

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: January 9, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0172, **4000 Collins Avenue.**

The applicant, Sukkah Miami Beach Acquisitions, LLC, is requesting variances to exceed the maximum size for a wall sign and a projecting sign and to relocate a wall sign above the ground floor.

STAFF RECOMMENDATION

Approval of the variances.

BACKGROUND

On June 19, 2017, the Board approved a Certificate of Appropriateness for the partial demolition of the existing 'Contributing' 5-story structure on the site and the construction of an attached 4-story ground level addition including variances to reduce the required pedestal front, rear, street side and sum of the side setbacks and to exceed the maximum allowed projection within required yards. (File HPB17-0097).

EXISTING STRUCTURES

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Architect:	A. Herbert Mathes
Construction Date:	1948

ZONING / SITE DATA

Legal Description:	Lots 10, 11, 12, 13, 14 and 15, Block 34 of "Miami Beach Improvement Company", According to the Plat Thereof, as Recorded in Plat Book 5, at Page 8 of the Public Records of Miami-Dade County.
Zoning:	RM-2 (Residential, Medium Intensity)
Future Land Use:	RM-2 (Residential, Medium Intensity)
Lot Size:	27,914 S.F. (Max FAR = 2.0)
Proposed FAR:	55,461.16 S.F. / 1.99 FAR
Proposed Use:	Hotel w/accessory commercial use

THE PROJECT

The applicant has submitted plans entitled "HPB Final Submittal" as prepared by Kieffer & Co., Inc., signed and sealed November 18, 2017.

The applicant is requesting variances for the installation of new signs on the east and south sides of the property.

The applicant is requesting the following variance(s):

1. A variance to exceed the maximum allowable area of 30 SF by 2.2 SF for a wall sign on the south façade in order to permit one wall sign with 32.2 SF fronting 40th 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 in RM-1 or RM-2 districts are limited up to a maximum area of 30 SF. The width of the building façade facing 40th Street is approximately 116.5 feet, which would allow a wall sign of 38.4 SF based on the requirement of 0.33 SF per one foot of linear frontage. Staff is supportive of the variance requested as the sign area proposed is consistent with the area that would be allowed for the two individual lots fronting 40th Street. Staff finds that the size of the property with multiple lots and specifically the south side composed of 2 lots, creates the practical difficulties that justify the variance requested.

2. A variance to relocate an allowable wall sign from the ground floor to the top of the building, fronting 40th 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. The proposed sign should not have a negative impact on the surrounding residential properties, as the sign is facing a parking garage and other properties with commercial uses in the RM-3 district and not directly facing residential buildings. The applicant is proposing to relocate the wall sign allowed at the ground level to the top of the building, adjacent to an existing historic sign for the original contributing Continental Hotel. Staff would note that signs located at the highest architectural element of buildings are common in the historic district. Staff finds that the location of the property in this portion of the RM-2 district with a higher concentration of commercial uses create practical

difficulties to place a sign at similar location allowed on adjacent commercial properties. Staff recommends approval of the variance requested.

3. A variance to exceed by 27.5 SF the maximum permitted area of 15 SF for a projecting sign in order to allow the installation of a projecting sign facing Collins Avenue with a total of 42.5 SF

A sign is proposed to be attached to the projecting frame at the east facade facing Collins Avenue. Although, the sign is in proportion to the building mass and compatible with the building's architecture, it exceeds the maximum area of 15 SF allowed for projecting signs. The location of the site in the medium intensity district limits the number of signs to one wall, projecting or detached sign for a main use per street frontage. Staff is supportive of the variance requested based on the actual length of the building on this side of the street that contains 4 lots. It is conceivable that up to 4 different properties could front on the street side, and in that case, four (4) 15 s.f. projecting signs would be permitted facing Collins Avenue. The size of the property containing 4 lots on the street side creates the practical difficulty that results in the variance requested.

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 consistent with the applicable sections of the City Code, with the exception of the variances requested.

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 Applicable

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

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

Not Applicable

VARIANCE ANALYSIS

The subject site containing the 'contributing' Continental Hotel is currently under construction with a multistory ground level addition. The project was approved by the Historic Preservation Board on June 19, 2017. The applicant is incorporating the sign program for the hotel operator Hampton Inn. Two (2) new signs are proposed on the south and east sides of the property for which variances are requested. Also, two of the original 'Continental' signs on the south and east sides will be restored. The size of the property containing 6 lots creates practical difficulties to place signs that are limited in area and location compared to the allowable sign area per single lot or property. The sign locations are the least intrusive and have no negative impact on the surrounding RM-2 district. Staff finds that the applicant's requests meet the requirements of the practical difficulties criteria; therefore staff has no objection to the variances requested.

The purpose of the signage ordinance, as stated in section 138-1 of the City Code, is "to permit signs that will not by their size, location, construction, number or manner of display, endanger the health, safety and general welfare of the public or the appearance of the city. It is also the purpose of this chapter to encourage signs that are architecturally aesthetic and compatible with the buildings they are placed on, to reduce traffic hazards and to preserve the right of free speech exercised through the use of signs." Staff believes that the variances requested are consistent with the spirit of the signage ordinance.

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: January 9, 2018

FILE NO: HPB17-0172

PROPERTY: 4000 Collins Avenue

APPLICANT: Sukkah Miami Beach Acquisitions, LLC

LEGAL: Lots 10, 11, 12, 13, 14 and 15, Block 34 of "Miami Beach Improvement Company", According to the Plat Thereof, as Recorded in Plat Book 5, at Page 8 of the Public Records of Miami-Dade County, Florida.

IN RE: The application for variances to exceed the maximum size for a wall sign and a projecting sign and to relocate a wall sign above the ground floor.

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 variance(s):

1. A variance to exceed by 2.2 SF the maximum allowable area of 30 SF for a wall sign on the south façade in order to permit one wall sign with 32.2 SF fronting 40th Street.
2. A variance to relocate an allowable wall sign from the ground floor to the top of the building, fronting 40th Street.
3. A variance to exceed by 27.5 SF the maximum permitted area of 15 SF for a projecting sign in order to allow the installation of a projecting sign facing Collins Avenue with a total of 42.5 SF.

B. 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 **Approves** 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. 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.
- B. 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.

- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 "HPB Final Submittal" as prepared by Kieffer & Co., Inc., signed and sealed November 18, 2017, and 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 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. He 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 _____ ()