

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: September 12, 2017

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB17-0099, **947 Lincoln Road.**

The applicant, 947 Lincoln Road Investments, Inc., is requesting a Certificate of Appropriateness for the near total demolition of the existing 2-story 'Contributing' structure and the construction of a new 2-story building including variances to reduce the required pedestal rear setback and to not provide the required loading spaces.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness and variance with conditions

BACKGROUND

On April 10, 2017 the Board reviewed and continued the subject application to a date certain of June 12, 2017.

The June 12, 2017 meeting was re-noticed for June 19, 2017.

On June 19, 2017 the Board reviewed and continued the subject application to a date certain of September 12, 2017.

EXISTING STRUCTURE

Local Historic District:	Flamingo Park
Status:	Contributing
Original Construction Date:	1924
Original Architect:	William F. Brown
Renovation Date:	1938
Renovation Architect:	L. Murray Dixon

ZONING / SITE DATA

Legal Description:	Lot 1, Block 37 of Commerical Subdivision, According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.
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Zoning:	CD-3, Commercial, high intensity
Future Land Use Designation:	CD-3, Commercial, high intensity
Lot Size:	7,452 S.F. / 2.25 Max FAR

Existing FAR:	8,625 S.F. / 1.15 FAR, as represented by the architect
Proposed FAR:	13,871 S.F. / 1.86 FAR, as represented by the architect
Existing Height:	24'-4" / 2-stories
Proposed Height:	36'-0" / 2-stories
Existing Use/Condition:	Retail/residential
Proposed Use:	Commercial

THE PROJECT

The applicant has submitted plans entitled "947 Lincoln" as prepared by Zyscovich Architects, dated September 22, 2017.

The applicant is requesting a Certificate of Appropriateness for the near total demolition of the existing 2-story 'Contributing' structure and the construction of a new 2-story building including a variance to reduce the required pedestal rear setback.

The applicant is requesting the following variance(s):

1. A variance to reduce all required pedestal rear setback of 5'-0" in order to increase the height of the existing walls up to the rear property line.
 - Variance requested from:

Sec. 142-338. - Setback requirements.

(a) The setback requirements for the CD-3 commercial, high intensity district are as follows:

Pedestal and Tower (non-oceanfront), Rear: 5 feet, 10 feet when abutting a residential district, unless separated by a street or waterway in which case it shall be 0 feet.

As part of the redevelopment of the site, the applicant is proposing to substantially retain the rear two-story façade of the existing building located at zero setback and add additional building height following the existing zero setback. The City Code requires a 5-foot rear setback when the property is not facing a street. As the alley is not considered a street, the new building addition at the rear is required to be setback 5'-0". In this case, the retained structure below may be compromised with a new construction setback from the exterior wall, which may require additional reinforcement. Because the historic façade will be substantially retained and renovated, staff finds that this condition satisfies the hardship criteria for the granting of the variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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. **In this case, the requested variance is necessary in order to satisfy the Certificate of Appropriateness criteria and not to adversely impact the existing historic structure.**

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:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

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

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

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

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

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, with the exception of the variance and waiver requested herein, appears to be consistent with the City Code.

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

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

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

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

Not Satisfied

The temporary corner element is not consistent with the original 1924 design and has an adverse impact of the architectural integrity of one of the earliest remaining buildings on Lincoln Road.

- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.

Not Satisfied

The temporary corner element requires a revocable permit to be granted by the City Commission.

- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. Exterior architectural features.

Not Satisfied

The temporary corner element is not consistent with the original 1924 design and has an adverse impact of the architectural integrity of one of the earliest remaining buildings on Lincoln Road.

- b. General design, scale, massing and arrangement.

Satisfied

- c. Texture and material and color.

Satisfied

- d. The relationship of a, b, c, above, to other structures and features of the district.

Not Satisfied

Temporary construction is not consistent with other structures of the district.

- e. The purpose for which the district was created.

Not Satisfied

The temporary corner element is not consistent with the original 1924 design and has an adverse impact of the architectural integrity of one of the earliest remaining buildings on Lincoln Road.

