

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: June 19, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0097, **4000 Collins Avenue.**

The applicant, Sukkah Miami Beach Acquisitions, LLC, is requesting a Certificate of Appropriateness for the partial demolition of the existing 'Contributing' 5-story structure on the site and the construction of an attached 4-story ground level addition including variances to reduce the required pedestal front, rear, street side and sum of the side setbacks and to exceed the maximum allowed projection within required yards.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

Approval of variances #1, and #5 as submitted

Approval of variances #2 and #3 with modifications

Denial of variance #4.

BACKGROUND

On April 10, 2017, the Board continued the subject application to a date certain of June 12, 2017 at the request of the applicant.

The June 12, 2017 meeting was re-noticed for June 19, 2017.

EXISTING STRUCTURES/SITE

Local Historic District:	Collins Waterfront
Classification:	Contributing
Original Architect:	A. Herbert Mathes
Construction Date:	1948

ZONING / SITE DATA

Legal Description:	Lots 10, 11, 12, 13, 14 and 15, Block 34 of "Miami Beach Improvement Company", According to the Plat Thereof, as Recorded in Plat Book 5, at Page 8 of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-2 (Residential, Medium Intensity)
Future Land Use:	RM-2 (Residential, Medium Intensity)
Lot Size:	27,914 S.F. (Max FAR = 2.0)
Existing FAR:	44,320.16 S.F. / 1.59 FAR
Proposed FAR:	55,461.16 S.F. / 1.99 FAR
Existing Height:	5-stories / 58'-7"
Proposed Height of addition:	3-stories / 37'-9" (49'-9" to top of architectural frame)
Existing Use/Condition:	Multi-Family Residential
Proposed Use:	Hotel w/accessory commercial use

THE PROJECT

The applicant has submitted plans entitled "New Retail Expansion for: Continental Hotel", as prepared by Charles H. Benson & Associates Architects, P.A., dated May 1, 2017.

The applicant is proposing to construct a new ground level addition with retail space on the ground floor and three levels of parking on the upper floors including variances to reduce the required pedestal front, rear, street side and sum of the side setbacks and to exceed the maximum allowed projection within required yards.

The applicant is requesting the following variances:

1. A variance to reduce by 5'-0" the required pedestal front setback of 20'-0" in order to construct a new building addition at 15'-0" from the front property line facing Collins Ave.
 - Variance requested from:

Sec. 142-218. Setback requirements.

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

Pedestal, Front: 20 feet

The new building addition is proposed at 15' from the front property line following the existing building front setback. Although the Code requires a front setback of 20 feet, lesser setbacks are not atypical for this historic district, as evidenced by the 15 foot setback of the existing building on Collins Avenue. A 15 foot setback will still allow sufficient landscaping to be installed along Collins Avenue, and continue the established street wall along Collins Avenue. Based on this analysis, staff is supportive of the variance requested.

2. A variance to reduce by 22'-0" the required pedestal street side setback of 27'-0 in order to construct a new building addition at 5'-0" from the street side property line facing 41st Street.
3. A variance to reduce by 22'-0" the required pedestal sum of the side setbacks of 32'-0 in order to construct a new building addition with a sum of the side setbacks of 10'-0".
 - Variances requested from:

Sec. 142-218. Setback requirements.

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

Pedestal, Side Facing a Street — Sum of the side yards shall equal 16% of lot width. Minimum — 7.5 feet or 8% of lot width, whichever is greater.

These variance requests are triggered by the new building addition at the corner of the site. The applicant is proposing 5'-0" setback with minimum landscape within the property and trees located in the right of way which reduces to a minimum the pedestrian corridor at this intersection at 41st Street, which is very heavily trafficked at all times. The existing building is set back only 5' on the south side, where 16' is required. The deficiency in the required setback on this side would have to be carried over to the north side setback in order to comply with the sum of the side setbacks resulting in a street setback facing 41st Street of 27'-0", although the minimum setback required is 16'-0" for a brand new structure on site, based on the lot width of two (2)-100' lots. This setback would be excessive and burdensome for this property, considering the setbacks of other surrounding properties with the typical 100' lot. If the property was an individual 100'-wide lot, the required street setback would be 8 feet. This condition creates practical difficulties to design the new building addition and provides justification for granting the variances for the side and sum of the side setbacks. Based on this analysis and the setback of other surrounding properties, staff recommends a street side setback of 10' and considering the 2' frame projection around the building 8' clearance to the sky to allow for full grow of the canopy of the trees proposed on the property.

