

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: September 10, 2024

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB23-0605, **1525 Lenox Avenue.**

An application has been filed requesting a Certificate of Appropriateness for the construction of a new multi-family residential building, including one or more waivers.

### **STAFF RECOMMENDATION**

Approval of the Certificate of Appropriateness with conditions.

### **BACKGROUND**

On April 17, 2024, an Emergency Demolition Order was issued by the City's Building Official for the total demolition of the previously existing building, and the building was subsequently demolished. The applicant has applied for an after-the-fact Certificate of Appropriateness for demolition (HPB24-0617), which will be heard concurrently with the subject application.

### **EXISTING SITE**

Local Historic District: Flamingo Park

### **ZONING / SITE DATA**

Folio: 02-3234-151-0001

Legal Description: Lot 17, Block 64, of the Lincoln Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 69 of the public records of Miami Dade County, Florida.

Zoning: RM-1, Residential multi-family, low intensity

Future Land Use Designation: RM-1, Residential multi-family, low intensity

Lot Size: 8,000 sq. ft. (1.25 maximum FAR – 10,000 sq. ft.)

Proposed FAR: 9,212 sq. ft. / 1.15 FAR

Proposed Height: 35'-0" as measured from B.F.E. +1'-0" freeboard (9.00' NGVD)

Existing Use: Vacant lot

Proposed Use: Multi-family residential, 6 units

### **THE PROJECT**

The applicant has submitted plans entitled “1525 Lenox Ave.”, as prepared by Kobi Karp Architecture and Interior Design, Inc., dated July 7, 2024.

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application appears to be inconsistent with the following sections of the Land Development Regulations of the City Code:

1. The backflow preventer is not an allowable encroachment within a required yard.
2. Long-term bicycle parking is not an allowable encroachment within a required yard and as currently indicated, is not consistent with the definition of long-term bicycle parking. *Long-term bicycle parking* means facilities that provide a high level of security such as bicycle lockers, bicycle cages and bicycle stations. These facilities serve people who frequently leave their bicycles at the same location for the day or overnight with access limited to individuals. These facilities shall be in a highly secure location, sheltered from weather, and should be located within 100 feet of the main entrance. Design of these facilities shall be consistent with the long-term bicycle parking standards of the Miami Beach Street Design Guidelines.

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 multi-family residential use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

### **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 Applicable**
- (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.  
**Not Applicable**
  - 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 decorative column and beam structure at the roof level adds unnecessary perceived bulk and height to the building.**
  - 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.  
**Not Applicable**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Applicable**
- III. The examination of architectural drawings for consistency with the criteria pursuant to section 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.  
**Not Satisfied**  
**The extent of paving within the required front and side yards is excessive and reduces the available area for appropriate landscaping.**
- 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 the Zoning Code section of this report.**
- 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.  
**Not Satisfied**  
**The decorative column and beam structure at the roof level adds unnecessary perceived bulk and height to the building.**
- 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.  
**Not Satisfied**  
**The extent of paving within the required front and side yards is excessive and reduces the available area for appropriate landscaping.**
- 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.  
**Not Satisfied**  
**The parking area has not been adequately screened to ensure that headlights of vehicles and noise is shielded from adjacent properties.**
- 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.  
**Satisfied**

### **STAFF ANALYSIS**

As indicated in the background section of this report, on April 17, 2024, the previously existing building was ordered to be demolished as the result of an Emergency Demolition Order issued by the City's Building Official. An application for an after-the-fact Certificate of Appropriateness for demolition (HPB24-0617) will be heard concurrently with the subject application.

The applicant is proposing to construct a new 3-story multi-family residential building on the vacant site. The new structure consists of a small lobby and six parking spaces at the ground level, two levels of residential units (6 units in total) and a rooftop amenity deck.

Staff is generally supportive of the building design, which has been developed in a manner that appropriately responds to the architectural character of the Flamingo Park Historic District. In this regard, the height, scale and massing of the proposed building is consistent with the surrounding neighborhood context. Further, the design of the building incorporates a monumental projecting frame and large two-level window expanses, subtly recalling the double height window with projecting box frame of the previously existing building.

Staff does have several concerns relative to the proposed design of the project. First, within the front yard, the applicant is providing a 12'-0" wide curb cut as required by code. However, the driveway leading to the covered parking area has a width of 18'-0". Staff recommends that the driveway width be reduced to the minimum required width of 12'-0". This, in combination with the relocation of the long-term bicycle parking proposed (as it is not a permitted encroachment) will allow for the introduction of enhanced landscaping within the front yard.

Second, within the required north and south side yards, there is an excessive amount of paving. As such, staff recommends that the approximately 5'-0" paving area that extends from the driveway be eliminated and replaced with additional landscaping. Staff would note that building to the north is entered along the south side, and the additional landscaping will help to buffer light and sound from the ground level parking area. Further, staff recommends that high-quality architectural screening be introduced along the perimeter of the parking area, between the columns of the building, to shield the parking area from the adjacent buildings to the greatest extent possible.

Third, staff recommends that the south elevation of the building be further refined in a manner that helps to break down the scale and subdue the vertical accentuation. Fourth, at the roof level, staff recommends the elimination of the decorative column and beam structure which adds unnecessary perceived bulk and height to the building.

Finally, the applicant is seeking approval of a waiver related to the height of the covered parking area at the ground level. The RM-1 zoning district requires a minimum height of 12'-0" above base flood elevation plus one foot when parking is located below the first habitable level; however, the Board may waive this requirement by up to 2'-0" in accordance with the Certificate of Appropriateness criteria. Staff is supportive of the 2'-0" height waiver request as this minor reduction in height helps to ensure greater compatibility with the adjacent low-scale contributing structures of the Flamingo Park Historic District.

### **RECOMMENDATION**

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



**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: September 10, 2024

PROPERTY/FOLIO: 1525 Lenox Avenue / 02-3234-151-0001

FILE NO: HPB23-0605

APPLICANT: M&E 3731/1622 Capital LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the construction of a new multi-family residential building, including one or more waivers.

LEGAL: Lot 17, Block 64, of the Lincoln Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 69 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 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 Sea Level Rise and Resiliency Review Criteria 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 'a', 'b', 'd', 'h' & 'i' in section 2.13.7(d)(ii)(3) of the Land Development Regulations.
- C. 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. The driveway leading from Lenox Avenue to the parking area shall be reduced in width from 18'-0" to 12'-0", 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 long-term bicycle parking area shall not be permitted within any required yard, and shall be relocated, 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 paved area within the required north side yard shall be eliminated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - d. High-quality architectural screening shall be introduced along the perimeter of the parking area, between the columns of the building, to shield the parking area from the adjacent buildings to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - e. The south façade of the building shall be further refined in a manner that helps to break down the scale and subdue the vertical accentuation of this portion of the building, 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. The decorative column and beam structure at the roof level shall be eliminated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - g. 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.
  - h. 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 7.1.2.2(c)(2)(A) of the Land Development Regulations, the request pertaining to a reduction of 2'-0" of the minimum height of the ground floor parking area, is hereby waived.
  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. Enhanced landscaping shall be introduced within the front and north side yards to replace the paved/gravel areas to be eliminated as specified in conditions I.C.1.a-c.
- b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.
- c. The project design shall minimize the potential for a project causing a heat island effect on site.
- d. 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. No variances have been applied for as part of this application.

**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 "**1525**

[illegible]

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 \_\_\_\_\_ ( )