- 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 temporary corner element is not consistent with the original 1924 design and has an adverse impact of the architectural integrity of one of the earliest remaining buildings on Lincoln Road.

III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied

b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Not Satisfied

See 'The Project' 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 118-503.

Not Satisfied

The temporary corner element is not consistent with the original 1924 design and has an adverse impact of the architectural integrity of one of the earliest remaining buildings on Lincoln Road and the surrounding historic district.

d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Not Satisfied

The temporary corner element is not consistent with the original 1924 design and has an adverse impact of the architectural integrity of one of the earliest remaining buildings on Lincoln Road and the surrounding historic district.

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.

Not Satisfied

The temporary corner element is not consistent with the original 1924 design and has an adverse impact of the architectural integrity of one of the earliest remaining buildings on Lincoln Road and the surrounding historic district.

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Not Satisfied

Exterior and Interior lighting plans have not been submitted.

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Not Satisfied

Exterior and Interior lighting plans have not been submitted.

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.
Satisfied
The existing structure 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 and/or expense.
Satisfied
The 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 country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.
Satisfied
The structure is one of the last remaining examples of its kind 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 section 114-1,

or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The structure is classified as 'Contributing' 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 structure is critical to developing an understanding of an important early 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, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed is not for the purpose of constructing a parking garage.

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

Not Applicable

The applicant is not proposing total demolition of the 'Contributing' structure.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.

Not Satisfied

A recycling or salvage plan has not been provided.

- (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) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Not Applicable

- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

Satisfied

Sea Level Rise projections were taken into account. The land elevation of the site is consistent with surrounding properties. The building will require flood proofing mechanisms in order to increase its resiliency.

- (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.

Satisfied

The height of the existing ground floor level is proposed to be increased making it possible for future adaptation in response to road elevation; Lincoln Road is not currently projected to be raised.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Not Satisfied

The applicant has not submitted a feasibility study for the raising of the existing structure.

- (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 of the City Code.

Satisfied

Flood proofing is required by the Florida Building Code.

- (10) Where feasible and appropriate, water retention systems shall be provided.

Not Satisfied

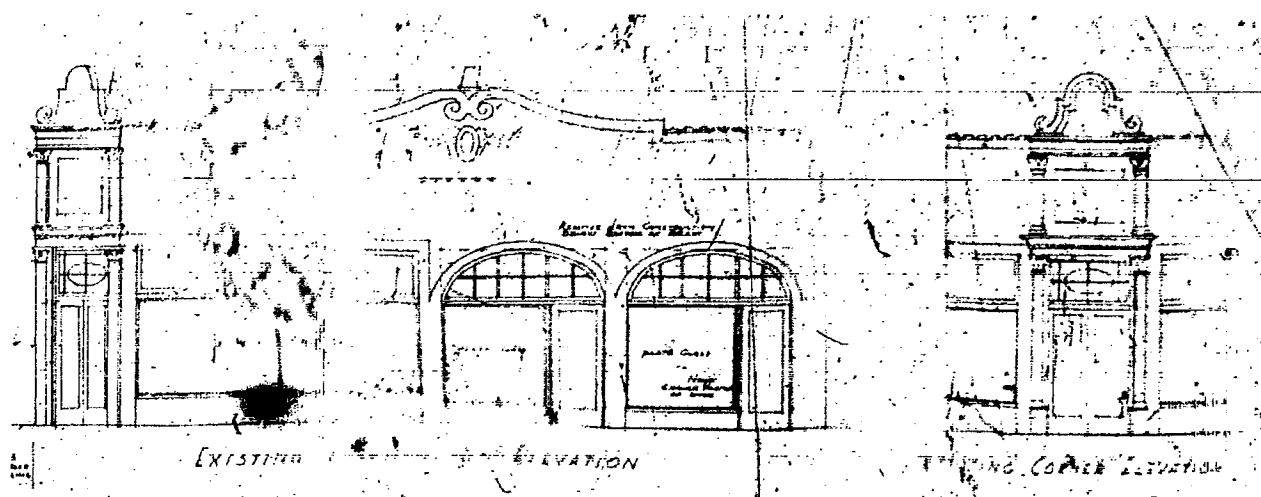
A plan for water retention has not been submitted.