Staff recommends that variance # 2 be modified to "reduce by 17'-0" the required pedestal street side setback of 27'-0" in order to construct a new building addition at 10'-0" from the street side property line facing 41st Street." This modification would also change variance #3 to reduce by 17'-0" the required pedestal sum of the side setbacks of 32'-0" in order to construct a new building addition with a sum of the side setbacks of 15'-0"

4. A variance to exceed by 0'-9" (15%) the maximum allowed projection of 1'-3" (25%) for decorative features in order to construct a decorative frame with a projection of 2'-0" (40%) into the proposed street side yard.

- Variance requested from:

Sec. 142-1132. - Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet.

(5) Ornamental features.

The new building addition is proposed with a roof overhang and frame structure that extends 2'-0" into the proposed 5'-0" setback. This variance is the direct result of the variance request #2 and the façade design. The decorative frame could also have a negative impact on the growing of the canopy trees due to its very close proximity as proposed. Staff recommends that the variance be denied because it fundamentally lacks of hardship or practical difficulties. There is enough area on site to develop the new addition and comply with the maximum projection allowed. Furthermore, with the recommended setback of 10'-0", as noted previously, this variance request will not be necessary.

5. A variance to reduce by 9'-0" the required pedestal rear setbacks of 14'-0 in order to construct a new building addition at 5'-0" from the rear property line.

- Variance requested from:

Sec. 142-218. Setback requirements.

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

Pedestal, rear, Non-oceanfront lots—Minimum: 10% of lot depth

As part of the improvements to the site a new enclosed trash room is proposed following the existing building facade at 5'-0" from the rear property line. This addition would improve the trash room operation to be internal to the site and more concealed from the street views. However, the new driveway and loading area along this side may have a negative impact on the adjacent residential buildings to the west that also have non-conforming rear setbacks. To mitigate any adverse impact on these properties, staff recommends that the area be completely enclosed following the 5' existing setback, which would be more beneficial to the neighboring properties as the noise from this area will be completely isolated. Staff finds that the rear setback variance with the modification proposed is directly associated with the existing contributing building and satisfies the criteria for the granting of the rear setback variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded only partially (as noted) satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application partially satisfy the following hardship criteria, 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;

Satisfied for variance requests #1 and #5 as submitted;

Satisfied for variance requests #2 and #3 with modifications;

Not Satisfied for variance requests #4;

- That the special conditions and circumstances do not result from the action of the applicant;

Satisfied for variance requests #1 and #5 as submitted;

Satisfied for variance requests #2 and #3 with modifications;

Not Satisfied for variance requests #4;

- 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;

Satisfied for variance requests #1 and #5 as submitted;
Satisfied for variance requests #2 and #3 with modifications;
Not Satisfied for variance requests #4;

- 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;

Satisfied for variance requests #1 and #5 as submitted;
Satisfied for variance requests #2 and #3 with modifications;
Not Satisfied for variance requests #4;

- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Satisfied for variance requests #1 and #5 as submitted;
Satisfied for variance requests #2 and #3 with modifications;
Not Satisfied for variance requests #4;

- 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

Satisfied for variance requests #1 and #5 as submitted;
Satisfied for variance requests #2 and #3 with modifications;
Not Satisfied for variance requests #4;

- 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.

Satisfied

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variances:

1. The proposed mechanical parking requires a Conditional Use Permit to be reviewed and approved by the Planning Board prior to the issuance of a building permit.
2. Section 130-32 (26)a. The calculations for required accessory retail parking spaces may be incorrect; the number of parking spaces covered may need to be adjusted or the excess parking shall be counted in the FAR.
3. Section 114. The covered parking at the roof level counts in the FAR calculations.

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 proposed **hotel with accessory retail** 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.
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.
Satisfied
 - 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.
Not Satisfied
The substantially unenclosed vehicular entrance and loading area along the western portion of the site will have an adverse visual and noise impact on the residential buildings along Indian Creek Drive.
 - 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 requested.
 - 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.
Not Satisfied

The substantially unenclosed vehicular entrance and loading area along the western portion of the site will have an adverse visual and noise impact on the residential buildings along Indian Creek Drive.

- 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.

