

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: March 11, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **HPB18-0264, 800 Lincoln Road.**

An application has been filed requesting a Certificate of Appropriateness for improvements at the roof levels and the introduction of a rooftop outdoor bar counter, landscape features and mechanical equipment including variances to exceed the allowable hours of operation for an accessory outdoor bar counter, to exceed the maximum sign area and for the installation of a sign along a frontage that does not provide direct access from the street.

STAFF RECOMMENDATION

Approval of Certificate of Appropriateness with conditions.

Approval of variances #1 and #2.

Denial of variance #3.

BACKGROUND

On October 13, 2015 the Board reviewed and approved a Certificate of Appropriateness for the partial demolition, restoration and renovation of the existing Contributing structure on the site and the construction of a new 1-story rooftop addition and new 3-story ground level addition, including variances to reduce the required rear pedestal setback and to not provide the minimum required parking for off-street loading spaces.

On December 13, 2016, the Board reviewed and approved modifications to the previously approved Certificate of Appropriateness including additional interior demolition and design modifications to the ceiling.

EXISTING STRUCTURE

Local Historic District:	Flamingo Park
Status:	Contributing
Original Construction Date:	1935
Original Architect:	Robert L. Weed

ZONING / SITE DATA

Legal Description:	Lots 7 and 8, Block 49 of Lincoln Subdivision, according to the plat thereof recorded in Plat Book 9, Page 69 of the public records of Miami Dade County, Florida.
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Zoning:	CD-3, Commercial high intensity
Future Land Use Designation:	CD-3, Commercial high intensity
Existing Use/Condition:	Commercial
Proposed Use:	Commercial

THE PROJECT

The applicant has submitted plans entitled “MILA” as prepared by STA Architectural Group, dated January 7, 2019.

The project includes improvements to the building for a new restaurant at the third floor including variances for the installation of signs facing Meridian Avenue and the extension of hours of operation of an outdoor bar counter.

The applicant is requesting the following variance(s):

1. A variance from the requirement of having direct access to the street for a restaurant located at the third floor of the building to install a projecting sign and a menu board facing Meridian Avenue.
2. A variance to exceed by 19 sf the maximum of zero (0 square feet) square feet of sign allow in association with a commercial space located at the third floor of the building in order to allow the installation of a projecting sign with 15 sf and a menu board sign with 4 sf facing Meridian Avenue.

- Variances requested from:

Sec. 138-13. General sign requirements and design standards.

The following standards shall apply to all signs unless otherwise exempted in this chapter or these land development regulations:

(1) Direct access to the street or waterway from the licensed establishment is required for a sign that faces a public right-of-way or waterway.

Wall signs and projecting signs are allowed to be installed at the first floor of a building when associated with a commercial space, which is typically located at the ground level. Commercial spaces above the first floor are permitted signs when segregated access from the street level to the space is provided. In this case, the entrance where the sign is located provides access for the spaces at the second and third floors; therefore, neither space is allowed to place a sign on the façade facing Meridian Avenue. The applicant is requesting a variance to place a projecting sign and menu sign without providing direct access from the street for the restaurant at the third (3rd) floor.

Staff is supportive of this variance based on the configuration of the business spaces at the ground floor, where only one commercial space fronts on Meridian Avenue. The addition of the restaurant sign would not negatively impact the architecture of the building, as any future sign would be related to one additional commercial space. Based on the building's interior configuration, the restaurant would only be allowed a building identification sign if the building owner allowed the building to be named with the name of the restaurant. A larger sign at the top of the building would have a more negative impact on the building's architecture than the proposed signs on the side of the building. Staff finds that the location of the restaurant at the third floor creates practical difficulties for the installation of a business sign. The proposed signs

comply with the maximum size for projecting signs and the maximum size for a menu board. For the reasons identified herein, staff is supportive of these variances.

3. A variance to exceed the allowable hours of operation of an accessory outdoor bar counter until 2:00 am.

- Variance requested from:

Sec. 142-334. Accessory uses.

The accessory uses in the CD-3 commercial, high intensity district are as follows:

(2) Accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.

