

# MIAMI BEACH

## 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. 7622, **947 - 955 Washington Avenue.**

The applicants, Estis, LLC. and 955 Washington Owner, LLC., are requesting a Certificate of Appropriateness for the substantial demolition, renovation and restoration of the existing structures and the construction of a new 7-story ground level addition including variances to reduce the required pedestal side setback, to reduce the required tower side and rear setbacks, and to exceed the maximum projection within required yards, 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

#### **947 Washington Avenue**

Status: Contributing  
Original Construction Date: 1942  
Original Architect: Kiehnel & Elliott

#### **955 Washington Avenue**

Status: Contributing  
Original Construction Date: 1936  
Original Architect: E. L. Robertson

### **ZONING / SITE DATA**

Legal Description: Parcel 1: Lot 14, Block 31 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.

Parcel 2: Lot 15, Block 31 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:	13,000 S.F. / 2.0 Max FAR
Existing FAR:	9,071.71 S.F. / 0.69 FAR
Proposed FAR:	25,989.7 S.F. / 1.99 FAR
Existing Height:	1 story
Proposed Height:	7 stories
Existing Use/Condition:	Commercial
Proposed Use:	Hotel/Commercial

### **THE PROJECT**

The applicant has submitted plans entitled “947-955 Washington” as prepared by Urban Robot Associates, dated January 25, 2016.

**The applicants are requesting a Certificate of Appropriateness for the substantial demolition, renovation and restoration of the existing structures and the construction of a new 7-story ground level addition including variances to reduce the required pedestal side setback, to reduce the required tower side and rear setbacks, and to exceed the maximum projection within required yards, as part of a new hotel development.**

The applicant is requesting the following variance(s):

1. A variance to reduce all of the minimum required pedestal interior side setback of 8'-0" for residential uses in order to retain the first floor at zero (0'-0") setback from the interior south side property line.
  - Variance 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: 10 feet when abutting a residential district, otherwise none, 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 —Minimum: 7.5 feet or 8% of lot width, whichever is greater.*

The existing building has zero setbacks on the sides and front complying with the required setbacks for commercial uses. The side building walls and the front are proposed to be retained. Commercial uses are proposed in the majority of the first floor. However the south side of the building at the ground level includes lobby and access space for the hotel uses above the first floor. These spaces are considered residential uses and are required to comply with the setback regulations for residential multifamily districts. In this case, the required side setback is 8% of the lot width or 8 feet, based on the lot width of 100 feet. The retention of the building walls and volumetric space of the existing contributing building create practical difficulties that justify this variance request.

2. A variance to reduce by 2'-6" the minimum required tower interior side setback of 10'-6" for residential uses in order to construct the fifth (5<sup>th</sup>) to seventh (7<sup>th</sup>) floors of a new hotel

development at 8'-0" from the interior south side property line.

- Variance 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: 10 feet when abutting a residential district, otherwise none, 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:*

*Tower, side interior: The required pedestal setback plus 0.10 of the height of the tower portion of the building.*

The new residential tower is proposed at 8'-0" from the interior south side property line. This setback complies with the required setback for buildings constructed up to 50 feet in height. However, the building portion above 50 feet is required to be setback further for residential uses. In this case, the tower portion of the building is required to be setback 10'-6" from the side property lines above 50 feet in height. The applicant is proposing to continue the pedestal setback of 8 feet up to the top floor, which requires a variance.

The north side is proposed at 44 feet of setback from the property line exceeding the required setbacks at both pedestal and tower levels. There is no other adjacent building at the tower level on the adjacent properties and no negative impact is expected as a result of this setback reduction. Staff finds that the retention of the existing one-story building creates practical difficulties that justify the variance requested in order to accommodate the new hotel addition.

3. A variance to reduce by 6'-6" the minimum required tower rear setback of 19'-6" for residential uses in order to construct the fifth (5<sup>th</sup>) to seventh (7<sup>th</sup>) floors of a new hotel development at 13'-0" from the rear property line facing the alley.

- Variance 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), Rear: 5 feet, 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be 0 feet., 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:*

*Tower, rear: Non-oceanfront lots—15% of lot depth.*

The new residential tower is proposed at 13'-0" from the rear property line which is the minimum setback for the structure up to 50 feet in height or pedestal setback. The applicant is proposing to continue this setback up to 75' in height, but the Code requires larger rear setbacks for the building above 50 feet in height for residential and hotel uses. The property is separated by an alley from the adjacent properties in the rear providing an additional setback of approximately 20 feet. The proposed rear setback would not have a negative impact on the adjacent commercial properties. Staff finds that the retention of the existing one-story building and the alley at the rear create practical difficulties that justify this variance request in order to accommodate the new residential addition.

