

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 11, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB0716-0048, **1052 Ocean Drive.**

The applicant, 1052 LLC, is requesting a Certificate of Appropriateness for the installation of a retractable awning structure on the east façade of the building fronting on Ocean Drive.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

BACKGROUND

On September 13, 2016 the Board continued the subject application to a date certain of October 11, 2016 at the request of the applicant.

EXISTING STRUCTURES

Local Historic District: Ocean Drive/Collins Avenue

1036 Ocean Drive

Status:	Contributing
Original Architect:	Henry Hohausser
Construction Date:	1936

1052 Ocean Drive 4-story structure

Status:	Non-Contributing
Original Architect:	Kobi Karp
Construction Date:	2007

2-story structure

Status:	Contributing
Original Architect:	M. Tony Sherman
Construction Date:	1950

ZONING / SITE DATA

Legal Description:	Lots 1-5 in Block 15 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2,
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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 "Amarillo Restaurant" as prepared by Telesco Associates, dated September 16, 2016.

The applicant is requesting a Certificate of Appropriateness for installation of a retractable awning located on the east façade.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the City Code.

Chapter 82, Article III, Division 2 of the City Code requires the approval of a revocable permit in order for the awning to project into the right-of-way.

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 **mixed-use** 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
The proposed design of the awning structure is consistent with the design characteristics of the existing 'Non-Contributing' building.
 - b. General design, scale, massing and arrangement.
Not Satisfied
While the proposed design of the awning structure is consistent with the design characteristics of the existing 'Non-Contributing' building the magnitude of the projection into the right-of-way is not consistent with the historic character of the district.
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Not Satisfied
The structure supporting the retractable fabric will remain as a permanent architectural encroachment into the right-of-way and has the potential to diminish the historic character of the sidewalk.
 - e. The purpose for which the district was created.
Not Satisfied
While the proposed design of the awning structure is consistent with the design characteristics of the existing 'Non-Contributing' building the magnitude of the projection into the right-of-way is not consistent with the historic character of the district.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Satisfied
While the proposed design of the awning structure is consistent with the design characteristics of the existing 'Non-Contributing' building the magnitude of the projection into the right-of-way is not consistent with the historic character of the district.
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable
An historic resources report was not required.
 - 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.

Satisfied

- 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.

Not Satisfied

While the proposed design of the awning structure is consistent with the design characteristics of the existing 'Non-Contributing' building the magnitude of the projection into the right-of-way is not consistent with the historic character of the district.

- 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 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).
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.
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).
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.
Not Applicable

STAFF ANALYSIS

Staff would preface this analysis by indicating that the City is currently reviewing sidewalk café design guidelines for Ocean Drive. The proposed guidelines are scheduled to be discussed by the Mayor and City Commission at the October 19, 2016 City Commission Meeting.

The applicant is proposing to install a retractable awning structure on the east façade of the 'Non-Contributing' 4-story building located at 1052 Ocean Drive. As indicated in the application, the applicant wishes to provide protection from the elements for patrons dining on the outdoor terrace during inclement weather. In this regard, staff is sympathetic to the need to provide adequate overhead coverage, and believes the low profile awning system is a significant improvement over the existing conditions.

Since the September meeting, the applicant has submitted revised plans eliminating the option that proposed a 12'-0" retractable awning structure contained entirely within private property. Additionally, the applicant has replaced the previously proposed opaque canvas material with a translucent fabric in response to staff's previously stated concern. The currently proposed material should help to mitigate a potentially undesirably dark dining experience within the terrace area of the property.

The applicant is currently requesting approval for a retractable awning structure that will extend into the right-of-way providing overhead protection for patrons on the outdoor terrace as well as patrons of the sidewalk café. The awning is proposed to project 8'-6" into the public right-of-way, for a total projection of 20'-6". This will require the introduction of four vertical support columns proposed to be installed within the open terrace, setback 5'-0" from the front property line.

While staff rarely finds these types of continuous awning structures to be appropriate additions to buildings located within historic districts, staff is generally supportive of this proposal due to the unique architectural characteristics of the subject 'Non-Contributing' building. The design of the awning is consistent with the continuous beam above the open terrace and continuous second floor balcony and will have no adverse impact on the existing structure. Further, the low profile awning with minimal structure will allow for a high degree of visibility into the terrace from the sidewalk. In order to maintain the openness of the design, staff would recommend that there be no fixtures, including but not limited to lighting, speakers, fans, heaters, misters and roll-down or other similar side panels permitted to be attached to the awning.

It is important to note, the proposed Ocean Drive Sidewalk Café Design Guidelines have not yet been reviewed or approved by the City Commission. The guidelines proposed by the Administration do however, limit the sidewalk café table and seating area to a 6'-6" wide zone along the western portion of the sidewalk, immediately adjacent to the eastern property line of all private properties. Additionally, the guidelines recommend a maximum projection of 5'-0" into the right-of-way for awnings that are attached to buildings. This 5'-0" projection would allow for approximately the same number of seats within the right-of-way as the recommended 6'-6" umbrella. The recommended guidelines are a result of extensive site analysis and provide a careful balance of pedestrian circulation, sidewalk café seating space and visibility.

While staff is generally supportive of this proposal, staff does have two concerns. First, staff would note that while the fabric has the ability to retract, the supporting structure will remain as a permanent architectural encroachment into the right-of-way. Staff believes that this may create an imbalance between the public and private realms and has the potential to diminish the historic character of the sidewalk.

Finally, staff believes that the proposed projection of 8'-6" into the right-of-way is excessive and may ultimately be in conflict with the Ocean Drive Sidewalk Café Design Guidelines. At this time, staff would recommend that the proposed awning structure be approved to be located entirely within private property.

In light of the possible action pending before the City Commission on October 19, 2016, if the Board finds the projection into the right-of-way to be appropriate, staff would recommend that the application be continued to a future meeting, after formal action has been taken by the Mayor and City Commission.

Notwithstanding, the possible adoption of the Ocean Drive Sidewalk Café Design Guidelines, any structure or awning proposed to project into the right-of-way will require the approval of a Revocable Permit by the City Commission.

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: October 11, 2016

FILE NO: HPB0716-0048

PROPERTY: 1052 Ocean Drive

APPLICANT: 1052 LLC

LEGAL: Lots 1-5 in Block 15 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as 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 the installation of a retractable awning structure on the east façade of the building fronting on Ocean Drive.

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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would remain 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. The new awning structure shall not be permitted to project past the eastern (front) property line, 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. Final details of all exterior surface finishes and materials for the canopy structure, including samples, 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. Fixtures, including but not limited to lighting, speakers, fans, heaters, misters shall not be permitted to be attached to the awning.
- d. Any lighting, fans or heaters or similar fixtures proposed to be located within the outdoor terrace shall be free standing and shall not be permanently attached, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- e. Any sprinkler lines, sprinkler heads or emergency lighting that may be required by the Building or Fire Code shall be integrated within the canopy structure and shall not be surface mounted, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- f. No exterior speakers, except as may be required for Fire or Building Code/Life Safety Code purposes may be permitted within the outdoor terrace.
- g. Vertical side panels, including those for weather protection, shall not be permitted within the outdoor terrace and shall not be permitted to be attached to the awning.
- h. Table umbrellas shall not be permitted to be located within the outdoor terrace.
- i. Televisions or similar digital screens shall not be permitted to be located within the outdoor terrace.

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 "Amarillo Restaurant" as prepared by Telesco Associates, dated September 16, 2016, 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 _____ ()