

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: July 9, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB23-0591, **1509 and 1515 Washington Avenue and 1500 Collins Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the total demolition and partial reconstruction of two Contributing buildings and the construction of a new addition as part of a new hotel development, including one or more waivers and a variance from the setback requirements for architectural projections.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.
Denial of the variance request.

EXISTING STRUCTURES

Local Historic District: Ocean Drive/Collins Avenue

1500 Collins Avenue (Haddon Hall Hotel)

Classification: Contributing
Construction Date: 1941
Architect: L. Murray Dixon

Detach Pool Addition

Classification: Non-Contributing
Construction Date: 2015
Architect: ADD Inc.

Local Historic District: Flamingo Park

1455 Washington Avenue (Campton Apartments)

Classification: Contributing
Construction Date: 1940
Architect: Henry Hohauser

1509 Washington Avenue

Classification: Contributing
Original Construction Date: 1949
Architect: Albert Anis

1515 Washington Avenue

Classification: Contributing
Original Construction Date: 1948
Architect: Albert Anis

ZONING / SITE DATA

Folio:

Legal Description:

1509 Washington Avenue

02-3234-019-1180

The west 100 feet of Lot 20 and the south half of Lot 19, Block 57, and the street between Block 57 and 76, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Folio:

Legal Description:

1515 Washington Avenue

02-3234-019-1170

Lot 18 and the north half of Lot 19, Block 57, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Folio:

Legal Description:

1500 Collins Avenue

02-3234-019-1190

Lots 1 and 2 and the street lying north and adjacent & Lots 3, 4 and 5, Block 76 and the south half of Lot 19 and all of Lot 20 less the west 100 feet and the street lying and adjacent, Block 57, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

Zoning:

Future Land Use Designation:

MXE, mixed-use entertainment and CD-2, Commercial, medium intensity
MXE, mixed-use entertainment and CD-2, Commercial, medium intensity

Lot Size:

Existing FAR:

Proposed FAR:

Proposed Height:

82,806 sq. ft. (MXE: 2.0 maximum FAR; CD-2: 2.0 maximum FAR for mixed-use buildings)

Not provided

157,838 sq. ft. / 1.90 FAR

75'-0" as measured from B.F.E. +1'-0" freeboard (9.00' NGVD)

Existing Use:

Proposed Use:

Hotel, apartments and commercial

Hotel and commercial

THE PROJECT

The applicant has submitted plans entitled "1509-1515 Washington Ave.", as prepared by Arquitectonica, dated March 10, 2024.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application appears to be consistent with the Land Development Regulations with the exception of the variance requesting 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 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the hotel and commercial use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

VARIANCE CRITERIA

The applicant has submitted plans and documents with the application that **do not** satisfy Article 1, Section 2 of the Related Special Acts.

The applicant has submitted plans and documents with the application that also **do not** indicate the following, as they relate to the requirements of Section 2.8.3(a) of the Land Development Regulations:

- i. 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;
- ii. The special conditions and circumstances do not result from the action of the applicant;
- iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
- v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- vii. 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; and
- viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 in General Ordinances.
Not Applicable
- (10) In all new projects, water retention systems shall be provided.
Satisfied

- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied

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 2.13.7(d)(ii)(1) of the Land Development Regulations (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 Applicable
 - b. The Secretary of Interior's Standards for Reconstruction as may be amended from time to time.
Satisfied
Sufficient documentary and physical evidence exist to ensure an accurate reconstruction of the two contributing facades.
A contemporary depiction is required to understand and interpret the property's historic value.
 - c. 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 historic preservation board shall consider the following criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations (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 projecting frame elements located at the roof top mechanical equipment area provide unnecessary emphasis to this service function and contribute to the perception of an additional floor level.
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied

- d. The relationship of subsections 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.
Partially Satisfied
The applicant is proposing the total demolition of two contributing buildings and the substantial reconstruction of the primary facades at a higher elevation.
- III. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(3) of the Land Development Regulations 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
The applicant is requesting a variance.
 - 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 2.13.1(c).
Satisfied

- d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance 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.
Satisfied
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied
- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or

commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

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

Satisfied

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied

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

Satisfied

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

Satisfied

- p. In addition to the foregoing criteria, the requirements of chapter 104, of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable

- q. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

Partially Satisfied

See Compliance with Sea Level Rise and Resiliency Review Criteria section of this report.

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 2.13.7(d)(vi)(4) of the Land Development Regulations 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 part of a historic preservation district or as a historic architectural landmark or site, or is designated pursuant to section 2.13.9 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 Ocean Drive/Collins Avenue and Flamingo Park Local Historic Districts.

- b. The building, structure, improvement, or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or expense.

