

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: February 9, 2016

FROM: Thomas R. Mooney, AICP   
Planning Director

SUBJECT: **File No. 7581, 728 Ocean Drive.**

The applicant, IRE 728 Ocean Drive, LLC, is requesting a Certificate of Appropriateness for the substantial partial demolition, renovation and restoration of the existing 2-story structure and the construction of an attached 2-story addition, ~~including a variance to reduce the required side setback for a loading space located at the rear of the property.~~

### STAFF RECOMMENDATION

Approval of Certificate of Appropriateness.

### EXISTING STRUCTURE

Local Historic District:	Ocean Drive/Collins Avenue
Status:	Contributing
Original Construction Date:	1953
Original Architect:	Don Reiff

### ZONING / SITE DATA

Legal Description: Lot 5, Block 12 of Ocean Beach, Fla Addition No. 1, according to the plat thereof recorded in Plat Book 3, Page 11 of the public records of Miami Dade County, Florida.

Zoning:	MXE, Mixed use entertainment
Future Land Use Designation:	MXE, Mixed use entertainment
Lot Size:	6,500 S.F. / 2.0 Max FAR
Existing FAR:	10,934 S.F. / 1.68 FAR
Proposed FAR:	10,231 S.F. / 1.57 FAR
Existing Height:	2 stories
Proposed Height:	2 stories
Existing Use/Condition:	Commercial
Proposed Use:	Commercial

### THE PROJECT

The applicant has submitted plans entitled "728 Ocean Drive, Miami Beach, Florida" as prepared by Ziscovich Architects, dated January 7, 2016.

**The applicant is requesting a Certificate of Appropriateness for the substantial partial demolition, renovation and restoration of the existing 2-story structure and the construction of an attached 2-story addition, ~~including a variance to reduce the required side setback for a loading space located at the rear of the property.~~**

**CONSISTENCY WITH 2025 COMPREHENSIVE PLAN**

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

**COMPLIANCE WITH ZONING CODE**

The application may not be consistent with the requirements of the City Code; this shall not be considered final zoning review or approval.

1. 118-395(b)(2)(d)(1). Repair and/or rehabilitation of nonconforming buildings and uses.
  - a. A waiver from Section 118-395(b)(2)(d)(1) of the City Code is required to be approved by the Historic Preservation Board in order to retain the existing structure's non-conforming side yard setback and parking credits is required to be approved by the Historic Preservation Board in order to retain the existing structure's non-conforming setbacks and parking credits.
2. As indicated by the applicant, a fee in lieu of providing parking shall be required for 2 spaces at \$40,000 per space. The final parking requirement for the proposed new construction shall be determined by the Planning Director or his/her designee.
3. Sec. 130-101. Off street loading space requirements.
  - a. Two off-street loading spaces are required to be provided. An amendment to this section of the Code is required or a variance must be obtained, subject to the review and approval of the Historic Preservation Board.

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.  
**Not Satisfied**  
**Material samples have not been submitted.**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Satisfied**
  - e. The purpose for which the district was created.  
**Satisfied**
  - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.  
**Satisfied**
  - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.  
**Satisfied**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Satisfied**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
  - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

**Not Satisfied**  
**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.

**Not Satisfied**  
**Material samples have not been submitted.**

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

**Satisfied**

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

**Satisfied**

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

**Satisfied**

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

**Not Satisfied**  
**A lighting plan has not been submitted.**

- 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**

**Required off-street loading spaces have not been provided.**

#### **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 designated as part of the Ocean Drive/Collins Avenue Local Historic District; this building is designated as a ‘Contributing’ structure in the historic district.**

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

**Satisfied**

**The existing structure would be difficult and inordinately expensive to reproduce.**

- 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 subject structure is one of the last remaining examples of its kind and is a distinctive example of an architectural or design style which 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 subject structure is designated as a ‘Contributing’ building in the Miami Beach Historic Properties Database.**

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

**Satisfied**

**The retention of this structure is critical to developing an understanding of an important Miami Beach architectural style.**

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

**Not Applicable**

**The demolition proposed in the subject application is not for the purpose of constructing a parking garage.**

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

**Not Applicable**

**The applicant is not proposing total demolition of the existing ‘Contributing’ building.**

- 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 any part of the subject building.**

**STAFF ANALYSIS**

Staff would preface this analysis by noting that since the original application was submitted, the applicant has revised the plans and is currently proposing significantly less demolition than was previously contemplated and is no longer requesting a variance to reduce the required side yard setback in order to accommodate a loading space.