4. A variance to exceed by 13.4% (1'-9") the maximum allowable projection of 25% (3'-3") into the proposed rear setback of 13'-0" in order to construct balconies and decorative structure with 38.4% (5'-0") projection into the rear yard facing the alley.

- Variance requested from:

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

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

(5) Ornamental features

The new residential tower is proposed at 13'-0" from the rear property line. The building is designed with balconies and decorative structure that projects 5'-0" from the main building walls at all levels when the maximum projection permitted is 3'-9". As the building is proposed with the same pedestal and tower setback, the variance for the projection also applies to the proposed tower rear setback. The rear of the property is separated by an alley from other properties and there is a setback of 8 feet from the building's maximum projection to the rear property line. This setback is consistent with the rear setback within the historic district. Staff finds that the retention of the existing building's structure and the alley located in the rear create practical difficulties that justify this variance request.

**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, 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.

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**

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

1. Cabanas located at the pool deck may have to comply with the required pedestal rear and side setbacks if a building permit for its installation and attachment is required.
2. As proposed the project will require a conditional use permit for the operation of a neighborhood impact establishment.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

#### **CONSISTENCY WITH 2025 COMPREHENSIVE PLAN**

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

#### **COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

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

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.  
**Satisfied**

- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. Exterior architectural features.  
**Satisfied**
  - b. General design, scale, massing and arrangement.  
**Satisfied**
  - c. Texture and material and color.  
**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**  
**The existing highly inappropriate, flood light style lighting fixtures and exposed conduit on the 955 Washington Avenue building are proposed to be retained. Further, 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.  
**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 structures are designated as part of the Flamingo Park Local Historic District; the buildings are designated as ‘Contributing’ structures 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 structures 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 structures are one of the last remaining examples of their kind and are distinctive examples 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 structures are designated as ‘Contributing’ buildings 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 these structures are critical to developing an understanding of important Miami Beach architectural styles.**

- 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’ buildings.**

- 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 buildings.**

**STAFF ANALYSIS**

The subject site is comprised of two mid-block parcels each containing a structure that is classified as ‘Contributing’ in the Miami Beach Historic Properties Database. The southern building, 947 Washington Avenue, was constructed in 1942 and designed by Kiehnel & Elliott in the Art Deco style of architecture. The primary façade remains substantially intact including the most character defining feature of the building, the angled checkboard pattern scored stucco upper façade. The northern building, 955 Washington Avenue, was constructed in 1936 and designed by E. L. Robertson in the Art Deco style of architecture as part of a larger building which included the structure at 983(999) Washington Avenue. This structure’s primary façade also remains substantially with the exception of the design of the storefronts.

The proposed redevelopment project consists of 63 hotel units, a 40 seat ground level restaurant, an approximately 1,300 sq. ft. ground level retail space, an approximately 7,500 sq. ft. 2nd level pool deck with an outdoor bar counter, and active roof decks at the 7th and roof levels. In order to construct the new 7-story ground level addition, the applicant is proposing the near total demolition of both structures with the exception of the Washington Avenue façades and the shared side walls. Staff would note that while the amount of demolition is substantial, all significant architectural features located on the primary façade of 955 Washington Avenue are proposed to be retained and restored. Further, the majority of the significant architectural features located on the primary façade of 947 Washington Avenue are proposed to be retained and restored with the exception of the southernmost 12’-6” of the primary façade which is proposed to be demolished. As this building was originally designed as a repeating, four bay retail building, staff does not believe that the removal of one bay of the façade will result in a significant loss of the Art Deco architectural character. Finally, staff would note that the applicant has submitted shoring plans and sections demonstrating how the facades will be maintained during the course of demolition and construction.

The amount of demolition proposed exceeds the thresholds for the repair and/or rehabilitation of non-conforming buildings and the structures would not be permitted to retain their existing non-conformances. However, if the Board finds that the project satisfies the criteria for the retention and restoration of the ‘Contributing’ buildings, as outlined in Section 118-395 of the City Code below, a waiver can be granted without the need for variances.

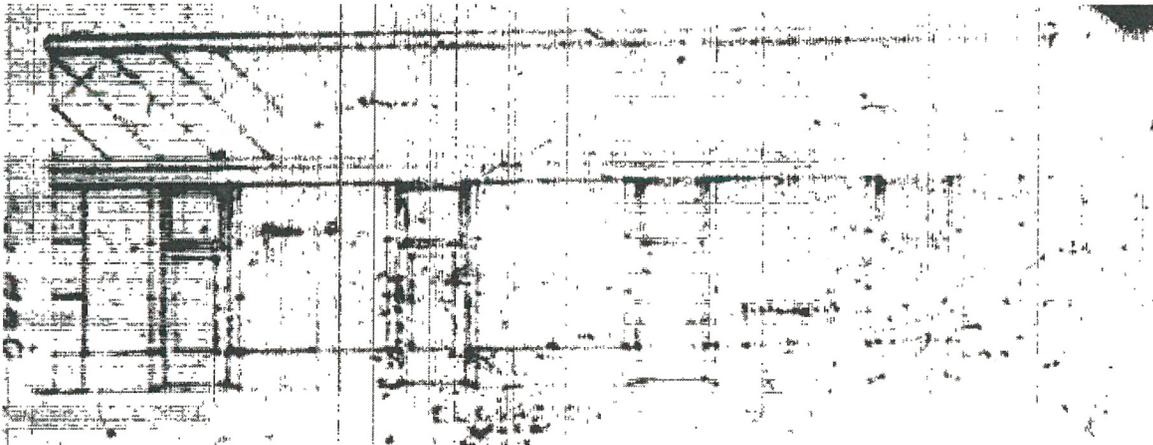
**Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.**