Not Satisfied

The buildings proposed for total demolition (1509 and 1515 Washington Avenue) are not of such design, craftsmanship, or material that they could be reproduced only with great difficulty and/or expense.

- c. The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The buildings proposed for total demolition (1509 and 1515 Washington Avenue) are distinctive examples of the Post War Modern style of architecture.

- 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 chapter 1 of these land development regulations or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The buildings proposed for total demolition (1509 and 1515 Washington Avenue) are classified 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 the buildings is critical to developing an understanding of an important Miami Beach architectural style. The applicant is proposing the substantial reconstruction of the primary facades of 1509 and 1515 Washington Avenue.

- 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, or the design review guidelines for that particular district. If the district in which the property is located lists retail uses as an allowable use, then the ground floor shall contain such uses. At-grade parking lots shall not be considered under this regulation. Parking lots or garages as main permitted uses shall not be permitted on lots which have a lot line on Ocean Drive or Espanola Way.

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.

Satisfied

The applicant has provided replacement plans for the buildings to be demolished (1509 and 1515 Washington Avenue) as part of this application.

- h. The 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 structure on the site.

STAFF ANALYSIS

The subject unified development site contains four contributing buildings; the Haddon Hall Hotel located at 1500 Collins Avenue, the Campton Apartments located at 1455 Washington Avenue, and two commercial buildings located at 1509 and 1515 Washington Avenue. The Haddon Hall Hotel and the Campton Apartments are part of an existing hotel operation, and no modifications are proposed for these structures. The proposed scope of work is limited to the two commercial buildings along Washington Avenue and includes their total demolition and partial reconstruction and the construction of a new 7-story addition as part of a new, separate hotel development.

1509 Washington Avenue

The existing building located at 1509 Washington Avenue was constructed in 1949 and designed by Albert Anis. This 1-story building originally contained nine stores with individually configured vestibules, each containing a unique terrazzo floor design. The upper façade is dominated by a continuous signage band spanning nearly the entire width of the building surrounded by a travertine clad frame extending down to the ground. Numerous alterations to the storefronts have taken place over time, some of which obscure portions of the original terrazzo thresholds. No original microfilm plans have been located within the Building Department records but the building is generally intact with the exception of the noted storefront modifications.



1509 Washington Avenue Rendering, Miami Herald, 1950

1515 Washington Avenue

The existing building located at 1515 Washington Avenue consists of two separate structures

each designed by Albert Anis and constructed in 1948, likely concurrently. The rear u-shaped building originally contained thirteen offices which were later converted to apartments. The front building is composed of two structures separated by a passage providing access to the rear building. Each of the front buildings incorporated an angular design and originally contained two retail bays. A continuous eyebrow spans both buildings and features a ziggurat-shaped vertical projection at the center. The upper façade is clad in square panels which currently have a painted finish. No original microfilm plans have been located within the Building Department records but the building remains generally intact with the exception of modifications to the southernmost storefront.



1515 Washington Avenue, 1989 Photograph

Request for total demolition and partial reconstruction

The applicant is proposing the total demolition of the buildings located at 1509 and 1515 Washington Avenue and the substantial reconstruction of both facades at a higher elevation as part of the redevelopment of the site. Staff would note that the existing site grade is 4.74' NGVD and the first finished floor elevation of the buildings range from 5.26' to 5.66' NGVD. Further, the Public Works Department has set a future crown of road elevation of 6.50' NGVD for this portion of Washington Avenue. Consequently, the future road raising project would result in the floor levels below the new sidewalk elevation.

Staff acknowledges the significant challenges involved with the future raising of streets, especially when located in commercial districts where the existing buildings are often located on the front and side property lines. This results in little area to transition to an existing floor elevation lower than the new sidewalk. Additionally, both subject buildings are 1-story with moderate ceiling heights which are not conducive to internal floor raising without significant alterations and likely substantial demolition. Further, the ground level of any new addition on the site, would be required to be located 14" above future crown of road (7.66' NGVD) and any hotel unit is required to be located at a minimum of 9.00' NGVD.

Staff has met with the architect several times and explored various options including the partial retention of portions of the upper façade to be maintained in place with shoring and bracing while a new building was constructed. This option posed a number of challenges and concerns. Most notably, staff was seriously concerned with the potential failure of the shoring of levitated pieces

of the building, which has occurred in past projects. Subsequently, the applicant explored the possibility of total demolition and façade reconstruction. Staff would note that the façade designs are fairly simple and could be easily reconstructed. Additionally, the facades lack special materials, with the exception of the travertine frame of the 1509 Washington Avenue building. Consequently, staff is supportive of the substantial reconstruction of the primary facades of both buildings at an elevation of 6.50' NGVD. The applicant has provided several renderings of the project after construction and after street raising illustrating how the relationship of the reconstructed façades to the street will be maintained once the streets are raised. Staff does not take lightly the recommendation for total demolition of a contributing building; however, in this instance, staff finds that the elevation and reconstruction will maintain the street character of Washington Avenue and result in resilient building for the future. To ensure the most authentic reconstruction as possible, staff recommends that full measured drawings of the facades be submitted to staff for review prior to the issuance of any demolition permit. Additionally, staff recommends that the applicant explore the possibility of salvaging the travertine cladding for reincorporation into the project.

