MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation — Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: March 8, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: File No. 7621, **1409 Washington Avenue.**

The applicant, Acastar Miami, LLC., is requesting Certificate of Appropriateness for the substantial demolition, renovation and restoration of the existing structure and the construction of a new 4-story ground level addition including variances to reduce the required interior side and sum of the side yard setbacks, as part of a new hotel development.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness and Variances with conditions.

EXISTING STRUCTURES

Local Historic District:	Flamingo Park
Status:	Contributing
Original Construction Date:	1935
Original Architect:	V. H. Nellenbogen

ZONING / SITE DATA

Legal Description:	Lot 12, Block 26 of Ocean Beach Addition No. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.
Zoning:	CD-2, Commercial medium intensity
Future Land Use Designation:	CD-2, Commercial medium intensity
Lot Size:	6,500 S.F. / 2.0 Max FAR
Existing FAR:	10,698 S.F. / 1.64 FAR
Proposed FAR:	12,928 S.F. / 1.98 FAR
Existing Height:	~37'-0" / 3 stories
Proposed Height:	~48'-1" / 4 stories
Existing Use/Condition:	Residential with ground floor retail
Proposed Use:	Hotel with basement restaurant

THE PROJECT

The applicant has submitted plans entitled "1409 Washington Avenue Addition and Renovation" as prepared by DN'A Design and Architecture, dated January 25, 2016.

The applicant is requesting Certificate of Appropriateness for the substantial demolition, renovation and restoration of the existing structure and the construction of a new 4-story ground level addition including variances to reduce the required interior side and sum of the side yard setbacks, as part of a new hotel development.

The applicant is requesting the following variance(s):

1. A. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" for residential uses in order to construct an addition to the existing building at 5'-0" from the interior north side property line.

   B. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" for residential uses in order to construct an addition to the existing building at 5'-0" from the interior south side property line.

- Variances requested from:

Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

Pedestal and Tower (non oceanfront), Side Interior: Residential uses shall follow the RM-1, 2, 3 setbacks.(See sections 142-156, 142-218 and 142-247.

Sec. 142-156. Setback requirements.

The setback requirements for the RM-1 residential multifamily, low intensity district are as follows:

Pedestal, side interior: Sum of the side yards shall equal 16% of lot width, Minimum: 7.5 feet or 8% of lot width, whichever is greater.

The existing building has non-conforming sides and front setbacks for the hotel use. The front portion of the building is proposed to be retained at all three levels and the basement. A rear addition attached to the structure is proposed with 5 feet of setback on both sides where 7'-6" is required for residential and hotel uses. The proposed setbacks are typical setbacks for most properties in the historic district. The adjacent properties are one-story commercial buildings and staff does not anticipate any negative impact as a result of the setback reduction. Furthermore, the proposed setbacks are an improvement over the existing conditions, considering that the existing building has zero setbacks on the sides. Staff finds that the lot width of 50 feet and the retention of portions of the existing structure create practical difficulties that justify the need for the variances requested in order to accomplish the new addition while preserving the significant original architectural features.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts. **In this case the requested variances are necessary in order to satisfy the Certificate of Appropriateness criteria and to not adversely impact the existing contributing building.**

Additionally, staff has concluded that the plans and documents with the application 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.

COMPLIANCE WITH ZONING CODE

The application, as submitted, appears to be consistent with the applicable requirements of the City Code, with the exception of the variance(s) requests herein. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 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 CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Satisfied
The proposed location of the stair and elevator bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. These elements combined with the proposed rooftop trellis structures and external staircase from the 4th level terrace to the rooftop terrace overwhelms the 'Contributing' structure on the site.

b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied

II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. Exterior architectural features.
Not Satisfied
The proposed location of the stair and elevator bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. These elements combined with the proposed rooftop trellis structures and external staircase from the 4th level terrace to the rooftop terrace overwhelms the 'Contributing' structure on the site.

b. General design, scale, massing and arrangement.
Not Satisfied
The proposed location of the stair and elevator bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. These elements combined with the proposed rooftop trellis structures and external staircase from the 4th level terrace to the rooftop terrace overwhelms the 'Contributing' structure on the site.

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.
Not Satisfied
The proposed location of the stair and elevator bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. These elements combined with the proposed rooftop trellis structures and external staircase from the 4th level

terrace to the rooftop terrace overwhelms the 'Contributing' structure on the site.

f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied

g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied

h. The original architectural design or any subsequent modifications that have acquired significance.
Not Satisfied
The proposed location of the stair and elevator bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. These elements combined with the proposed rooftop trellis structures and external staircase from the 4th level terrace to the rooftop terrace overwhelms the 'Contributing' structure on the site.

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.
Not Satisfied
The proposed location of the stair and elevator bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. These elements combined with the proposed rooftop trellis structures and external staircase from the 4th level terrace to the rooftop terrace overwhelms the 'Contributing' structure on the site.

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).
Not Satisfied

The proposed location of the stair and elevator bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. These elements combined with the proposed rooftop trellis structures and external staircase from the 4th level terrace to the rooftop terrace overwhelms the 'Contributing' structure on the site.

k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied

l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied

m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Satisfied
The proposed location of the stair and elevator bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. These elements combined with the proposed rooftop trellis structures and external staircase from the 4th level terrace to the rooftop terrace overwhelms the 'Contributing' structure on the site.

n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied

o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

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 Flamingo Park Local Historic District; the building is designated as '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

The subject building, constructed in 1935 and designed by Victor H. Nellenbogen, is a noteworthy example of Art Deco style architecture. The 3-story building, originally known as the "Reef Apartment Hotel", contains a commercial space on the ground level and apartment units on the upper two floors. The majority of the original architecturally significant features remain intact including the stainless steel marquee and storefront window system with rounded corners at the ground level and the decorative bas relief panels, corner windows, horizontal scoring and decorative cornice of the upper façade. Additionally, the building retains the original ground level terrazzo floor which features a five color medallion of a rooster denoting the original occupant of the space, "Chicken Jack's" restaurant.