This variance is associated with a 247-seat restaurant including an interior and exterior bar located at the third floor of the building. As permitted by the City Code the outdoor accessory bar can operate until 12 am daily. The applicant is requesting a variance to extend the hours of operations for the outdoor bar until 2 am. In the context of the property, most of the surrounding uses are also commercial, which minimizes the potential impact from the extended hours of operations. However, staff finds the variance requested lacks any practical difficulties or hardship, as the restaurant and the interior bar have no limitation in the hours of operations, and which is a reasonable use of the property. The applicant's letter of intent does not indicate practical difficulties or hardship associated with the closing of the bar at 12 am. As such, staff cannot support approval of the variance request #3.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, with the exception of variance #3, as noted above, 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 with the exception of variance #3, as noted above:

- 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 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.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

COMPLIANCE WITH ZONING CODE

The application appears to be consistent with the requirements of the City Code, with the exception of the variances requested and the granting of a Conditional Use Permit by the Planning Board for a neighborhood impact establishment; this shall not be considered final zoning review or approval.

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.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
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

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.
Not Satisfied
The introduction additional rooftop mechanical equipment, terrace level shade structures and large trees along the perimeter of the terrace has the potential to overwhelm the existing Contributing building and detract from the design integrity of the rooftop addition.
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Not Satisfied

The proposed wood-look screening material and dark grey paint finish have an adverse impact on the design integrity of the approved addition and Contributing building.

- 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.

Not Satisfied

The introduction additional rooftop mechanical equipment, terrace level shade structures and large trees along the perimeter of the terrace has the potential to overwhelm the existing Contributing building and detract from the design integrity of the rooftop addition.

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

Satisfied

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

Not Satisfied

The introduction additional rooftop mechanical equipment, terrace level shade structures and large trees along the perimeter of the terrace has the potential to overwhelm the existing Contributing building and detract from the design integrity of the rooftop addition.

- 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 have been requested.

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Not Satisfied
The proposed wood-look screening material and dark grey paint finish have an adverse impact on the design integrity of the approved addition and Contributing building.
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Not Applicable
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Not Applicable
- 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.
Not Applicable
- 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 Applicable
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Applicable
- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Applicable

- 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).
Not Satisfied
The introduction additional rooftop mechanical equipment, terrace level shade structures and large trees along the perimeter of the terrace has the potential to overwhelm the existing Contributing building and detract from the design integrity of the rooftop addition.
- 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.
Not Applicable
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Satisfied
As currently designed, the proposed rooftop mechanical screening has the potential to overwhelm the existing Contributing building and detract from the design integrity of the rooftop addition.
- 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).
Not Applicable
- 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.
Not Applicable
- 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.
Not Applicable

STAFF ANALYSIS

As noted in the 'Background' section of this report, on October 13, 2015 the Board reviewed and approved a Certificate of Appropriateness for the partial demolition, restoration and renovation of the existing Contributing structure on the site, the construction of a new 1-story rooftop addition and the construction of a new 3-story ground level addition. Since that time, construction of the approved project is nearing completion and a restaurant tenant has been identified to occupy the third level inclusive of the third floor roof terrace. The restaurant will be accessed at the ground level along Meridian Avenue and is proposed to have 150 seats inside and 97 seats located on the outdoor terrace.

As part of the restaurant build out plan, the applicant is currently requesting approval for several improvements including the introduction of an outdoor bar counter, a landscape plan for the outdoor terrace, additional rooftop mechanical equipment and a new painted finish for the storefront frames.

While staff is generally supportive of the proposed project and welcomes the introduction of the third floor restaurant which will serve to expand current dining options along Lincoln Road for both residents and visitors, staff does have a few minor concerns. First, staff believes that magnitude of screening for the rooftop mechanical equipment and the introduction of shade structures on the outdoor terrace have the potential to adversely impact the elegance of the approved addition and overwhelm the carefully restored Contributing building. Consequently, staff would recommend that the rooftop mechanical screening be reduced to the greatest extent possible and that the location of the screening be limited the far western portion of the roof. Further, since the approved design already includes a large area for covered outdoor dining, staff would recommend that the additional shaded dining structures be removed. Staff would also recommend that the wood-look screening material be replaced with a natural aluminum or light color metal material which would be more consistent with the architecture of the existing Contributing building and the approved new rooftop addition.

Secondly, staff is not supportive of the proposed matte dark graphite color proposed to be introduced on the storefront framing and would note that the Board imposed the following condition as part of the 2015 order for the redevelopment project:

Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The frames shall be a clear anodized aluminum or a light grey or silver powder coated finish. The glass shall not be colored and any tinting shall be the minimum required by Energy Codes.

