today, eight of the twelve oceanfront lots have been developed with new homes approved by the Historic Preservation Board. Three original homes remain (including the subject property at 7801 Atlantic Way).

It is important to note that all the new homes have been designed in accordance with the Altos del Mar Design Guidelines and the highly prescriptive Altos del Mar zoning regulations. These

regulations were developed to reinforce the original 50-foot wide lot development pattern of this neighborhood, create a framework for overall massing of the home and to facilitate compliance with the coastal wave crest requirements unique to this single-family neighborhood.

### **Proposed demolition**

Staff would note that the vast majority of the site, including the entire extent of the home, is located east of the Coastal Construction Control Line (CCCL). The CCCL Program was established by the State of Florida to protect the beach and dune system, as it is the first line of defense against storms. Structures located east of the CCCL must be designed to resist the predicted forces associated with a 100-year storm event. As such, the lowest horizontal structural member of a building must be located above the wave crest of a 100-year storm, in this instance, 18.2' NGVD. Construction located below this elevation must be designed to break away during a storm event. The first finished floor level of the existing home is located at 13.0' NGVD, approximately 5'-2" below the wave crest requirement.

The applicant has submitted a structural evaluation report from Ganem Consulting Engineering. The report includes a narrative and photographic evidence outlining the building's current structural condition as well as materials testing. The report indicates that the current structural systems of the building are deficient. This is not uncommon for buildings constructed in the 1930s and in most cases these deficiencies can be successfully resolved. However, the location of the home east of the CCCL presents an additional level of complexity as outlined in the conclusion of the report. The engineer's final assessment states, "*Codes dictated by FEMA, FDEP and ASCE 24 have become more stringent over the years to account for the new studies and evaluation of the damage that 100 year flood can cause. The house built in 1935 was not required to meet at the time the conditions that today are required for new construction. The property is in a vulnerable location, directly exposed to elements. It is not possible to remodel the house to be in compliance with the foregoing regulations and be resilient to sea level rise and flooding. Therefore, new construction is required.*"

The structural assessment report contemplates the possibility of elevating the home so that the lowest horizontal member of the first habitable floor is located above 18.2' NGVD (to meet the wave crest requirement within the CCCL). The engineer concludes that raising the home to the minimum required elevation is not feasible and would require the demolition and reconstruction of the home.

After consideration of the primary intent of the historic district to maintain the scale and character of this oceanfront single-family neighborhood in combination with review of the engineer's structural assessment, the extreme requirements for buildings located within the CCCL, and the fact that the currently home elevation is below the wave crest requirement, staff is supportive of the request for total demolition.

### **New single-family home**

The architect has presented a well-developed project, which staff finds is an effective response to the Certificate of Appropriateness Criteria and Altos del Mar Design Guidelines as approved by the Historic Preservation Board. Staff is supportive of the proposed design concept which captures the spirit of the guidelines with a massing scheme that responds well to the long, narrow lot. The proposed design is a well composed combination of punctured masonry and glass expanses. Together with a successfully detailed design vocabulary, changes in plane along the

elevations, integration of indoor and outdoor spaces and cascading roof lines, result in an effective reduction in the buildings mass.

In summary, staff is supportive of the proposed project and believes that the new home design maintains the scale and character of the neighborhood and satisfies the intent of the historic district designation.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the request for a Certificate of Appropriateness be **approved**, subject to the conditions enumerated in the attached draft Order.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: July 11, 2023

PROPERTY/FOLIO: 7801 Atlantic Way / 02-3202-004-0230

FILE NO: HPB23-0572

APPLICANT: 7801 AW LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the total demolition of the existing single-family home and the construction of a new single-family.

LEGAL: Lot 6, Block 5 & a portion lying east & adjacent west of the erosion control line, Altos Del Mar No. 1 Subdivision, According to the Plat Thereof, as Recorded in Plat Book 105, Page 62, 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 Altos del Mar 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 7.1.2.4(a)(i) of the Land Development Regulations.
  2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
  3. Is not consistent with Certificate of Appropriateness Criteria 'h' in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
  4. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(3) of the Land Development Regulations.
  5. Is consistent with Certificate of Appropriateness Criteria in 2.13.7(d)(vi)(4) of the Land Development Regulations.

- C. The project would remain consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations 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. Final details of all exterior surface finishes and materials 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.
  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. The project design shall minimize the potential for a project causing a heat island effect on site.
    - b. Cool pavement materials or porous pavement materials shall be utilized, if applicable.

**In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, 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 magistrate appointed by the City Commission.**

## **II. Variance(s)**

- A. No Variances have been requested as part of this application.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

## **III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event



sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.

- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. The applicant shall comply with the electric vehicle parking requirements, pursuant to section 5.1.13 of the land development regulations, as applicable.
- E. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- G. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- J. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- M. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled “**7801 Atlantic**”, as prepared by SDH\_STUDIO, dated April 10, 2023, 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 section 2.13.7 of the Land Development Regulations; 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 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, 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 \_\_\_\_\_ (            ) )