STAFF ANALYSIS

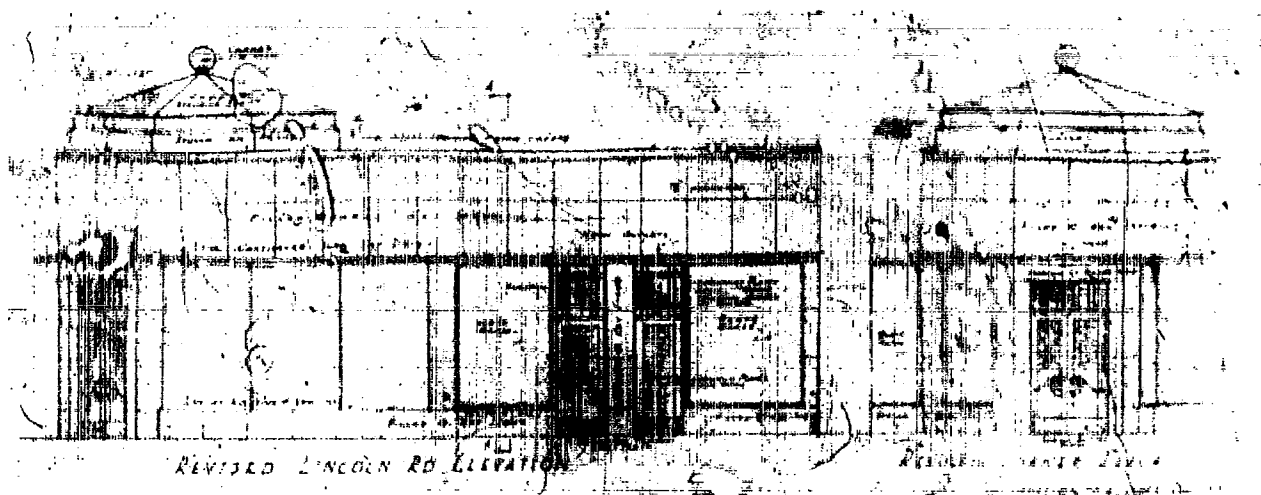
The subject 1 and 2-story structure was constructed in 1924 and designed by William F. Brown in the Mediterranean Revival style of architecture. The structure underwent a number of early alterations after its initial construction. Although no original building permit plans have been located within Building Department records, staff has examined the building permit card, historical photographs and later building permit plans and has outlined what is believed to be the likely evolution of the site.

The original 1924 design consisted of four equal size bays along Lincoln Road and 12 equal size bays along Michigan Avenue. Each arched bay had a glass door, large plate glass window, low knee-wall and a divided lite transom. The upper façade featured a stucco cornice, projecting articulated elements and tiled parapets. The second floor contained office space and was entered via a door along Michigan Avenue between the northernmost two bays. The ceilings within the sales areas were composed of pecky cypress wood, some of which remain today.

Between 1930 and 1933, the Lincoln Road/Michigan Avenue corner of the building was chamfered at 45 degrees in order to introduce a new Mediterranean Revival style frontispiece as can be seen in the elevation drawings by L. Murray Dixon below. Additionally, the adjacent bays were reconfigured, including the introduction of rectangular transoms in the place of the arched transoms.



Existing Lincoln Road and corner elevation drawings, L. Murray Dixon, 1938.



Proposed Lincoln Road and corner elevation drawings, L. Murray Dixon, 1938.

In 1938, the Lincoln Road façade was ‘modernized’ in the Streamline Moderne style of architecture by L. Murray Dixon. These alterations (see elevations below) included the introduction of a copper roofed cupola at the corner, projecting eyebrow, filled keystone cladding, and new storefront showcase windows built-out approximately 2'-0" towards Lincoln

Road. The rear approximately 85% of the building was not altered. Since 1938, the facades of the building have remained relatively intact with the exception of minor alterations within the bay openings and the removal of the decorative dome in 1956.