The existing structure on the site, formerly the known as the Sun Ray Apartments, was originally constructed as a 21-unit apartment building in 1953, designed by Donald Reiff in the Post War Modern style of architecture. The structure originally consisted of a 3-story building fronting Ocean Drive and a rear two-story portion that ran the entire depth of the site. In 1989, the Joint DRB/HPB (File No. 1616J) approved the partial demolition of the 3rd floor slab in order to reduce the building to 2-stories and accommodate a new commercial use. The applicant is currently proposing the partial restoration of the primary façade in connection with the partial demolition of the structure in order to provide more functional retail space.

The applicant is proposing to partially restore the primary Ocean Drive façade including the reintroduction of the original steel column at the south east corner of the ground floor, the stone veneer cladding and the clear bubble windows. Additionally, the applicant is proposing to reconstruct the ground level walls at the northeast corner ground and introduce larger window openings in this area. Staff is generally supportive of the restoration proposed. However, it is recommended that the proposed stone veneer be more consistent with historical documentation with regard to proportion and overall texture.

Further, the ground and second floor slabs, as well as portions of the exterior walls and roof are proposed to be demolished in order improve accessibility and efficiency within the new retail space. Staff has no objection to the requested demolition as the majority of character defining architectural features are proposed to be retained or restored.

Staff would note that the amount of demolition proposed exceeds 25% of the first floor slab and the building would not be permitted to retain the existing non-conforming front and side yard setbacks and existing parking credits. However, if the Board finds that the project satisfies the criteria for the retention and restoration of the 'Contributing' building, as outlined in Section 118-395 of the City Code below, a waiver can be granted without the need for variances.

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

\* \* \*

- (b) *Nonconforming buildings.*

\* \* \*

- (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:

\* \* \*

- d. Development regulations for buildings located within a designated historic district or for an historic site:
  1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
    - i. At least 75 percent of the front and street side facades;
    - ii. At least 75 percent of the original first floor slab;
    - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
    - iv. All architecturally significant public interiors.
  2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
    - i. The structure is architecturally significant in terms of design, scale, or massing;
    - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
    - iii. The structure is associated with the life or events of significant persons in the City;
    - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
    - v. The structure has yielded or is likely to yield information important in prehistory or history; or
    - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii., v. & vi, above are satisfied and recommends approval as outlined below.

Additionally, staff is supportive of the new architectural treatment the architect has developed for the side and rear elevations which establish a successful relationship with the existing Post War Modern architecture. The proposed improvements within the center of the building are well within the scale and context of the exiting building on the site and will not be visible from Ocean Drive.

Finally, as a new retail establishment is proposed staff is recommending several conditions with regard to signage, lighting and merchandising in order for the project to be more compatible with the historic character of Ocean Drive.

#### **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: February 9, 2016

FILE NO: 7581

PROPERTY: 728 Ocean Avenue

APPLICANT: IRE 728 Ocean Drive, LLC

LEGAL: Lot 5, Block 96, Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the partial demolition, restoration and renovation of the existing 1-story 'Contributing' structure, the total demolition of the 1-story 'Non-Contributing' rear accessory structure and the construction of a new 2-story detached ground level addition, including a variance to reduce the required rear yard setback.

**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 not consistent with Certificate of Appropriateness Criteria 'c' in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'g' & '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 stone veneer proposed to be installed on the east façade shall be more consistent with the historical documentation in terms of its proportion and overall texture, 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. 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.
    - c. 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.
    - d. 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.
    - e. No signage shall be permitted to be installed on the stone veneer.
    - 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 Ocean Drive, 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.



- C. 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.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. 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.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 "728 Ocean Drive, Miami Beach, Florida" as prepared by Zyscovich Architects, dated January 7, 2016, 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: \_\_\_\_\_

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HPB File No. 7581  
Meeting Date: February 9, 2016

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

Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ ( )

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