New 7-story hotel addition

Behind the reconstructed facades, a new 7-story hotel is proposed to be constructed including 238 hotel units, a 287-seat ground floor restaurant and a 191-seat lounge at the 7th level. Staff is generally supportive of the design of the addition, as it has been developed in a manner that responds well to the existing buildings and site conditions. In this regard, the intersecting frame elements are reminiscent of the sign band of the 1509 Washington Avenue upper façade. Further, the tower has been setback 30'-0" from Washington Avenue, minimizing its impact on facades and the surrounding historic districts. Finally, changes in plane and material in combination with architectural projects, serve to break down the scale of the proposed addition. Staff does, however, recommend that the projecting frame elements be eliminated from the mechanical equipment area at the roof level as they provided unnecessary emphasis to this service function of the building and contribute to the perception of an additional floor level.

Waivers

The applicant is requesting several waivers as part of the redevelopment project. First, the applicant is requesting a waiver of the off-street loading space requirements outlined in Section 5.2.6(a) of the Land Development Regulations. A hotel with a unit count over 200 units but not more than 300 units is required to provide four off-street loading spaces. Additionally, the food and beverage establishments require an additional two loading spaces. The Historic Preservation Board may waive the requirements for off-street loading spaces for properties containing a contributing structure, provided that a detailed plan delineating on-street loading is approved by the Parking Department. The applicant has preliminarily met with the Parking Department and will submit an on-street loading plan as required. Further, staff would note that this portion of Washington does not have alley access and any off-street loading for this property would require the introduction of a large curb cut on Washington Avenue resulting in an undesirable condition for pedestrian safety and traffic flow. Consequently, staff does not object to this waiver.

Additionally, the applicant is requesting a waiver of several of the long frontage standards outlined in Section 7.1.2.2(e)(ii)(2) of the Land Development Regulations. The intent of the long frontage standards is to ensure that a new building is able to be retrofitted to accommodate the raising of streets in the future. More specifically, the application is seeking waivers from the circulation zone, parallel transition areas, landscape transition areas and minimum required 15'-0" setback from

- b. *More than 50% of the value of building. 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:*
- iv. 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:
 - a. At least 75 percent of the front and street side walls, exclusive of window openings;
 - b. 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, exclusive of window openings; and
 - c. 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 Section 2.12.8(b)(iv)(1) of the Land Development Regulations, 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:

- a. The structure is architecturally significant in terms of design, scale, or massing;
- b. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
- c. The structure is associated with the life or events of significant persons in the City;
- d. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
- e. The structure has yielded or is likely to yield information important in prehistory or history; or
- f. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria a, b & f, above are satisfied and recommends the Board approve the requested waiver.

Finally, it is important to note that the proposed project requires a Conditional Use Permit for a Neighborhood Impact Structure (NIS) for a new 7-story hotel exceeding 50,000 square feet, and a Neighborhood Impact Establishment (NIE) that includes, an alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit. On April 25, 2024, the Planning Board reviewed the project with regard to important issues related to the operations of the project, including parking, traffic, noise, deliveries, sanitation and security and continued the application to their May meeting. Additionally, the Planning Board expressed concern relative to waivers requested as part of the HPB application. Specifically, the Planning Board had concerns relative to the waiver request for the off-street loading requirements and the long frontage standards.

VARIANCE ANALYSIS

The applicant is requesting the following variance:

1. A variance to exceed by 2'-6" the maximum permitted projection of 25% (1'-9") of the required 7'-6" side setback in order to project an ornamental feature 56.7% (4'-3") into the required north side setback. Variance requested from:

Section 7.5.3.2 Allowable encroachments within required yards for districts other than single-family districts.

The following regulations shall apply to allowable encroachments in all districts except single-family residential districts, unless otherwise specified in this Code.

(o) Projections. 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 (25%) of the required yard up to a maximum projection of 6 feet, unless otherwise noted.

(5) Ornamental features.

The requested variance is related to the projection of the horizontal frame elements of the tower portion of the building into the required north side yard setback. The Land Development Regulations permit ornamental features to project a maximum of 25% (up to a maximum of 6'-0") into a required yard. In this case, the maximum projection permitted is 1'-9" and the applicant is proposing a projection of 56.7% (4'-3").