On June 19, 2017 the Board reviewed and continued the subject application to a date certain of September 12, 2017. Since the June meeting, the applicant has met with staff and has submitted revised plans in response to concerns expressed by the Board and staff. Additionally, staff has located early historical photographs of the structure prior to any alterations.



Lincoln Road Photograph, March 31, 1925

Demolition and partial reconstruction of the Lincoln Road façade

The applicant is currently proposing to demolish the 1938 Lincoln Road façade and partially reconstruct the original 1924 façade consistent with the recently located historical photographs. It is important to note, that when the original 1924 building was constructed, the southwest corner of the building appears to have been built within the right-of-way. The applicant has met with representatives of the Public Works Department in order to explore the possibility of reconstructing this portion of the building, which would require the approval of a revocable permit or permanent easement by the City Commission. As of the writing of this report, the Public Works Department has indicated that any construction located within the right-of-way would have to be designed so that it could be easily removed at any time that the City determines to be necessary.

As such, the applicant has presented plans in which the corner bay of the building has been designed as an open air vestibule without a roof. Further, the walls of the corner bay will be built so as to be fully removable (Option 1). The applicant has also provided plans which depict the building with the corner removed (Option 2).

Staff has no objection to the concept of the recreation of the original 1924 design. However, due to the requirement that the primary corner of the Contributing building be a temporary element

and not part of the permanent construction, staff cannot recommend approval as presented. In the event that the City Commission approves an easement for the permanent construction of the recreated 1924 building within the right-of-way, staff would have no objection to its reconstruction consistent with available historical documentation.



Lincoln Road Photograph, March 31, 1925

In the event, the City Commission does not approve permanent construction in the right-of-way, staff would recommend that the Lincoln Road façade and corner be restored consistent with the 1938 Dixon design, including the reintroduction of the copper clad cupola and that the remainder of the facades be restored consistent with available documentation of the original 1924 design. Further, staff would have no objection to the removal of a portion of the Michigan Avenue façade as previously proposed, in order to construct the new addition.

New 2-story addition

The design of the addition has been further refined since the June meeting, including minimizing the mass of the addition located toward Lincoln Road. This portion of the addition has been lowered in height and has been setback 7'-0" from the Lincoln Road property line and approximately 12'-0" from the Michigan Avenue property line.

Staff believes that the design of the new addition in combination with the recommendations outlined above with regard to the existing building address the concerns of the Board and staff and should significantly reduce potential adverse impacts on the character of the Contributing structure and the surrounding historic district.



Pink Stone Used To Rebuild Beach Store

Pictured above is a drawing by L. Murray Dixon, architect, showing the remodeled building at Lincoln road and Michigan ave, Miami Beach, which is owned by the Morbrook Realty Corp. The remodeling is being done by the S. C. Davis Construction Co. This building is one of the first erected on Lincoln road and has housed many of the fine

establishments which have made Lincoln road famous. However it was thought advisable to reconstruct so that the building will be the last word in finish both on the exterior and the interior. The building is being faced with a new polished pink stone which resembles the highly polished granite. All of the exposed metal is of chromium, and in-

cludes ornamental push bars, special transom grilles, store front construction, coping along top of building and the roof of the tower. The interiors of the Lincoln road stores are also being remodeled and rearranged to include smooth plaster walls and ceiling, and terrazzo floors. Work is being rushed to completion for occupancy this fall. The cost will be \$10,000.

