

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: November 12, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB24-0624 a.k.a. HPB18-0237 a.k.a. HPB17-0139, **2618 Collins Avenue.**

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing structure and the construction of a 1-story rooftop addition. Specifically, the applicant is requesting approval for the construction of two rooftop additions, modifications to public interior spaces and a new rear pool and deck plan and variances from the required setbacks.

STAFF RECOMMENDATION

Approval of the modification to the previously issued Certificate of Appropriateness and previously approved variance with conditions.

Approval of the new variance with conditions.

BACKGROUND

On February 13, 2018, the Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 3-story building and the construction of a 1-story rooftop addition as part of a new hotel development (HPB17-0139).

On October 9, 2018, the Board reviewed and approved modifications to the previously issued Certificate of Appropriateness including the construction of additional units and variances from the minimum size required for hotel units and to reduce the required front setback for a pool deck (HPB18-0237).

On August 17, 2023, a full building permit was issued for the project (BC2015288).

EXISTING SITE

Local Historic District:	Collins Waterfront
Classification:	Contributing
Original Construction Date:	1951
Original Architect:	Roy France

ZONING / SITE DATA

Folio:	02-3226-001-0760
--------	------------------

Legal Description:	Lot 3 less the north 25 feet and Lot 2 less the south 25 feet and Lot 10 and outlot less the north 25 feet and Lot 11 and outlot less the south 25 feet, Block 7, Miami Beach OMP Co Subdivision, according to the plat thereof, recorded in Plat Book 5, Page 7 of the public records of Miami Dade County, Florida.
Zoning:	RM-2, Residential multi-family, medium intensity
Future Land Use Designation:	RM-2, Residential multi-family, medium intensity
Lot Size:	23,800 sq. ft. (2.0 maximum FAR)
Existing FAR:	42,534 sq. ft. / 1.78 FAR
Proposed FAR:	47,585 sq. ft. / 1.99 FAR
Existing Height:	~37'-6", as measured from the minimum finished floor elevation (6.15' NGVD)
Proposed Height:	49'-7"
Existing Use:	Multi-family residential
Proposed Use:	Hotel, 83 units

THE PROJECT

The applicant has submitted plans entitled "Prince Michael Hotel", as prepared by fab studio, dated August 8, 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 previously granted and currently proposed variances.

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.

VARIANCE CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts.

The applicant has submitted plans and documents with the application that also 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 Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (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.

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.

Satisfied

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Partially Satisfied

The first level of hotel units is located at 10.82' NGVD.

- (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.

Satisfied

- 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.
Satisfied
 - 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.
Not Satisfied
The elimination of the original stone clad wall within the lobby would adversely impact the historic character of the public interior space.
- 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
See variance analysis 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.
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.
Not Applicable
- 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

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 building is designated as part of the Collins Waterfront 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.
Satisfied
The existing structure is of such design, craftsmanship, or material that it 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 existing structure is a distinctive example of the Post War Modern style of architecture and contributes to the character of the district.
- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in 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 existing building is 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 is critical to developing an understanding of an important Miami Beach architectural style.
- f. If the proposed demolition is for the purpose of constructing a parking garage, the board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, 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 proposed demolition is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

Total demolition is not proposed 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 the structure.

STAFF ANALYSIS

The subject 3-story structure, originally known as the Prince Michael Hotel, was constructed in 1951 and designed by Roy France in the Post War Modern of style of architecture.

As noted in the background section of this report, on February 13, 2018, the Board approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 3-story building and the construction of a 1-story rooftop addition (HPB17-0139). Additionally, on October 9, 2018, the Board approved modifications to the project including the construction of additional units and variances from the minimum required hotel unit sizes and pool deck setbacks (HPB18-0237).

The current proposal remains largely the same including the substantial restoration of the primary Collins Avenue facade and lobby. Additionally, the current project includes the elimination of the previously proposed rooftop pool and pool deck. The currently proposed modifications include minor modifications to the lobby, the construction of three partial rooftop additions and the reconfiguration of the pool and pool deck at the ground level.