Staff finds the variance requested lacks any practical difficulties or hardship, as the ornamental features could be easily redesigned to comply with the maximum projection permitted. In view of the foregoing, staff recommends denial of the variance request.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the requests for a Certificate of Appropriateness be **approved** and the variance request be **denied**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness and practical difficulty and hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 9, 2024

PROPERTY/FOLIO: 1509 Washington Avenue / 02-3234-019-1180
1515 Washington Avenue / 02-3234-019-1170
1500 Collins Avenue / 02-3234-019-1190

FILE NO: HPB23-0591

APPLICANTS: Washington Gardens MC LLC and 1515 Washington Acquisition LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the total demolition and partial reconstruction of two Contributing buildings and the construction of a new addition as part of a new hotel development, including one or more waivers and a variance from the setback requirements for architectural projections.

LEGAL: 1509 Washington Avenue
The west 100 feet of Lot 20 and the south half of Lot 19, Block 57, and the street between Block 57 and 76, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

1515 Washington Avenue
Lot 18 and the north half of Lot 19, Block 57, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

1500 Collins Avenue
Lots 1 and 2 and the street lying north and adjacent & Lots 3, 4 and 5, Block 76 and the south half of Lot 19 and all of Lot 20 less the west 100 feet and the street lying and adjacent, Block 57, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

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 and Flamingo Park Local Historic Districts.
- B. The reconstructed facades of 1509 Washington Avenue and 1515 Washington Avenue shall retain the contributing classification.

- C. 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 not with Sea Level Rise and Resiliency Review Criteria '1' in Section 7.1.2.4(a)(1) of the Land Development Regulations.
 2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
 3. Is not consistent with Certificate of Appropriateness Criteria 'a' in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
 4. Is not consistent with Certificate of Appropriateness Criteria 'b' in section 2.13.7(d)(ii)(3) of the Land Development Regulations.
 5. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'c' in 2.13.7(d)(vi)(4) of the Land Development Regulations.
- D. The project would be consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations 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. Detailed measured drawings (plan, section and elevation) of the Washington Avenue façade of each of the building (1509 and 1515 Washington Avenue) commensurate in content and quality with the Historic American Building Survey (HABS) shall be submitted to staff for review prior to the issuance of a demolition permit.
 - b. The primary facades of the buildings located at 1509 and 1515 Washington Avenue shall be reconstructed to the greatest extent possible with modifications as proposed in the plans approved by the Board, 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 applicant shall explore the possibility of salvaging the travertine cladding for reincorporation into the project, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The projecting frame elements shall be eliminated from the mechanical equipment area at the roof level of the tower, 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. Final details of all exterior surface finishes and materials 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.
 - 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.
- 2. In accordance with Section 5.2.6(a) of the Land Development Regulations, the off-street loading space requirements are hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.
 - 3. In accordance with Section 7.1.2.2(e)(ii)(2)(C)(IV) of the Land Development Regulations, the Long Frontage Standards including circulation zone, parallel transition areas, landscape transition areas and setbacks are hereby waived.
 - 4. In accordance with Section 2.12.8(b)(iv)(2) of the Land Development Regulations, the requirement pertaining to the reconstructed Contributing structures setbacks, is hereby waived.
 - 5. 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. 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.
 - b. The project design shall minimize the potential for a project causing a heat island effect on site.
 - c. Cool pavement materials or porous pavement materials shall be utilized, if applicable.

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, 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 magistrate appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance:

1. A variance to exceed by 2'-6" the maximum permitted projection of 25% (1'-9") of the required 7'-6" side setback in order to project an ornamental feature 56.7% (4'-3") into the required north side setback.
- B. The applicant has submitted plans and documents with the application that **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that **DO NOT** indicate the following, as they relate to the requirements of section 2.8.3(a) of the Land Development Regulations:

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 these land development regulations to other lands, buildings, or structures in the same zoning district.

That literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations 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 these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

- C. The Board finds that the application **DOES NOT** satisfy Article 1, Section 2 of the Related Special Acts and the requirements of section 2.8.3(a) of the Land Development Regulations, and hereby **denies** the requested variance.

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. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. The applicant shall comply with the electric vehicle parking requirements, pursuant to section 5.2.12 of the land development regulations, as applicable.
- E. 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.
- F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the main building setbacks with the exception of the valve (PIV) which may be visible and accessible from the street.
- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.

- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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.
- M. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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 **"1509-1515 Washington Ave."**, as prepared by **Arquitectonica**, dated **March 10, 2024**, 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 section 2.13.7 of the Land Development Regulations; 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 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated this _____ day of _____, 20____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
HISTORIC PRESERVATION & ARCHITECTURE OFFICER
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, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She 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 _____ ()