Miami Daily News Article, September 25, 1938

Additionally, the applicant is requesting a waiver of the off-street loading space requirement. Commercial use buildings with a floor area over 10,000 sq. ft., but not over 20,000 sq. ft., require two off-street loading spaces. On February 10, 2016 the City Commission adopted amendments to the off-street loading regulations allowing for the Historic Preservation Board to waive the requirements for off-street loading spaces for properties containing a contributing structure, provided that a detailed plan delineating on-street loading is approved by the Parking Department. For retail buildings with a floor area over 10,000 sq. ft., but not over 20,000 sq. ft., two off-street loading spaces would be required. The applicant has provided a preliminary operational plan for loading. Further, staff would note that there are two on-street loading spaces immediately adjacent to the north of the property on either side of Michigan Avenue.

Finally, staff would note that the amount of demolition proposed exceeds 25% of the first floor slab and the building would not be permitted to retain the existing parking credits and setbacks. However, if the Board finds that the project satisfies the criteria for the retention and restoration of the Contributing building, as outlined in Section 118-395 of the City Code below, a waiver can be granted.

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

- * * *
- (b) *Nonconforming buildings.*
- * * *
- (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:
- * * *
- d. Development regulations for buildings located within a designated historic district or for an historic site:
1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
 - i. At least 75 percent of the front and street side facades;
 - ii. At least 75 percent of the original first floor slab;
 - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
 - iv. All architecturally significant public interiors.
 2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the City;

- iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
- v. The structure has yielded or is likely to yield information important in prehistory or history; or
- vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii., v. & vi., above are satisfied.

VARIANCE ANALYSIS

The applicant has modified the project that originally required two variances from the required rear setback and from the loading requirements to only one variance request associated with the increase in height of the building, specifically the rear façade. Although the building is still a two-story structure, the exterior walls are extended to provide a larger floor to ceiling height. The rear setback variance is for the portions of the new walls that continue the existing zero setback. Staff finds that the retention of the non-conforming building walls at the rear create the hardship that result in the rear setback variance. This variance is the minimum required to substantially preserve the historic building and improve the site to make a reasonable use of the property. In summary, staff recommends that the variance be approved.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 12, 2017

FILE NO: HPB17-0099

PROPERTY: 947 Lincoln Road

APPLICANT: 947 Lincoln Road Investments, Inc.

LEGAL: Lot 1, Block 37 of Commerical Subdivision, According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the near total demolition of the existing 2-story 'Contributing' structure and the construction of a new 2-story building including variances to reduce the required pedestal rear setback.

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 not consistent with the Certificate of Appropriateness Criteria 'a' & 'b' in Section 118-564(a)(1) of the Miami Beach Code.
 - 2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'd', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'd', 'e' & 'g' in Section 118-564(a)(3) of the Miami Beach Code.
 - 4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1), (8) & (10) in Section 133-50(a) of the Miami Beach Code.
 - 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 and 133-50(a) 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 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.
 - b. The Lincoln Road façade and corner shall be restored to the greatest extent possible consistent with the 1938 Dixon design, including the reintroduction of the copper clad cupola. The remainder of the facades shall be restored to the greatest extent possible consistent with the original 1924 design, 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. Alternatively, if an easement or other mechanism for the permanent construction of the building located partially within the right-of-way is approved by the City Commission, the Lincoln Road façade, corner and remainder of the building shall be restored to the greatest extent possible, consistent with the original 1924 design, 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. Within the 2-story 1924 portion of the building, the second floor windows shall be replaced with casement or fixed windows with a muntin configuration consistent with available 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. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any ground level and five (5') feet from any upper level glazed portion of an exterior wall fronting Lincoln Road or Michigan Avenue, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or substantially transparent fixtures for display purposes only.
 - f. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the retail area, 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. The maximum footcandle level of lighting within the retail area shall not exceed 50 footcandles and the average level of all lighting shall not exceed 30 footcandles, 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 final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate

of Appropriateness Criteria and/or the directions from the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.

- i. 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.
 - j. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - k. 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 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.
 3. In accordance with Section 130-101(d) of the City Code, 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
 4. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to reduce all required pedestal rear setback of 5'-0" in order to increase the height of the existing walls up to the rear property line.

- 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 also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

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

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

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

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

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

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. 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.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- H. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Deborah Tackett, Chief of Historic Preservation, 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 _____ ()