

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: August 9, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB0416-0008, **1155 Collins Avenue.**

The applicant, E.D.Y. Inc., is requesting a Certificate of Appropriateness for a lighting plan.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

BACKGROUND

On April 10, 2012, the Board reviewed and approved a Certificate of Appropriateness (HPB 7298) for the construction of a new 3-story commercial building with accessory parking, including parking at the roof deck.

On November 20, 2012, the Board reviewed and approved a modification to the previously approved Certificate of Appropriateness for the construction of a new 3-story commercial building with accessory parking, including parking at the roof deck, including modifications of the previously approved exterior materials and finishes.

On September 10, 2013 the Board approved a one (1) year Extension of Time for a previously issued Certificate of Appropriateness for the construction of a new 3-story commercial building with accessory parking, including parking at the roof deck.

On February 11, 2014, the Board reviewed and approved a modification to the previously approved Certificate of Appropriateness for the construction of a new 3-story commercial building with accessory parking, including parking at the roof deck, including modifications to the exterior elevations and the reconfiguration of the previously approved floor plans in order to accommodate additional parking.

On June 14, 2016, the Board reviewed and continued the item to the August 9, 2016 meeting.

EXISTING STRUCTURE

Local Historic District:

Ocean Drive/Collins Avenue

ZONING / SITE DATA

Legal Description: Lots 13 & 14, Block 16 of Ocean Beach Addition No 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

Zoning: MXE, Mixed use entertainment
Future Land Use Designation: MXE, Mixed use entertainment

THE PROJECT

The applicant has submitted plans entitled "Surfstyle" as prepared by Charles H. Benson & Associates Architects, P.A., undated.

The applicant is requesting a Certificate of Appropriateness for an interior lighting plan.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the variances requested herein. 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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the **retail** 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.
Not Applicable

- 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 intensity, type and quality of the proposed lighting is inappropriate to and inconsistent with the character of the surrounding historic district and will have an adverse impact on the pedestrian experience during nighttime hours.

- 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 Satisfied

The intensity, type and quality of the proposed lighting is inappropriate to and inconsistent with the character of the surrounding historic district and will have an adverse impact on the pedestrian experience during nighttime hours.

- 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 Satisfied

The intensity, type and quality of the proposed lighting is inappropriate to and inconsistent with the character of the surrounding historic district and will have an adverse impact on the pedestrian experience during nighttime hours.

- 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 Applicable
- 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 Applicable
- 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

On April 10, 2012, the Board reviewed and approved a Certificate of Appropriateness (HPB 7298) for the construction of a new 3-story commercial building with accessory parking, including parking at the roof deck.

At that time, the Board and staff were concerned with regard to the potential adverse impact that intensive retail lighting may have on the surrounding historic district. As a result, the Board

imposed a condition requiring that the final lighting plan and lighting fixtures be reviewed and approved by the Board.

Condition C.1.n. of the April 10, 2012 Order states:

All proposed lighting visible from Collins Avenue or from the neighboring buildings, shall be of a type, quality, and character, and intensity that does not have any adverse impact upon the adjacent areas, and no light fixtures shall be directly visible from the exterior. All ceiling lighting in the three (3) story high retail spaces shall be of the pendant type, high quality, high design, of no lesser quality or design than would be expected in an Art Deco hotel lobby. The final lighting plan and fixtures shall be reviewed and approved by the Historic Preservation Board.

On February 11, 2014, the Board reviewed and approved a modification to the previously approved Certificate of Appropriateness including the reconfiguration of the previously approved floor plans in order to accommodate additional parking.

The applicant is now requesting approval for an interior lighting plan for the ground level retail space. The applicant is proposing to install 63 pendant style lighting fixtures throughout the retail area and 60 track style lighting fixtures along the interior perimeter above the storefront windows. Staff remains concerned with regard to the potential adverse impact intensive lighting may have on the surrounding historic district. As indicated on the provided interior lighting photometric plan on page 1, the highest lighting level proposed within the retail area is 103 footcandles. Staff believes this level is excessive and would recommend that the maximum footcandle level not exceed 50 footcandles in any one area of the retail space and that the average footcandles not exceed 30. Additionally, staff would note that the lighting type is not indicated on the plans. Staff would recommend that no florescent or intensive 'white' lighting be permitted within the retail area.

Finally, staff has some concern with regard to the track lighting proposed to be installed above the storefront windows. Track lighting is generally discouraged as the light source may draw more attention than the objects it illuminates. Therefore, staff believes that recessed spotlights are the most appropriate and effective. As such, staff recommends that a soffit be constructed above the storefront windows in order to house recessed spot lights and that track lighting not be permitted.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application 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: August 9, 2016

FILE NO: HPB0416-0008

PROPERTY: 1155 Collins Avenue

APPLICANT: E.D.Y. Inc.

LEGAL: Lots 13 & 14, Block 16 of Ocean Beach Addition No 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for a lighting plan.

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 Ocean Drive/Collins Avenue 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 not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'c', 'e' & 'g' 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 plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No florescent or intensive 'white' lighting (or similar intensive lighting) shall be permitted within the retail area, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

Meeting Date: June 14, 2016

- b. The maximum footcandle level within the retail area shall not exceed 50 footcandles and the average shall not exceed 30 footcandles, 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. Track lighting shall not be permitted within the retail area. The applicant may construct a soffit above the storefront windows in order to provide recessed spot lights, and no recessed light shall be closer than 12" above the storefront frame, 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. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any portion of an exterior wall fronting Collins Avenue and 12th Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.

II. Variance(s)

- A. No Variances were requested as a part of this application.

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 an 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. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, 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 copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial

Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

- F. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Surfstyle" as prepared by Charles H. Benson & Associates Architects, P.A., undated, 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
PRESERVATION AND DESIGN MANAGER
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, Preservation and Design Manager, 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 _____ ()