

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 13, 2015

FROM: Thomas R. Mooney, AICP 
Planning Director

SUBJECT: HPB File No. 7540, **3101 Collins Avenue – Riu Hotel**.

The applicant, Riutel Fla Inc, is requesting an After-the-Fact Certificate of Appropriateness for the construction of a 1-story structure within the rear yard, including variances to reduce the minimum required rear yard and interior side yard setbacks.

STAFF RECOMENDATION

Approval of Certificate of Appropriateness with conditions
Approval of Variances with conditions

EXISTING STRUCTURE

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Construction Date:	1959
Original Architect:	Roy France & Morris Lapidus, Assoc.

ZONING / SITE DATA

Legal Description:	Lots 1 through 8, Block 15 of Miami Beach Improvement Company Subdivision, according to the plat thereof recorded in plat book 5, at page 7 of the public records of Miami-Dade County, Florida.
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Zoning:	RM-3, Residential Multi-Family, high intensity
Future Land Use Designation:	RM-3, Residential Multi-Family, high intensity
Existing Use/Condition:	Hotel
Proposed Use:	Hotel

BACKGROUND

On October 14, 2014, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness (HPB 7476) for the installation of a new reception desk within the lobby.

THE PROJECT

The applicant has submitted plans entitled "RIU Hotel Pool Bar" as prepared by UCI Engineering, undated.

The applicant is requesting an After-the-Fact Certificate of Appropriateness for the construction of a 1-story structure within the rear yard, including variances to reduce the minimum required rear yard and interior side yard setbacks.

The applicant is requesting the following variance:

1. An after-the-fact variance to reduce by two feet six inches (2'-6") the minimum required rear yard setback of 10'-0" for a structure located within the Oceanfront Overlay District in order to permit a structure with a rear yard setback of seven feet six inches (7'-6") from the bulkhead line.

- Variance requested from:

Sec. 142-802. - Additional regulations for oceanfront lots.

(3) There shall be a minimum required 15-foot setback from a side lot line and a minimum required ten-foot setback from the bulkhead line.

The structure consists of a building containing restrooms and a large covered bar and seating area. The building currently meets the rear yard setback requirements, however, the large roof covering the bar and seating area is supported by columns which encroach into the required rear yard setback.

2. An after-the-fact variance to reduce by eight feet one inch (8'-1") the minimum required side yard setback of 15'-0" for a structure located within the Oceanfront Overlay District in order to permit a structure with a north side yard setback of six feet eleven inches (6'-11").

- Variance requested from:

Sec. 142-802. - Additional regulations for oceanfront lots.

(3) There shall be a minimum required 15-foot setback from a side lot line and a minimum required ten-foot setback from the bulkhead line.

The structure has a north side yard setback of 11'-0", however, there is a four foot one inch (4'-1") roof overhang which exceeds the allowable encroachment a roof overhang. Therefore, the setback variance is being measured from the structure's closest point to the north property line, including the roof overhang.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

However, staff has concluded that the plans and documents with the application do not comply with 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;

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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, with the exception of the variances requested herein, 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.

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.
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.
Satisfied

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied, see Compliance with Zoning Code.
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
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.
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.
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).
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.
Not Satisfied
The existing approximately 8'-0" tall solid masonry site wall along the north property line does not provide transparency into the site which creates an undesirable pedestrian experience.
- 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

ANALYSIS

The subject structure, originally constructed in 1948 as the Sans Souci Hotel and designed by architects Roy France and Morris Lapidus, underwent a very substantial renovation in 1996, prior to the designation of the Collins Waterfront Local Historic District in 2001. This renovation included the removal of all original materials and finishes within the historic lobby area. Wood paneling was installed throughout the space including around the original columns. The applicant is currently in the process of renovating the structure including the substantial restoration of the historic lobby, remodeling all guest rooms and general site improvements.

During the course of site renovations, the applicant constructed a new accessory building located in the rear portion of the site without obtaining the required building permits. Consequently, Planning staff did not have the opportunity to review the proposed plans for this structure prior to its completion.

The applicant is now requesting an After-the-Fact approval for the design of this structure, including rear and side setback variances as denoted earlier in this report. Staff is pleased with the design which establishes a more appropriate relationship with the existing Post War Modern Sans Souci Hotel than the previously existing thatched roof structure built in 1996. Although staff does not believe the existing structure has any adverse impact on the 'Contributing' building or surrounding historic district, it is unfortunate that staff was not consulted prior to the construction, as the building could have been easily shifted, eliminating the need for setback variances.