Within the lobby, the applicant is proposing a number of minor modifications including the introduction of a stair accessing the new meeting space on the second floor. Additionally, as previously approved, the existing terrazzo flooring and the stepped wall feature are proposed to be retained and restored. The current lobby design is generally consistent with the Post-War Modern era however, staff recommends that the applicant restore the stone-clad wall along the north end of the lobby, as previously approved.

A new 262 sq. ft. 1-story rooftop addition is proposed to be introduced at the second level adjacent to the new meeting space. Additionally, at the roof level, two partial rooftops additions are proposed to be introduced. Staff would note that although the additions are entirely out of the Collins Avenue line-of-sight, two of the additions will be from Indian Creek Drive. The Land

Development Regulations provide the Historic Preservation Board with discretion to modify the line-of-sight requirement based upon the following criteria:

1. The addition enhances the architectural contextual balance of the surrounding area;
2. The addition is appropriate to the scale and architecture of the existing building;
3. The addition maintains the architectural character of the existing building in an appropriate manner; and
4. The addition minimizes the impact of existing mechanical equipment or other rooftop elements.

Staff has determined that the all the above criteria have been satisfied and has no objection to the approval of a modified line of site to accommodate these modest additions. Finally, the applicant is proposing to reconfigure the ground level courtyard area including the introduction of a new pool and deck. Staff has no objection to the proposed modifications but would note that the new pool deck as proposed, requires setback variances.

In summary, staff remains supportive of the overall project looks forward to the expeditious return of this property to active use.

VARIANCE ANALYSIS

The applicant is requesting to modify the following variance:

1. A variance to reduce by 45'-0" 15'-5", the required front setback for a pool deck of 20'-0", in order to construct a pool deck at 5'-0" 4'-7" from the west property line. 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.

(j) Hot tubs, showers, saunas, whirlpools, toilet facilities, decks. Hot tubs, showers, whirlpools, toilet facilities, decks and cabanas are structures which are not required to be connected to the main building but may be constructed in a required rear yard, provided such structure does not occupy more than 30 percent (30%) of the area of the required rear yard and provided it is not located closer than 7 feet 6 inches to a rear or interior side lot line. Freestanding, unenclosed facilities including surrounding paved or deck areas shall adhere to the same setback requirements as enclosed facilities.

Section 7.5.3.3 Swimming Pools.

This section applies to swimming pools in all districts, except where specified. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, provided as follows

The applicant is requesting the following new variance:

2. A variance to reduce by 4'-6", the required side interior setback of 7'-6" for a pool deck, in

order to construct a pool deck at a setback of 3'-0" from the south side property line. Variance requested from:

Section 7.5.3.3 Swimming Pools.

This section applies to swimming pools in all districts, except where specified. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, provided as follows:

(b) Side yard, interior setback.

(1) 7 feet and 6 inches minimum setback shall be required from the side property line to a swimming pool deck or platform, the exterior face of an infinity edge pool catch basin, or screen enclosures associated or not associated with a swimming pool.

The previously approved project included the retention of the existing swimming pool and a variance to allow a portion of the pool deck to be located within the required front yard facing Indian Creek Drive. The applicant is currently proposing to replace the existing pool and pool deck in their entirety. The proposed swimming pool meets the required setbacks; however, the new pool deck encroaches into both the required front and side interior setbacks. Staff would note that the existing swimming pool and deck have non-conforming setbacks and the proposed new pool deck significantly reduces these original non-conformities. Staff finds that the retention of the contributing building and the unique condition of the property with two front yards along both Collins Avenue and Indian Creek Drive create practical difficulties warranting the granting of the variances.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the request for a modification to a previously issued Certificate of Appropriateness be **approved**, the modification to variance 1 be **approved** and the granting of variance 2 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: November 12, 2024

PROPERTY/FOLIO: 2618 Collins Avenue / 02-3226-001-0760

FILE NO: HPB24-0624 a.k.a. HPB18-0237 a.k.a. HPB17-0139

APPLICANT: TA Hotel Management Group LLC

IN RE: An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing structure and the construction of a 1-story rooftop addition. Specifically, the applicant is requesting approval for the construction of two rooftop additions, modifications to public interior spaces and a new rear pool and deck plan and variances from the required setbacks.

