

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: November 14, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB17-0149, **600-660 Washington Avenue.**

The applicant, Angler's Boutique Resort, LLC a/k/a LBL Development, LLC, is requesting modifications of a previously issued Certificate of Appropriateness including an after-the-fact variance to reduce the required width for a two-way driveway, and variances to relocate an allowable wall sign to the parapet of the building and to exceed the maximum area for a wall sign.

#### **STAFF RECOMMENDATION**

Approval of the variances with conditions.

#### **BACKGROUND**

On June 10, 2014, the Board reviewed and approved a Certificate of Appropriateness for the construction of a new 5-story ground level addition, as part of a new hotel development.

On December 5, 2014, The Board of Adjustment granted variances from the required subterranean, pedestal and sum of the side setbacks, and to exceed the maximum spaces for tandem parking for the construction of the new building addition.

On May, 2015, a full building permit for the project was issued under B1500350.

On June 9, 2015, the Board approved modifications to the previously issued Certificate of Appropriateness including variances to reduce the required subterranean side facing a street setback for parking and to reduce the required setback from the driveway aisle to structural columns.

#### **EXISTING STRUCTURE**

Local Historic District:  
Classification:  
Date of Construction:  
Original Architect:

Flamingo Park  
Contributing  
1930 / 2005 (annex structures)  
Henry J. Maloney

## **ZONING / SITE DATA**

### **Parcel 1**

Legal Description: Lots 3, 4 and 5, Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Zoning: RM-2 (Multifamily, Medium Intensity)  
Lot Size - 21,000 S.F. (Max FAR = 2.0)  
Existing FAR - 32, 312 S.F.  
Existing Height: 2, 3 & 5-stories  
Existing Use/Condition: Hotel

### **Parcel 2:**

Legal Description: Lots 6, 7 and 8, Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Zoning: RM-2 (Multifamily, Medium Intensity)  
Lot Size: 20,193 S.F. (Max FAR = 2.0)  
Existing FAR: N/A  
Proposed FAR: 49,803 S.F.  
Proposed Height: 5-stories / 50'-0"  
Existing Use/Condition: Surface Parking Lot  
Proposed Use: Hotel (80 units)

## **THE PROJECT**

The applicant has submitted plans entitled "The Angler's Hotel" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., signed and dated August 21, 2017.

**The applicant is requesting an after-the-fact variance to reduce the required width for a two-way driveway, and variances to relocate an allowable wall sign to the parapet of the building and to exceed the maximum area for a wall sign.**

The applicant is requesting the following variance(s):

1. An after-the-fact variance to reduce by 2'-0" the required width of 22'-0" for a two-way driveway in order to retain a two-way driveway with a width of 20'-0".
  - Variance requested from:

### **Sec. 130-63. Interior aisles.**

Interior aisles shall meet or exceed the following minimum dimensions permitted:  
90° parking—22 feet, with columns parallel to the interior drive on each side of the  
required drive, set back an additional one foot six inches, measured from the edge of the  
required interior drive to the face of the column.

This variance request is the result of a shift in the building plans during construction and pertains to the entry driveway of the subterranean garage only. The garage contains approximately 53 parking spaces that will be mostly valet operated for the tandem spaces in

order to efficiently maximize the area for parking and reduce the vehicular circulation. Staff has no objection to the variance requested as the variance is self-contained on the site and the valet operation would reduce the access and egress traffic inside the garage. Staff finds that the variance request satisfies the criteria for practical difficulties based on the recently constructed structure and the negative impact that can result from its demolition and closeness to an adjacent historic structure. Staff believes this variance is of minimal impact on the adjacent properties in order to preserve the existing structures.

2. A variance to relocate an allowable wall sign from the ground floor to the top of the building, fronting 6<sup>th</sup> Street.

- Variance requested from:

**Section 138-16. Wall Sign.**

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart

Zoning District, RM (1-2), Height restrictions: Shall not be located above ground floor.