The proposed redevelopment project consists of 30 hotel units, a 50 seat basement level restaurant, a 32 space mechanical parking garage and active roof decks. In order to construct the new 4-story ground level addition, the applicant is proposing to demolish approximately 60% of the rear portion of the 'Contributing' building and the entire 1-story rear addition which was constructed in 1978. Staff would note that while the amount of demolition is extensive, all significant architectural features located on the primary façade (Washington Avenue) are proposed to be retained and restored. Further, the majority of the original public interior space is proposed to be restored and converted into the hotel lobby. Additionally, the portion of the building proposed to be demolished contains little to no significant architectural details.

The amount of demolition proposed exceeds the thresholds for the repair and/or rehabilitation of non-conforming buildings and the structure would not be permitted to retain the existing non-conformances. However, if the Board finds that the project satisfy 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., iv., v. & vi, above are satisfied.

Staff is pleased with the restoration work proposed including the replacement of the existing windows with new casement windows which are more consistent with available historical documentation. Staff believes however, that the proposed black baked enamel finish for the windows frames is not an appropriate finish for the subject Art Deco style building. Consequently, staff would recommend that all window frames be a clear anodized aluminum finish or powder coated silver or light grey and that all window glass shall be clear in color and any tinting shall be the minimum required by Energy Codes. Additionally, according the Historic Resources Report provided by the applicant the ground level façade was clad in vitrolite. The applicant is proposing to remove the non-original green tile and replace it with polished black porcelain tiles which recall the historic material. After review of the Historic Properties Database card for this property it appears that the entire ground level façade was clad in vitrolite. As such staff recommends that the entire ground level façade be clad in the polished porcelain tile.

Staff is generally supportive of the proposed project which has been developed in a manner that is compatible with the existing architecture. Staff has some concern however, with regard to the impact the proposed stair and elevator bulkheads of the new addition will have on the 'Contributing' structure. In this regard, the projecting bulkheads will be highly visible from all directions along Washington Avenue due to their close proximity to the front property line. Staff believes that the location of these elements combined with the proposed rooftop trellis structures and external staircase from the 4th level terrace to the rooftop terrace overwhelms the original structure on the site.

In order to mitigate the adverse impact these elements will have on the 'Contributing' building staff would recommend that the stair and elevator bulkheads be further set back from Washington Avenue. Staff believes that this can be successfully accomplished by either setting back the 4-story addition approximately 12'-0" from the front property line (one additional structural bay of the existing building) or eliminating one stack of the mechanical parking system. Additionally, staff recommends the elimination of the wood trellises and external staircase that face Washington Avenue as they add unnecessary bulk and mass to structure.

Staff is confident that the above noted concerns can be addressed administratively, as indicated in the recommendation for approval below.

VARIANCE ANALYSIS

The applicant is proposing the conversion to a hotel development while preserving the front and part of the side walls of the existing structure. The variances requested are the minimum necessary to develop the site, preserve part of the contributing building and comply with the certificate of appropriateness criteria. Staff finds that the lot size and the existing building create practical difficulties that justify the need for the variances requested, as noted under the project description portion of this report. In summary, staff recommends approval of the applicant's requests.

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.

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HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 8, 2016

FILE NO: 7621

PROPERTY: 1409 Washington Avenue

APPLICANT: Acastar Miami, LLC.

LEGAL: Lot 12, Block 26 of Ocean Beach Addition No. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the substantial demolition, renovation and restoration of the existing structure and the construction of a new 4-story ground level addition including variances to reduce the required interior side and sum of the side yard setbacks, as part of a new hotel development.

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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 Flamingo Park Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.

2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'd', 'g', 'j' & 'm' 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 4-story addition shall be set back the length of one additional structural bay of the existing building (approximately 12'-0") or one stack of the mechanical parking system shall be eliminated, 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. The proposed wood trellises at the western portion of the structure and the external staircase from the 4th level terrace to the roof deck terrace shall not be approved.

   c. The polished black porcelain tile proposed to be installed at the ground level Washington Avenue façade shall extend to the underside of the marquee, 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. 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.

   e. 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.

   f. 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.

   g. Final details of all proposed windows 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. The frames shall be a clear anodized aluminum or a light grey or silver powder coated finish. The glass shall be clear and any tinting shall be the minimum required by Energy Codes.

   h. Exterior and interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No

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florescent or intensive 'white' lighting (or similar intensive lighting) shall be permitted on the exterior or within the retail area.

2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.

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):

1. A. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" for residential uses in order to construct an addition to the existing building at 5'-0" from the interior north side property line.

   B. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" for residential uses in order to construct an addition to the existing building at 5'-0" from the interior south side property line.

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 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.

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B. 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.

C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

D. 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.

E. 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.

F. 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.

G. 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.

H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

I. 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 "1409 Washington Avenue Addition and Renovation" as prepared by DN'A Design and Architecture, dated January 25, 2016, and as approved by the Historic Preservation Board, as determined by staff.

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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

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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 _____ ( )

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