- (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.

Staff is pleased that the applicant is proposing to restore the primary facades of both structures but would note that the storefront system of 947 Washington Avenue building is proposed to remain in its current altered configuration. As indicated in the original west elevation plan below, each storefront bay had a central recessed entry door and windows to either side. Staff believes that the existing configuration with a projecting wall separating the bays is inconsistent with the original design of the 'Contributing' building. Consequently, staff would recommend the configuration of the storefront bay systems of the 947 Washington Avenue be restored as close as possible to its original design.



Staff is supportive of the proposed architecture for the new tower which has been developed in a manner that is compatible with the existing architecture. In this regard, the design of the dynamic projecting balconies subtly recalls the scored stucco checkboard patterned upper façade of 947 Washington Avenue building. Further, staff believes that the integrated lighting embedded within the vertical fins will serve to emphasize this unique design intent evening hours.

Staff has only one minor concern with regard to the existing highly inappropriate, flood light style lighting fixtures and exposed conduit on the 955 Washington Avenue building. The proposed elevation drawings and renderings provided on sheets A-33 and A-34 show these elements remaining. Staff believes this may be an oversight in the plans; nevertheless, staff cannot support the retention of these elements and would recommend that all exposed conduit be removed and any proposed exterior lighting fixtures be compatible with the Art Deco style of architecture.

Staff is confident that the above noted concerns can be addressed administratively, and recommends approval of the application.

### **VARIANCE ANALYSIS**

The applicant is proposing a new hotel development on the site and the retention of portions of the existing buildings. The project includes commercial uses at the first floor and a 7-story addition for hotel use. Variances are requested for the residential tower including the ground floor area will be retained and facilitates ingress and egress to the residential area above. The variances requested would not have a negative impact in the surrounding properties as the neighborhood contains mostly one and two-story commercial buildings and the alley in the rear provides for additional buffer. Staff finds that practical difficulties exist, as noted in the variance description part of this report in order to preserve the building facades without major alterations. Staff recommends approval of the variance requests number 1, 2, 3, and 4 with the modifications recommended by staff.

### **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: 7622

PROPERTY: 947 - 955 Washington Avenue

APPLICANTS: Estis, LLC. and 955 Washington  
Owner, LLC.

LEGAL: Lots 14 and 15, Block 31 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 structures and the construction of a new 7-story ground level addition including variances to reduce the required pedestal side setback, to reduce the required tower side and rear setbacks, and to exceed the maximum projection within required yards, as part of a new hotel development.

**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 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 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' 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 configuration of the remaining storefront bay systems of the 947 Washington Avenue building shall be restored substantially consistent with available historical documentation including the central recessed entry doors, 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. 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 Washington Avenue, 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.
    - f. Exterior and interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No florescent or intensive 'white' lighting (or similar intensive lighting) shall be permitted on the exterior or within the retail area.
    - g. All exterior lighting fixtures shall be compatible with the Art Deco period of architecture, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

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 City's standard tree grate system shall be provided to the existing street trees in the ROW, 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 utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
  - c. 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 variance to reduce all of the minimum required pedestal interior side setback of 8'-0" for residential uses in order to retain the first floor at zero (0'-0") setback from the interior south side property line.
  2. A variance to reduce by 2'-6" the minimum required tower interior side setback of 10'-6" for residential uses in order to construct the fifth (5th) to seventh (7th) floors of a new hotel development at 8'-0" from the interior south side property line.
  3. A variance to reduce by 6'-6" the minimum required tower rear setback of 19'-6" for residential uses in order to construct the fifth (5th) to seventh (7th) floors of a new hotel development at 13'-0" from the rear property line facing the alley.
  4. A variance to exceed by 13.4% (1'-9") the maximum allowable projection of 25% (3'-3") into the proposed rear setback of 13'-0" in order to construct balconies and decorative structure with 38.4% (5'-0") projection into the rear yard facing the alley.

**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.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- 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 "947-955 Washington" as prepared by Urban Robot Associates, dated January 25, 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: \_\_\_\_\_

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

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

