

MIAMIBEACH

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: HPB24-0617, **1525 Lenox Avenue.**

An application has been filed requesting an after-the-fact Certificate of Appropriateness for the total demolition of the previously existing multi-family residential building.

STAFF RECOMMENDATION

Approval of the after-the-fact Certificate of Appropriateness with conditions.

BACKGROUND

On October 3, 2013, violation BV14000010 was issued by the Building Department for unsafe conditions for malfunctioning sanitary facilities/waste disposal systems.

On November 24, 2024, violation BV15000159 was issued by the Building Department for unsafe conditions due to the disconnection of the water to the building.

On July 22, 2015, the Miami-Dade County Unsafe Structures Board ordered the building to be demolished if the conditions of the Board were not satisfied.

On November 16, 2016, violation US2016-00717 was issued by the Building Department for work done without a permit. Specifically, the second-floor structural joists were cut to connect two units together.

On March 19, 2019, violation US2019-03014 was issued by the Building Department for work in progress that compromised the safety condition of the rest of the structure.

On March 8, 2021, violation US2021-03843 was issued by the Building Department for work in progress that compromised the safety condition of the rest of the structure.

In 2022, all six condominium units were acquired by a new owner.

On March 14, 2023, the new owner of the building appeared before the Historic Preservation Board as part of a discussion item to advise the Board of the demolition order.

On March 27, 2023, violation US2023-04375 was issued by the Building Department for failure to

obtain a 40-Year Recertification.

On April 17, 2024, an Emergency Demolition Order was issued by the City's Building Official, and the building was subsequently demolished.

PREVIOUSLY EXISTING STRUCTURE

Local Historic District:	Flamingo Park
Classification:	Contributing
Construction Date:	1951
Architect:	Leonard H. Glasser

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
Existing Use:	Vacant lot

THE PROJECT

The applicant has submitted an Historic Resources Report entitled "1525 Lenox Avenue", prepared by Heritage Architectural Associates, dated February 7, 2024.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application appears to be consistent with the Land Development Regulations. 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.

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.
Not Applicable

- (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.
Not Applicable
- (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.
Not Applicable
- (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.
Not Applicable
- (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.
Not Applicable
- (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.
Not Applicable
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Not Applicable
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Not Applicable

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 site is located within the Flamingo Park Local 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 or expense.

Not Satisfied

The previously existing structure could be reproduced without 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 previously existing structure was a distinctive example of the Post-War Modern Style of architecture which contributed 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 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 previously existing building was classified as a contributing building in the Miami Beach Historic Properties Database.

- e. Retention of the building, structure, improvement, landscape feature or site promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of the subject structure was critical to developing an understanding of an important Miami Beach architectural style.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, 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 after-the-fact demolition was 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 presented redevelopment plans (HPB23-0605).

- h. The county unsafe structures board has ordered the demolition of a structure without option.

Satisfied

The Miami-Dade County Unsafe Structures Board ordered the demolition of the structure.

STAFF ANALYSIS

The previously existing structure was constructed in 1951 and designed by Leonard Glasser in the Post War Modern style of architecture. The unusual massing of the original building was comprised of three sections:

- (1) the front 2-story portion which featured a double-height window
- (2) the center 1-story flat roof portion with roof deck; and
- (3) the rear 1-story hipped roof portion.



1525 Lenox Avenue, 2022 photograph

In 1964, a small 1-story rooftop addition was constructed to the east of the existing second floor portion of the building. More recently, as noted in the Background section of this report, a number

of unpermitted alterations occurred resulting in numerous unsafe structures violations. In 2022, the current owner acquired all six condominium units and retained a structural engineer to evaluate the structural systems of the building. The engineer prepared a structural report that found the roof structure failed in multiple locations, resulting in severe damage to all the wood members of the building. The report concluded that that the building was in imminent danger of collapse, and on April 17, 2024, an Emergency Demolition Order was issued by the City's Building Official, and the building was subsequently demolished.

Pursuant to Section 2.13.1(d)(2)(A) of the Land Development Regulations, the applicant filed an after-the-fact application for a Certificate of Appropriateness. As outlined in this section of the code, the Historic Preservation Board shall review the demolition and determine whether and how the demolished building shall be replaced.

Sections 2.13.1(d)(2)(B)&(C) of Land Development Regulations outlines the process for the Board's determination as follows:

Section 2.13.1(d)(2)(B) Replication of demolished contributing structures.