Not Satisfied

The substantially unenclosed vehicular entrance and loading area along the western portion of the site will have an adverse visual and noise impact on the residential buildings along Indian Creek Drive.

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 structure is located within 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 structure is of such design, craftsmanship, or material that it 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 structure is one of the last remaining examples of its kind and contributes to the character of 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.

Satisfied

The structure is 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.

Satisfied

The retention of structure is critical to developing an understanding of an important early 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 is not for the purpose of constructing a main use 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

Total demolition is not proposed.

- h. The 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 the structure.

ANALYSIS

The subject site is comprised of six lots located on the west side of Collins Avenue between 40th and 41st Streets. The Continental Hotel is located on the southern portion of the site and surface parking is located on the northern portion. The applicant is currently proposing to demolish the existing surface parking lot and construct a new addition that will contain ground floor accessory retail and parking above.

The Continental Hotel, constructed in 1948, is an excellent example of the Postwar Modern style of architecture, despite significant alterations to the front façade that occurred in the early 1990s. Staff would note that prior to the contemplation of the currently proposed addition, the applicant obtained a building permit to restore the Collins Avenue façade back to its original design including the reintroduction of the glass grid feature located on the upper four stories. Additionally, staff would note that while significant alterations have been made over the years

within the original lobby space, the applicant has uncovered the original ceiling details which are currently being restored.

Staff commends the applicant for proposing to construct a high quality structure on the existing surface parking lot. Over time, the existing parking lot has had an increasing negative impact on the developing urban context of Collins Avenue as well as the surrounding historic district. Along with the demolition of the surface parking lot, the applicant is requesting approval for the demolition of portions of the north elevation at the ground level which will be required to connect the proposed accessory retail use to the hotel. Staff has no objection to the requested demolition which is minor in nature and will not remove any significant architectural features.

Staff is supportive of the overall contemporary design language of the proposed structure. The new building is well within the scale and context of the immediate area and the programming of the structure is effective in terms of the location of the commercial space at the first level and parking located at the upper levels.

The design of the structure is equally successful, as the elevations have been massed in a manner that effectively breaks down the scale of the structure and establishes a successful architectural relationship with the 'Contributing' building to the south. The proposed design is defined by a dynamic architectural screen wrapping the upper three levels of the building.

Staff has only minor concerns with the proposed design. First, staff believes that the open cable trellis partially enclosing the vehicular entrance and loading area along the western portion of the property will not adequately shield the potential noise impacts on the residential properties adjacent to the west. Consequently, staff would recommend that this service corridor be entirely enclosed with a solid roof and walls with the exception of the entrance along 41st Street. Second, staff would recommend that the architect further study and refine the design for the proposed entry door system. Staff would recommend the proposed sliding doors be replaced with swing doors, which would be more consistent with the character of the surrounding historic district.

VARIANCE ANALYSIS

As part of the proposed improvements, five (5) variances are requested to reduce the requirements for setbacks at the front, rear, side and sum of the side setbacks, and to exceed the maximum allowed projection for decorative structures. The variances to reduce the rear and sum of the side setbacks are associated with the retention of the contributing building and its non-conforming setbacks could be supported by staff if the proposed service and loading area were to be enclosed. The variance for the projection of the structure is not related to the retention of the historic building and based on the area available and the recommended setback of 10' for development on the site, it can be easily eliminated.

Lastly, staff is concerned with the proposed parking open to the sky in the historic district, and the negative impact the visibility of that parking has when viewed from nearby higher buildings. Rather than construct excess parking on the roof, staff would recommend that the rooftop consist of a non-vehicular green roof. A green roof will also help mitigate the extreme lack of landscaping on this site and enhance the character of the surrounding historic district.

In summary, staff recommends that the variances #1, and #5 be approved with the modifications recommended herein for variances #2 and #3 and that variance #4 be denied.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Certificate of Appropriateness and variance requests #1, #2, #3 and #5 be **approved**, with the modifications noted, and that the variance request #4 be **denied**; subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

TRM:DJT:MB:JS:SW:IV

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HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: June 19, 2017

FILE NO: HPB17-0097

PROPERTY: 4000 Collins Avenue

APPLICANT: Sukkah Miami Beach Acquisitions, LLC

LEGAL: Lots 10, 11, 12, 13, 14 and 15, Block 34 of "Miami Beach Improvement Company", According to the Plat Thereof, as Recorded in Plat Book 5, at Page 8 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the partial demolition of the existing 'Contributing' 5-story structure on the site and the construction of an attached 4-story ground level addition including variances to reduce the required pedestal front, rear, street side and sum of the side setbacks and to exceed the maximum allowed projection within required yards.

