

MIAMI BEACH

PLANNING DEPARTMENT

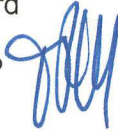
Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: March 13, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB16-0076 a.k.a. HPB File No. 1253, **1052 Ocean Drive.**

The applicant, Congress Hotel on Ocean Drive, LLC, is requesting modifications to a previously issued Certificate of Appropriateness to partially demolish, alter and modify three (3) existing buildings and to construct a new four (4) story building at 1042 Ocean Drive. Specifically, the applicant is requesting to modify conditions of the order relating to the operation of the rooftop.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

BACKGROUND

On July 3, 2003, The Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the partial demolition of the existing 3-story structure at the center of the block, along with the construction of a new 4-story mixed-use building (HPB File No. 1253).

On March 8, 2004, a full building permit was issued for the approved project. The project obtained a Certificate of Occupancy on March 28, 2007.

On January 10, 2017, the subject application was continued to the March 13, 2017 meeting by the Board at the request of the applicant.

EXISTING STRUCTURES

Local Historic District:	Ocean Drive/Collins Avenue
Status:	1036 Ocean Drive: Contributing
	1042 Ocean Drive: Non-Contributing
	1052 Ocean Drive: Contributing

ZONING / SITE DATA

Legal Description:	Lots 1-5 in Block 15 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.
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Zoning:	MXE, Mixed use entertainment
Future Land Use Designation:	MXE, Mixed use entertainment

THE PROJECT

The applicant has submitted plans entitled “The Congress Hotel”, undated.

The applicant is requesting modifications to a previously issued Certificate of Appropriateness to partially demolish, alter and modify three (3) existing buildings and to construct a new four (4) story building at 1042 Ocean Drive. Specifically, the applicant is requesting to modify conditions of the order relating to the operation of the rooftop.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code.

The above noted comments 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 2025 COMPREHENSIVE PLAN

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

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.
Not Applicable
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. Exterior architectural features.
Not Applicable
 - b. General design, scale, massing and arrangement.
Not Applicable
 - c. Texture and material and color.
Not Applicable

- d. The relationship of a, b, c, above, to other structures and features of the district.
Not Applicable
 - e. The purpose for which the district was created.
Not Applicable
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Applicable
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable
- 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.
Not Applicable
 - 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 Applicable
 - c. ~~The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.~~
Not Applicable
 - d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Not Applicable

- 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.

Not Applicable

- 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.

Not Applicable

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

Not Applicable

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

Not Applicable

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

Not Applicable

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Not Applicable

- 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.

Not Applicable

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
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.
Not Applicable
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable

STAFF ANALYSIS

Staff would preface this analysis by noting that substantial redevelopment of the subject property was completed in 2007, which included the restoration of the existing 'Contributing' structures and the construction of a new 4-story building at 1042 Ocean Drive.

The applicant is currently requesting modifications to following conditions contained within the Historic Preservation Board Corrected Order dated July 8, 2003:

- C.1.d. *There shall be no outdoor entertainment establishment at the rooftop pool area ("Rooftop Pool") at the building to be located at 1042 Ocean Drive. In addition, the owner shall not seek any special events permits for outdoor entertainment at the rooftop pool.*
- C.1.f. *The outdoor bar and Rooftop Pool shall only be utilized by residents, room paying hotel guests, and invitees of the residents and invitees of the room paying hotel guests.*

The applicant is requesting that the Board remove the condition limiting rooftop access to residents and hotel guests only. Staff has no objection to this request as the approved Building Permit plans identify a maximum occupancy of 74 people for the roof deck. Further, the applicant is requesting a modification of condition C.1.d., in order to have the ability to submit an application to the Planning Board for outdoor entertainment in the future. Staff would also note that the Planning Board reviews these types of requests to insure neighborhood compatibility.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 13, 2017

FILE NO: HPB16-0076

PROPERTY: 1052 Ocean Drive

APPLICANT: Congress Hotel on Ocean Drive, LLC

LEGAL: Lots 1-5 in Block 15 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

IN RE: The applicant, Congress Hotel on Ocean Drive, LLC, is requesting modifications to a previously issued Certificate of Appropriateness to partially demolish, alter and modify three (3) existing buildings and to construct a new four (4) story building at 1042 Ocean Drive. Specifically, the applicant is requesting to modify conditions of the order relating to the operation of the rooftop.

SUPPLEMENTAL ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

- A. The subject site is located within the Ocean Drive / Collins Avenue Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 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:

- d. ~~There shall be no~~ Any outdoor entertainment establishment at the rooftop pool area ("Rooftop Pool") at the building to be located at 1042 Ocean Drive, shall require a Conditional Use Permit to be reviewed and approved by the Planning Board. In addition, the owner shall not seek any special events permits for outdoor entertainment at the rooftop pool.
- e. Any outdoor speakers installed at the Rooftop Pool, or portable speakers used at the Rooftop Pool, will only be permitted to emit ambient background music that will not interfere with normal conversation, unless an application for outdoor entertainment is reviewed and approved by the Planning Board.
- f. ~~The outdoor bar and Rooftop Pool shall only be utilized by residents, room paying hotel guests, and invitees of the residents and invitees of the room paying hotel guests.~~

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.

g. Variance(s)

- a. No variances were filed as a part of this application.

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

- a. A copy of all pages of the recorded Supplemental 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.
- b. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- c. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- d. 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.
- e. The Supplemental 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.

- f. The previous Corrected Final Order dated July 8, 2003 shall remain in full force and effect, except to the extent modified herein.
- g. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- h. 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.

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

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "The Congress Hotel", undated, and 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
PRESERVATION AND DESIGN MANAGER
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, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Historic Preservation Board on _____ ()

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