The property located in the RM-2 district is allowed signs at the ground level only. Unlike RM-3 and commercial districts, a building identification sign, similar to the proposed sign is not permitted in low or medium intensity residential districts. This regulation intends to minimize the impact of illuminated signs on surrounding residential properties. However, in this particular instance, the hotel is surrounded by properties zoned CD-2 on the east side and properties zoned CPS-2 on the south side where the sign is proposed. The applicant is proposing to relocate the wall sign allowed at the ground level to the top of the building, consistent with a sign located on the original contributing Angler's Hotel, as noted on the postcard on page 8 of the plans submitted. Staff would note that signs located at the highest architectural element of buildings are common in the historic district. The proposed sign should not have a negative impact on the surrounding residential properties, as the sign is facing commercial properties. Staff finds that the location of the property in a residential district with commercial districts on two sides create practical difficulties to place a sign at similar location allowed on adjacent commercial properties.

3. A variance to exceed by 53.7 s.f. the maximum allowable area of 30 s.f. for flat signs in order to permit one sign with 83.7 s.f., fronting 6<sup>th</sup> Street.

- Variance requested from:

**Section 138-16. Wall Sign.**

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart

Zoning District, RM (1-2), maximum area percentage: 0.33 square feet for every foot of linear frontage

Maximum area: 30 square feet.

Wall signs located on RM-1 or RM-2 districts are limited to a maximum area of 30 s.f. In this case, the property fronts on two street sides to commercial districts that are allowed up to 100 s.f. of wall sign. The proposed 83.7 sf of sign is compatible with the massing and architecture of the building and is consistent with the size of a previous sign installed on the original contributing building, as previously noted in variance # 2. Staff finds again that the location of the property and specifically the location of the sign proposed would not have an adverse impact on the surrounding properties and it is consistent in size to signs allowed on the adjacent commercial properties. In summary, staff has no objection to this request and supports this variance as proposed.

#### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

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

Additionally, staff has concluded that the plans and documents with the application satisfy the following hardship criteria, 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 with the exception of the variance requested herein is 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.

**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 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) 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.  
**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.  
**Not Applicable**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Not Applicable**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Not Satisfied**
- (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.  
**Not Applicable**
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Not Satisfied**

### **VARIANCE ANALYSIS**

The subject site containing the original 1930 Angler's Hotel and a 5-story annex structure constructed in 2005, is currently under construction with a 5-story ground level addition. The project was approved by the Historic Preservation Board on June 10, 2014. Modifications to the project have been approved previously including variances for triple stacking of vehicles, from the minimum required setbacks for the subterranean parking, from the required pedestal rear and sum of the side setbacks and from the required setbacks from a driveway to structural columns. During the construction process a slight shift in location of the building plans occurred and resulted in the reduction of the driveway entrance which is part of variance #1. Modifications to the current structure to correct the deficiency may negatively impact the adjacent contributing building which creates an undue hardship for the applicant.

A new sign is also proposed on the south side of the property that requires two variances. The building is fronting Washington Avenue and 6<sup>th</sup> Street with traffic running in both directions. Within this context, the proposed sign allows the exposure of the hotel as much as possible and successfully integrates with the building's architecture. The location of the property in an RM-2 district, but fronting on commercial districts, justify the need for the variances requested, as noted in the project portions of this report. Staff finds that the applicant's requests meet the requirements of the practical difficulties criteria; therefore staff has no objection to the variances requested.

### **RECOMMENDATION**

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

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

MEETING DATE: November 14, 2017

FILE NO: HPB17-0149

PROPERTY: 600-660 Washington Avenue

APPLICANT: Angler's Boutique Resort, LLC a/k/a LBL Development, LLC.

LEGAL: Lots 3, 4, 5, 6, 7 and 8 Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County Florida.

IN RE: The application for modifications of a previously issued Certificate of Appropriateness including an after-the-fact variance to reduce the required width for a two-way driveway, and variances to relocate an allowable wall sign to the parapet of the building and to exceed the maximum area for a wall sign.

**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. Certificate of Appropriateness has not been requested as part of this application.

**II. Variance(s)**

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

1. An after-the-fact variance to reduce by 2'-0" the required width of 22'-0" for a two-way driveway in order to retain a two-way driveway with a width of 20'-0".
2. A variance to relocate an allowable wall sign from the ground floor to the top of the building, fronting 6th Street.
3. A variance to exceed by 53.7 s.f. the maximum allowable area of 30 s.f. for flat signs in order to permit one sign with 83.7 s.f., fronting 6th Street.

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. 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.



- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 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 "The Angler's Hotel" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., signed and dated August 21, 2017, as amended and 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 Chapter 118 of the City Code; 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 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
CHIEF OF HISTORIC PRESERVATION  
FOR THE CHAIR

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )SS

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