The historic preservation board shall determine, on a case-by-case basis, whether the replication of an original contributing structure is warranted. The policy of the City of Miami Beach shall be a presumption that a contributing building that is demolished without obtaining a certificate of appropriateness from the historic preservation board shall be replicated.

This presumption may be rebutted, and the historic preservation board may allow for a new design in accordance with subsection d.2.C below, if it is established to the satisfaction of the historic preservation board that any of the following criteria are satisfied:

- I. a full replication or contemporary depiction is not required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site);*
- II. other properties with the same associative value have survived; or*
- III. sufficient historical documentation does not exist to ensure an accurate reproduction.*



8430 Byron Avenue, 1952 photograph



8500 Byron Avenue, 2022 photograph

In relation to criteria II above, staff would note that within the North Beach Local Historic District, there are three buildings located at 8430, 8440 & 8500 Byron Avenue that were designed in a manner nearly identical to the previously existing building at 1525 Lenox Avenue. Above are images of two of the buildings that have been identified. Consequently, staff believes that criteria II has been satisfied and does not recommend the replication of the previously existing building.

If the Board determines that replication is not warranted pursuant to the criteria, it is the presumption of the Board that the new structure be limited to the height, massing and square footage of the previously existing building:

Section 2.13.1(d)(2)(C) Replacement of existing structures.

In the event the historic preservation board does not require replication as outlined in subsection d.2.B, the policy of the City of Miami Beach shall be a presumption that a contributing building demolished without obtaining a certificate of appropriateness from the historic preservation board, shall only be replaced with a new structure that incorporates the same height, massing and square footage of the previous structure on site, not to exceed the floor area ratio (FAR) of the demolished structure and not to exceed the maximum FAR and height permitted under the City Code, with no additional square footage added. This presumption shall be applicable in the event a building permit for new construction or for repair or rehabilitation is issued, and demolition occurs for any reason, including, but not limited to, an order of the building official or the county unsafe structures board. This presumption shall also be applicable to any request for an "after-the-fact" certificate of appropriateness.

This presumption may be rebutted, and the historic preservation board may allow for the addition of more square footage, where appropriate, not to exceed the maximum permitted under the City Code, if it is established to the satisfaction of the historic preservation board that the following criteria have been satisfied:

- I. The proposed new structure is consistent with the context and character of the immediate area; and*
- II. The property owner made a reasonable effort to regularly inspect and maintain the structure free of structural deficiencies and in compliance with the minimum maintenance standards of this Code.*

As noted above, the presumptions on the size of the replacement building may be rebutted according to the criteria outlined above. Staff would note that the applicant has submitted a companion application for a Certificate of Appropriateness (HPB24-0605) for the construction of a new multi-family residential building to replace the previously existing structure. Both applications will be heard together and as outlined in the analysis for the companion application, staff has found that the proposed new structure is generally consistent with the context and character of the immediate area as noted in criteria I. With respect to criteria II, as previously noted, the applicant acquired the building in 2022 and retained a structural engineer to assess the conditions. Due to the severity of structural damage caused by unpermitted alterations that had previously taken place, the building was ultimately ordered to be demolished by the City's Building Official.

Staff finds that the criteria above have been satisfied and has concluded that it would be appropriate to replace the demolished structure with a new high-quality building on the site that is compatible with the scale and context of the immediate area and recommends approval of the after-the-fact Certificate of Appropriateness.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the after-the-fact Certificate of Appropriateness be **approved**, subject to the conditions enumerated in the attached Draft Order.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 10, 2024

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

FILE NO: HPB24-0617

APPLICANT: M&E 3731/1622 Capital LLC

IN RE: An application has been filed requesting an after-the-fact Certificate of Appropriateness for the total demolition of the previously existing multi-family residential building.

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 2.13.7(d)(vi)(4) of the Land Development Regulations.
- C. The project would remain 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. A plaque or historic display describing the history of the previously existing building shall be provided and be placed on the site in a manner visible from the right of way, prior to the issuance of a Certificate of Occupancy for 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.

2. 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. In accordance with Section 7.5.1.6(a) of the Land Development Regulations, the applicant shall comply with the minimum fencing and landscaping requirements for vacant lots. Installation shall occur no later than 90 calendar days after this approval.

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 requested 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 shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan per the TDM strategies outlined in the most recent Trip Generation Statement, prior to the issuance of a building permit.
- B. 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.
- C. 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.

Meeting Date: September 10, 2024

- D. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, 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.

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 _____ ())