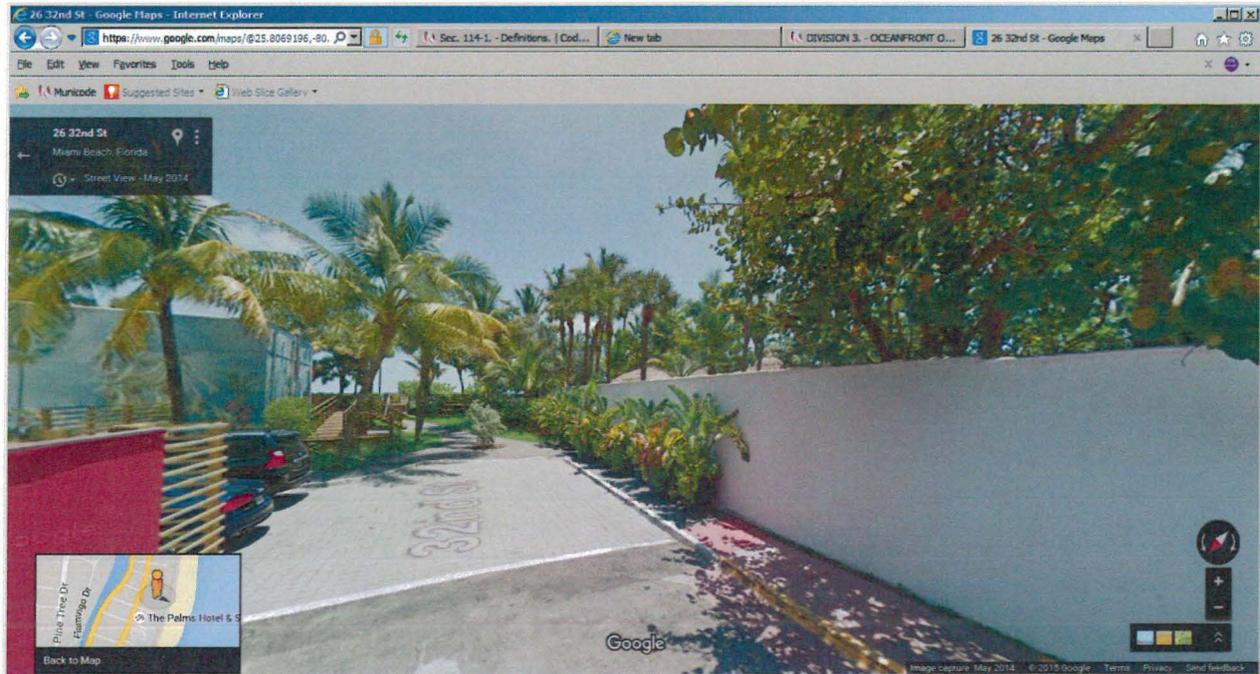
In order to avoid any variances the following modifications to the structure would be required:

1. Relocation of the columns on the east side of the structure supporting the roof overhang; the building itself complies with the required 10 foot rear setback, and the roof overhang complies with the maximum projection of 25% into a required side yard, however the columns are located within the required rear setback.
2. Demolition of approximately one-half of the northern portion of the restrooms (~ 4 feet) to comply with the required 15 foot north sideyard setback, including the roof overhang projection on the north side.

Although the applicant has not satisfied the hardship criteria as outlined in Section 118-353(d), of the City Code, staff believes that the application, when including the substantial modifications to the site, as recommended by staff, would satisfy the requirements of Article 1, Section 2 of the Related Special Acts, as it relates to practical difficulties. In this regard, the Board has the power to vary the zoning regulations so that "the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done."

As it pertains to the requirements of the Oceanfront Overlay district, Section 142-802(8) of the City Code, indicates that "A view corridor shall be created by maintaining a minimum of 50 percent of the required rear yard setback open and unencumbered, apart from landscaping and decorative open picket type fences, from the erosion control line to the rear setback line."

Currently, the north and south sides of the property are enclosed by an 8-foot tall wall as seen in the image below looking east at the end of 32nd Street, which has existed on the property for decades.



In furtherance of the public welfare as it relates to construction on the north side of the property, staff is recommending that the wall on the north side be eliminated and replaced with a 5-foot tall open picket type fence. An open fencing would substantially widen the public view corridor along 32nd Street to the Ocean, and such requirement is proportional to the impact created by the reduced setbacks requested by the applicant. Staff believes, that with this modification to the site, the spirit and intent of the Zoning Ordinance will be observed, as the resulting conditions will be much improved from a public perspective, compared to the strict compliance with the setback regulations for the proposed new construction, which would not include any modifications to the existing north property wall.

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 and Practical Difficulty and Hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 13, 2015

FILE NO: 7540

PROPERTY: 3101 Collins Avenue

APPLICANT: Riutel Fla Inc.

LEGAL: Lots 1 through 8, Block 15 of Miami Beach Improvement Company Subdivision, according to the plat thereof recorded in plat book 5, at page 7 of the public records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for an After-the-Fact Certificate of Appropriateness for the construction of a 1-story structure within the rear yard, including variances to reduce the minimum required rear yard and interior side yard setbacks.

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 'b' in Section 118-564(a)(3) 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 final design and details of the proposed pool bar structure shall be submitted, in a manner to be reviews and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The existing north property wall within the Oceanfront Overlay and Dune Preservation Overlay Districts shall be removed and replaced with a maximum 5-foot tall (as measured from adjacent sidewalk) open picket-type fence, in a manner 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 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):

1. An after-the-fact variance to reduce by 2'-6" the minimum required rear yard setback of 10'-0" for a structure located within the Oceanfront Overlay District in order to permit a structure with a rear yard setback of 7'-6" from the bulkhead line.
 2. An after-the-fact variance by reduce by 8'-1" the minimum required side yard setback of 15'-0" for a structure located within the Oceanfront Overlay District in order to permit a structure with a north side yard setback of 6'-11"
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

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

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

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

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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

III. 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 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 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 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 conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 Certificate of Appropriateness 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 approved by the Historic Preservation Board, as determined by staff, entitled "Riu Hotel Pool Bar", as prepared by UCI Engineering, undated.

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 a Certificate of Appropriateness 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 Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. 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 Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 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 Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

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 _____ ())

