

MIAMI BEACH

PLANNING DEPARTMENT

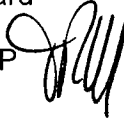
Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: November 14, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0158, **1610 Euclid Avenue.**

The applicant, Euclid 1610 Inc., is requesting modifications of a previously issued Certificate of Appropriateness including a variance from the required front setback for the installation of three (3) FPL vaults within the front yard of the property.

STAFF RECOMMENDATION

Approval of the variance with conditions.

BACKGROUND

On September 13, 2016, the Board reviewed and approved a Certificate of Appropriateness for the demolition of a 1-story rear accessory structure, the renovation and restoration of the 2-story 'Contributing' structure and the renovation of the 2-story 'Non-Contributing' structure, including variances from the required pedestal rear setback and unit size requirements.

EXISTING STRUCTURES

Local Historic District: Flamingo Park

1610 Euclid Avenue

Front 2-story structure

Status:	Contributing
Original Architect:	William Shanklin Jr,
Construction Date:	1926
1939 renovation Architect:	L. Murray Dixon

Rear 1-story structure

Status:	Non-Contributing
Original Architect:	J. F. Budley
Construction Date:	1955

1608 Euclid Avenue

Status:	Non-Contributing
Original Architect:	T. Hunter Henderson
Construction Date:	1966

ZONING / SITE DATA

Legal Description:	Lot 3 and north half of lot 2, Block 50A, Lincoln Subdivision, According to the Plat Thereof, as Recorded in Plat Book 9, Page 69, of the Public Records of Miami-Dade County, Florida.
Zoning:	RM-1 Residential Multi-Family, Low Intensity
Future Land Use Designation:	RM-1 Residential Multi-Family, Low Intensity
Lot Size:	11,250 S.F.
Existing FAR:	10,865 S.F. / 0.96
Proposed FAR:	14,020 S.F. / 1.24 (Max FAR: 1.25)
Existing Heights:	1 and 2-stories
Proposed Height:	34'-0" / 2 and 3-stories
Existing Use:	multi-family 23 units
Proposed Use:	multi-family 22 units

THE PROJECT

The applicant has submitted plans entitled "Euclid 1610 Inc." as prepared by SKLARchitecture, dated August 29, 2017.

The applicant is requesting a variance from the required front setback for the installation of three (3) FPL vaults within the front yard of the property.

The applicant is requesting the following variance:

1. A variance to reduce by 15'-4" the minimum required setback of 20'-0" to install three (3) FPL vaults within the front yard of the property at a minimum setback of 4'-8" from the front property line and at a maximum height of 4'-4" from grade elevation.

- Variance requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(f) Central air conditioners, emergency generators and other mechanical equipment. Accessory central air conditioners, generators and any other mechanical equipment, including attached screening elements, may occupy a required side or rear yard, in single-family, townhome, or in the RM-1 residential multifamily low intensity districts, provided that:

(1) They are not closer than five feet to a rear or interior side lot line or ten feet to a side lot line facing a street.

(2) The maximum height of the equipment including attached screening elements, shall not exceed five feet above current flood elevation, with a maximum height not to exceed ten feet above grade, as defined in subsection 114-1, of the lot at which they are located.

(3) If visible from the right-of-way, physical and/or landscape screening shall be required.

(4) Any required sound buffering equipment is located outside the minimum five-foot yard area specified in subsection (f)(1) of this section.

(5) If the central air conditioning and other mechanical equipment do not conform to subsections (1), (2), (3), and (4) above, then such equipment shall follow the setbacks of the main structure.

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

Pedestal, Front: 20 feet.

This variance request is the result of a requirement from FPL to have three (3) vaults within the front of the property in order to connect with the existing underground power lines from Euclid Avenue. The size and height of the equipment at approximately 4'-4" are not detrimental to the contributing buildings or the historic district. Staff finds that the retention of the contributing buildings and the existing non-conforming front setback create the practical difficulties resulting in the need for the variance.

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, as proposed, appears to be inconsistent with the following sections of the City Code, aside from the requested variances.

1. Section 142-1132(o). The backflow preventor located within the front yard is not an allowable encroachment and shall be relocated.

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

On September 13, 2016, the applicant received a certificate of Appropriateness for the demolition of a 1-story rear accessory structure, the renovation and restoration of the 2-story 'Contributing' structure and the renovation of the 2-story 'Non-Contributing' structure, including variances from the required pedestal rear setback and unit size requirements. At that time, the proposed FPL vaults were not identified on the plans submitted. As the process for building permit advanced, it was determined by FPL that three vaults were required at the front of the property to be connected with the underground power lines running on Euclid Avenue. Because the existing front setback of the buildings is approximately 15 feet for the northern building and less than 20 feet for the southern building, the applicant is proposing the vaults within the front yard which requires a setback variance. Staff has no objection to the requested variance as the proposed FPL vaults do not exceed 5 feet in height as measured from grade and no adverse impact is expected on the surrounding properties, provided a fence and adequate landscaping are maintained on site. Staff would also note that the entire front yard is presently paved for parking spaces, and all will be replaced with a more appropriate landscaping as part of the site renovations.

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: HPB17-0158

PROPERTY: 1610 Euclid Avenue

APPLICANT: Euclid 1610 Inc.

LEGAL: Lot 3 and north half of lot 2, Block 50A, Lincoln Subdivision, According to the Plat Thereof, as Recorded in Plat Book 9, Page 69 of the Public Records of Miami-Dade County Florida.

IN RE: The application for modifications of a previously issued Certificate of Appropriateness including a variance from the required front setback for the installation of three (3) FPL vaults within the front yard of the property

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. A variance to reduce by 15'-4" the minimum required setback of 20'-0" to install three (3) FPL vaults within the front yard of the property at a minimum setback of 4'-8" from the front property line and at a maximum height of 4'-4" from grade elevation.

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.
 2. A revised landscape plan, 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.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. The applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the FPL vaults to the public right-of-way.

- B. All applicable 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.
- C. 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.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 "Euclid 1610 Inc." as prepared by SKLARchitecture, dated August 29, 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)
)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: _____

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HPB17-0158
Meeting Date: November 14, 2017

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

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

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