MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation — Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: May 8, 2018

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB18-0189, **1501 Michigan Avenue.**

The applicant, BP 1501-11, LLC, is requesting a Certificate of Appropriateness for modifications to the Michigan Avenue façade and variances to reduce the required front and interior side setbacks for the construction of a new FPL vault within the front yard as part of the renovations to the property.

STAFF RECOMMENDATION
Approval of the Certificate of Appropriateness and variances with conditions

EXISTING STRUCTURE

Local Historic District:	Flamingo Park
Status:	Contributing
Original Construction Date:	1955
Original Architect:	August Swarz

ZONING / SITE DATA

Legal Description:	Lots 19 and 20, Block 63, of the Lincoln Subdivision, according to the plat thereof recorded in Plat Book 9, Page 69 of the public records of Miami Dade County, Florida.
Zoning:	RM-1, Residential multifamily low intensity
Future Land Use Designation:	RM-1, Residential multifamily low intensity
Lot Size:	14,998 S.F. / 1.25 Max FAR
Existing Height:	19'-6" / 2-stories
Proposed Height:	no change
Existing Use/Condition:	Residential multifamily
Proposed Use:	110 Unit Hotel

THE PROJECT
The applicant has submitted plans entitled "1501 Michigan Ave." as prepared by JD Engineering Services, dated March 2, 2018.

The applicant is requesting a Certificate of Appropriateness for modifications to the Michigan Avenue façade and variances to reduce the required front and interior side setbacks for the construction of a new FPL vault within the front yard as part of the renovations to the property.

The applicant is requesting the following variances:

1. A variance to reduce by 16'-6" the minimum required setback of 20'-0" to install an FPL vault at 3'-6" from the front property line and at a maximum height of 7'-2" from grade elevation.

2. A variance to reduce by 7'-0" the minimum required setback of 10'-0" to install an FPL vault at 3'-0" from the interior side property line and at a maximum height of 7'-2" from grade elevation.

    - Variances 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:
Subterranean and Pedestal, Front: 20 feet.
Subterranean and Pedestal, Side Interior: Single lots less than 65 feet in width: 7.5 feet. Lots equal or greater than 65 feet in width: Minimum 10 feet or 8% of lot width, whichever is greater,

A new FPL vault is proposed within the front and interior side yards of the property. As noted in the letter of intent submitted, the variances requested are the result of a requirement from FPL to install the vault outside the building envelope. As the site has non-conforming setbacks on all sides, the proposed location is the more appropriate place to facilitate access to the vault and reduce any impact on the existing contributing buildings which will be renovated. The size and height of the FPL vault is not detrimental to the contributing buildings or the historic district with the addition of a landscape screen to limit visibility from the street. Staff finds that the retention of the contributing buildings and the existing non-conforming setbacks create the practical difficulties resulting in the need for the variances 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

The application, as submitted, with the exception of the variances requested herein, appears to be consistent with the applicable requirements of the City Code.

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

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **multifamily residential 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.
Satisfied

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

II. In determining whether a particular application is compatible with surrounding properties, the 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.
Satisfied

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.
Satisfied

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

f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied

g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied

h. The original architectural design or any subsequent modifications that have acquired significance.
Satisfied

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
Variances are requested as part of this application.

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.
Satisfied

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.
Satisfied

e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied

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

g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Not Satisfied
A lighting plan has 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.
Satisfied

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

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

l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
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

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.
Satisfied

(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.
Satisfied

(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

STAFF ANALYSIS

The subject 2-story building was constructed in 1955 and designed by the August Swarz in the Post War Modern style of architecture. Although no original building permit plans have been located, staff has determined through examination of available historical documentation, that the structure has remained relatively intact from its original construction. On October 14, 2017, a building permit was issued for the substantial renovation of the structure including interior remodeling of the apartment units, new doors and windows, new railings and new mechanical, electrical and plumbing systems.

The applicant is currently requesting approval for the installation of a glass double door and canopy within the space between buildings along Michigan Avenue. Staff has no objection to this modest intervention which is distinguishable from the original architecture, has no adverse impact on the existing Contributing structure or the surrounding historic district and could easily be removed in the future. As such, staff recommends approval as noted below.

VARIANCE ANALYSIS

The existing buildings are renovated with new impact windows, railings, air conditioning units and a new FPL vault, proposed within the front yard of the site. As the property contains a contributing structure with non-conforming setbacks on all sides, the installation of new FPL vault to meet current standards is challenging on the property that features approximately 5-foot setback on the sides and rear yards and approximately 14'-0" at the front yard. The applicant is requesting two (2) setback variances, based on the FPL requirement for the installation of the new vault outside the building envelope, as noted in the letter of intent submitted.

Staff has no objection to the requested variances as the proposed FPL vault should not have an adverse impact on the surrounding properties, provided a fence and adequate landscaping are maintained on site. Staff would also note that the property is below the maximum FAR permitted and no other addition to the site is proposed. Other improvements include the replacement of the air conditioning window units with rooftop units and the addition of landscape that would substantially improve the appearance of the property.

Staff has concluded that the existing non-conforming setbacks on the property and the retention and renovation of the 'Contributing' buildings create the practical difficulties that satisfy the criteria for the granting of the variances.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be approved as to the Certificate of Appropriateness and variance requests, 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: May 8, 2018

FILE NO: HPB18-0189

PROPERTY: 1501 Michigan Avenue

APPLICANT: BP 1501-11, LLC

LEGAL: Lots 19 and 20, Block 63, of the Lincoln Subdivision, according to the plat thereof recorded in Plat Book 9, Page 69 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for modifications to the Michigan Avenue façade and variances to reduce the required front and interior side setbacks for the construction of a new FPL vault within the front yard as part of the renovations to 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. 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 consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.

2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'g' in Section 118-564(a)(3) of the Miami Beach Code.

4. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.

C. The project would be consistent with the criteria and requirements of section 118-564 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. 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.

2. 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. The A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.

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 by 16'-6" the minimum required setback of 20'-0" to install an FPL vault at 3'-6" from the front property line and at a maximum height of 7'-2" from grade elevation.

2. A variance to reduce by 7'-0" the minimum required setback of 10'-0" to install an FPL vault at 3'-0" from the interior side property line and at a maximum height of 7'-2" 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. The FPL vault shall be substantially screened from view, 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. 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. 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.

C. 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.

D. 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.

E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

F. 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.

G. 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.

H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

I. 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.

J. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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 "1501 Michigan Ave." as prepared by JD Engineering Services, dated March 2, 2018, 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. 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 _____ ( )

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