LEGAL: Lot 3 less the north 25 feet and Lot 2 less the south 25 feet and Lot 10 and outlot less the north 25 feet and Lot 11 and outlot less the south 25 feet, Block 7, Miami Beach OMP Co Subdivision, according to the plat thereof, recorded in Plat Book 5, Page 7 of the public records of Miami Dade County, Florida.

CONSOLIDATED 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 Collins Waterfront 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 'h' 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 consistent with Certificate of Appropriateness Criteria in 2.13.7(d)(vi)(4) 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 top portion of the building facades shall be painted a light color consistent with the majority of the exteriors 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.
 - b. The window frames within the window boxes of the exterior facades shall be a clear anodized aluminum finish, 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 window boxes framing the windows along the exterior facades shall be painted a lighter color than black to reflect the colors of the historic structure, 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 historic signage located on the north, south and east sides of the porte cochere structure along Collins Avenue shall be recreated in a manner as consistent as possible with historical documentation, 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 exterior walls of the mechanical penthouse shall be finished with a neutral-colored stucco material 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. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. 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.
 - h. The partial stone clad wall within the north side of the lobby shall be retained and restored, 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 130-101(d) of the City Code~~ Section 5.2.6(a) of the Land Development Regulations, the requirement pertaining to providing off-street loading spaces, is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.
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:
 - h. The 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.
4. The Applicant agrees to the following operational conditions for any and all permitted primary and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.

h. OPERATIONAL CONDITIONS

- i. Exterior speakers, except those required addressing Building and Life Safety Codes, shall not be permitted at the roof level. Amplified music on any personal listening device shall not exceed normal conversation level.

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(s):
 1. A variance to reduce by ~~45'-0"~~ 15'-5" the required 20'-0" setback for a pool deck in order to construct a pool deck at ~~5'-0"~~ 4'-7" from the front property line facing Indian Creek Drive.
 2. A variance to reduce by 4'-6", the required side interior setback for a pool deck of 7'-6", in order to construct a pool deck at a setback of 3'-0" from the south side property line.
 3. ~~2.~~ A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to permit

16 hotel units (94%) at less than 300 s.f. (the smallest at 204 s.f.), and 1 hotel unit exceeding 335 s.f. (6% of units).

- B. The applicant has submitted plans and documents with the application that 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 indicate the following, as they relate to the requirements of Section ~~118-353(d)~~, Miami Beach City Code ~~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 this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

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 133, article II~~ chapter 7, article I, as applicable.

- C. The Board hereby **approves** the requested variances, as noted and imposes the following condition based on its authority in Section ~~118-354~~ of the Miami Beach City Code 2.8.3(a) of the Land Development Regulations:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the

applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness and Variance approval as same as are contained herein, in the ~~original Order dated February 13, 2018~~ Consolidated Order dated October 9, 2018. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the ~~February 13, 2018~~ October 9, 2018 Order, the provisions hereof shall control.
- B. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as **LEED Gold by USGBC**. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- C. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- D. 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.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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.
- L. 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.
- M. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements. 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.
- N. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.

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 **"Prince Michael Historic Renovation"** as prepared by PrecisionArt, dated December 8, 2017 and dated August 1, 2018, and the plans entitled **"Prince Michael Hotel"**, as prepared by fab studio, dated August 8, 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: _____

Page 8 of 8
HPB24-0624 a.k.a. HPB18-0237 a.k.a. HPB17-0139
Meeting Date: November 12, 2024

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

Filed with the Clerk of the Historic Preservation Board on _____ ()

~~Strike-Thru~~ denotes language deleted by the Board on November 12, 2024
Underscore denotes language added by the Board on November 12, 2024

DRAFT