Additionally, staff has included several recommendations with regard to the proposed roof terrace landscape plan in the draft order in order to ensure the proper maintenance, health and compatibility of the landscape material with the existing architecture. Specifically, staff is recommending that the proposed Coconut Palms be replaced with small size shade canopy trees and that any such canopy tree be located a minimum of 4'-0" from the edge of the terrace. Further, staff would recommend that permanent tree bracing systems be provided for any large plant material and that planting provided along the perimeter of the roof terrace include native species that do not exceed 36" in height at maturity.

Finally, it is important to note that the proposed project requires a Conditional Use Permit for a Neighborhood Impact Establishment with an occupant content exceed 300 persons to be reviewed and approved by the Planning Board. The application is currently scheduled to be reviewed by the Planning Board on February 26, 2019 with regard to important issues related to the operations of the project, including parking, traffic, noise, deliveries, sanitation and security.

VARIANCE ANALYSIS

Three (3) variances are requested as part of the improvements for a new restaurant located at the third floor of the building. Variances #1 and #2 are associated with signs proposed at the side entrance facing Meridian Avenue. Because only one tenant is proposed on the ground floor of the building fronting on Meridian Avenue, signs at the first floor would be allowed only for this tenant with size limited to 0.75 sf per linear frontage. Based on the length of the tenant space of approximately 105'-0" up to 78 sf of sign could potentially be permitted without variances. The

proposed signs are 19 sf in total and should not have a negative impact on the architecture of the building. Staff is supportive of variances #1 and #2 with the condition that the maximum area of all signs, including any future sign for the adjacent tenant space will not exceed the maximum permitted based on the length of the building.

The 3rd variance is associated with the extension in hours of operation of the outdoor bar counter located at the third floor. Considering the size of the restaurant with 247 seats, an interior bar in addition to the exterior bar and the location of the property in one of the most active commercial districts in the City, staff could not find practical difficulties to extend the hours of operations for additional 2 hours. Staff finds that this variance request does not satisfy the criteria for the granting of a variance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application for variances Nos. 1 and 2 be **approved**, and that variance No. 3 be **denied**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria. Staff also recommends the application for a Certificate of Appropriateness be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 11, 2019

FILE NO: HPB18-0264

PROPERTY: 800 Lincoln Road

APPLICANT: MILA Miami LLC

LEGAL: Lots 7 and 8, Block 49 of 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: An application for a Certificate of Appropriateness for improvements at the roof levels and the introduction of a rooftop outdoor bar counter, landscape features and mechanical equipment including variances to exceed the allowable hours of operation for an accessory outdoor bar counter, to exceed the maximum sign area and for the installation of a sign along a frontage that does not provide direct access from the street.

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 Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'c', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'j' & 'l' in Section 118-564(a)(3) 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 and roof plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The matte dark graphite color shall not be permitted to be painted on the storefront frames. The frames for any new storefront system shall be a clear anodized aluminum or a light grey or silver powder coated finish, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The glass shall not be colored and any tinting shall be the minimum required by Energy Codes.
 - b. The proposed rooftop mechanical equipment for the kitchen shall be consolidated in order to minimize the footprint of the mechanical area and shall be shifted to the west to the greatest extent possible through the incorporation of chases within the kitchen ceiling or low profile roof chases that would not require screening, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The wood-look material proposed for the rooftop mechanical screen shall not be permitted. Any rooftop mechanical screen shall consist of a natural aluminum, light grey or white finish, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The proposed rooftop canopy/cabana structures for shaded dining shall not be permitted.
 - e. There shall be no overhead covering such as a canopy or awning above the rooftop outdoor bar counter.
 - f. The color and finish for the break metal proposed to be introduced on the ground floor signage along Meridian Avenue shall be consistent with the storefront frame color and finish for this portion of the building, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. 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. Understory planting shall be provided along the perimeter of the rooftop planter and shall include native plant species that do not exceed 36" in height at maturity and taller plant material inclusive of small shade trees provided as an accent provided that such shade tree is setback a minimum of 4'-0" from the edge of the roof deck, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- b. The Coconut Palms shall not be permitted and may be replaced with additional small shade canopy trees, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- c. A permanent tree bracing/support system shall be provided for any substantially large plant material proposed for the roof deck, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- d. 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) which were either approved by the Board with modifications, or denied:

The following variances were approved by the Board:

1. A variance from the requirement of having direct access to the street for a restaurant located at the third floor of the building to install a projecting sign and a menu board facing Meridian Avenue.
2. A variance to exceed by 19 sf the maximum of zero (0 square feet) square feet of sign allow in association with a commercial space located at the third floor of the building in order to allow the installation of a projecting sign with 15 sf and a menu board sign with 4 sf facing Meridian Avenue.