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 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 not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'e' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
 - 4. 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 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 vehicular entrance, service and loading corridor located along the western portion of the property shall be entirely enclosed with a solid roof and walls with the exception of the entrance along 41st Street, in a manner consistent with the exterior design and surface finishes of the new building and the interior portions of the enclosure shall be designed and finished in a manner consistent with the exterior, 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. All exterior doors at the first level of the proposed structure, facing Collins Avenue and 41st Street, shall consist of swing doors. Sliding doors shall be prohibited. The final design details, materials and dimensions of all swing doors 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.
 - c. 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.
 - d. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided 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. 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.
 - f. All building signage shall require a separate permit. Any proposed flat wall sign shall be composed of individual reverse channel letters with a natural brushed aluminum finish and any proposed projecting sign shall be composed of individual, pin-mounted non-illuminated reverse channel letters with a brushed aluminum finish or channel letters with brushed aluminum returns and a white acrylic face, 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 interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any portion of an exterior wall fronting Collins Avenue or 41st Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or substantially transparent fixtures for display purposes only.

- h. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the retail area and all florescent lighting shall have a maximum temperature of 2700 K, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - i. The maximum footcandle level of lighting within the retail area shall not exceed 50 footcandles and the average level of all lighting shall not exceed 30 footcandles, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - j. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.
 - k. The design and layout of the physical connection between the existing hotel lobby and the proposed new accessory use shall be further developed and detailed, in a manner to be reviewed and approved by staff.
- 2. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as **LEED Gold by USGBC**. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- 3. 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 utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - 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. Right-of-way areas shall also be incorporated as part of the irrigation system.

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), the following variance(s) which were either approved by the Board with modifications, or denied:

The following variances were approved by the Board:

1. A variance to reduce by 5'-0" the required pedestal front setback of 20'-0" in order to construct a new building addition at 15'-0" from the front property line facing Collins Ave.
2. A variance to reduce by 17'-0" 22'-0" the required pedestal street side setback of 27'-0 in order to construct a new building addition at 10'-0" 5'-0" from the street side property line facing 41st Street. (Modified variance)
3. A variance to reduce by 17'-0" 22'-0" the required pedestal sum of the side setbacks of 32'-0 in order to construct a new building addition with a sum of the side setbacks of 15'-0" 40'-0". (Modified variance)
5. A variance to reduce by 9'-0" the required pedestal rear setbacks of 14'-0 in order to construct a new building addition at 5'-0" from the rear property line.

The following variances were denied by the Board:

4. A variance to exceed by 0'-9" (15%) the maximum allowed projection of 1'-3" (25%) for decorative features in order to construct a decorative frame with a projection of 2'-0" (40%) into the proposed street side yard.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance(s) II.A.1, II.A.2, II.A.3, and II.A.5, as noted above 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, only as it relates to variance(s), II.A.1, II.A.2, II.A.3, and II.A.5, as noted above:

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.

C. The Board hereby **Approves** the requested variance(s) #1, #2, #3 and # 5, as noted and **Denies** the requested variance(s) #4, as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The proposed parking structure shall be substantially covered by a green roof, in a manner to be reviewed and approved by staff.

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. As the proposed commercial use within this RM-2 district is only permitted as an accessory use that is incidental to the main permitted hotel use, the following shall apply to the proposed new structure:
1. A Temporary Certificate of Occupancy (TCO) or a Certificate of Occupancy (CO) for the proposed new accessory structure, shall not be issued prior to the issuance of a CO or Business Tax Receipt (BTR) for the main permitted hotel use on the site.
 2. The accessory structure shall not be operated or utilized at any time while the main permitted hotel use is closed or non-operational.

3. The physical connection between the existing hotel lobby and the new accessory use shall remain open and operable at all times that the accessory use is open to the public.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, 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 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.
- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 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. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- 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

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 "New Retail Expansion for: Continental Hotel", as prepared by Charles H. Benson & Associates Architects, P.A., dated May 1, 2017, 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
CHIEF OF HISTORIC PRESERVATION
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, Chief of Historic Preservation, 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 _____ ()