The following variance was denied by the Board:

3. A variance to exceed the allowable hours of operation of an accessory outdoor bar counter until 2:00 am.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variances #1 and #2,

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, only as it relates to variances #1 and #2, 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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

C. The Board hereby **Approves** the requested variance(s) #1 and #2 and **Denies** variance request #3, as noted 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 total aggregate sign area including any future signs shall not exceed the maximum area allowed based on the length of the building facing Meridian Avenue.

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 comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- 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 entitled "MILA" as prepared by STA Architectural Group, dated January 7, 2019, 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 _____ ())

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 11, 2019

FILE NO: HPB18-0264

PROPERTY: 800 Lincoln Road

APPLICANT: MILA Miami LLC

LEGAL: Lots 7 and 8, Block 49 of 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: An application for a Certificate of Appropriateness for improvements at the roof levels and the introduction of a rooftop outdoor bar counter, landscape features and mechanical equipment including variances to exceed the allowable hours of operation for an accessory outdoor bar counter, to exceed the maximum sign area and for the installation of a sign along a frontage that does not provide direct access from the street.

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 Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'c', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
4. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'j' & 'l' in Section 118-564(a)(3) 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 and roof plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The matte dark graphite color shall not be permitted to be painted on the storefront frames. The frames for any new storefront system shall be a clear anodized aluminum or a light grey or silver powder coated finish, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The glass shall not be colored and any tinting shall be the minimum required by Energy Codes.
 - b. The proposed rooftop mechanical equipment for the kitchen shall be consolidated in order to minimize the footprint of the mechanical area and shall be shifted to the west to the greatest extent possible through the incorporation of chases within the kitchen ceiling or low profile roof chases that would not require screening, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The wood-look material proposed for the rooftop mechanical screen shall not be permitted. Any rooftop mechanical screen shall consist of a natural aluminum, light grey or white finish, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The proposed rooftop canopy/cabana structures for shaded dining shall not be permitted.
 - e. There shall be no overhead covering such as a canopy or awning above the rooftop outdoor bar counter.
 - f. The color and finish for the break metal proposed to be introduced on the ground floor signage along Meridian Avenue shall be consistent with the storefront frame color and finish for this portion of the building, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. 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. Understory planting shall be provided along the perimeter of the rooftop planter and shall include native plant species that do not exceed 36" in height at maturity and taller plant material inclusive of small shade trees provided as an accent provided that such shade tree is setback a minimum of 4'-0" from the edge of the roof deck, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- b. The Coconut Palms shall not be permitted and may be replaced with additional small shade canopy trees, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- c. A permanent tree bracing/support system shall be provided for any substantially large plant material proposed for the roof deck, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- d. 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) which were either approved by the Board with modifications, or denied:

The following variances were **approved** by the Board:

1. A variance from the requirement of having direct access to the street for a restaurant located at the third floor of the building to install a projecting sign and a menu board facing Meridian Avenue.
2. A variance to exceed by 19 sf the maximum of zero (0 square feet) square feet of sign allow in association with a commercial space located at the third floor of the building in order to allow the installation of a projecting sign with 15 sf and a menu board sign with 4 sf facing Meridian Avenue.

The following variance was **denied** by the Board:

3. A variance to exceed the allowable hours of operation of an accessory outdoor bar counter until 2:00 am.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variances #1 and #2,

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, only as it relates to variances #1 and #2, 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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

C. The Board hereby **Approves** the requested variance(s) #1 and #2 and **Denies** variance request #3, as noted 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 total aggregate sign area including any future signs shall not exceed the maximum area allowed based on the length of the building facing Meridian Avenue.

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 comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- 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 entitled "MILA" as prepared by STA Architectural Group, dated January 7, 2019, 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.

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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 _____ ()