

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: November 8, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB16-0063, **4299 Collins Avenue.**

The applicant, AVP Miami Beach, LLC, is requesting a Certificate of Appropriateness for the installation of three building identification signs, including a variance to relocate one of the signs.

#### **STAFF RECOMMENDATION**

Approval of the Certificate of Appropriateness and variance with conditions

#### **EXISTING STRUCTURE**

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Architect:	Roy France
Construction Date:	1950

#### **SITE DATA**

Legal Description:	Lots 1, 2, 5 & 6 and RIP RTS and Part of the alley contiguous, Block 37, According to the Plat Thereof, as Recorded in Plat Book 5, Page 87, of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-3, Multifamily, High Intensity
Future Zoning:	RM-3, Multifamily, High Intensity
Existing Use/Condition:	Hotel

#### **THE PROJECT**

The applicant has submitted plans entitled "Lexington Hotel" as prepared by IAA Design Associates PA, dated September 26, 2016.

**The applicant is requesting a Certificate of Appropriateness for the installation of three building identification signs, including a variance to relocate one of the signs.**

The applicant is requesting the following variance(s):

1. A variance to relocate an allowable building identification sign from the north side of the building to the non-street facing south side.

- Variance requested from:

**Section 138-172. Schedule of sign regulations for principal and accessory use signs.**

*RM-3 - Flat Signs: One per street frontage; 20 square feet for every 50 feet of linear frontage, or fraction thereof, up to maximum of 30 square feet. Flat signs shall not be located above the ground floor, except in hotels and apartment buildings within the RM-3 district. Flat signs in hotels and apartment buildings within the RM-3 district shall be limited to the name of the building or the use that encompasses the largest amount of floor area in the building. Within the RM-3 district, and subject to the review and approval of the design review board or historic preservation board, as applicable, one building identification sign for hotels and apartment buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed one percent of the wall area on which it is placed. Corner buildings may provide one combined sign instead of the two permitted signs. This sign shall be located on the corner of the building visible from both streets and shall have a maximum size of 40 square feet.*

The applicant is proposing to relocate an allowable building identification sign from the parapet of the north side of the building (43<sup>rd</sup> Street) to the parapet of the south side of the building, which does not face a street. As outlined in the 'Analysis' section of this report, staff finds that the unique siting of the 'Contributing' structure including the oversized parking pedestal of the building immediately adjacent to the south, as well as the dense urban condition of Collins Avenue creates practical difficulties that justify the variance requested.

**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, 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. In this case, the requested variance is necessary in order to satisfy the Certificate of Appropriateness criteria and not to adversely impact the existing historic buildings.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

~~That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;~~

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the

terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

#### **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 variance requested as a part of this application.

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 existing **hotel use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

#### **COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.  
**Satisfied**
  - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. Exterior architectural features.  
**Satisfied**
  - b. General design, scale, massing and arrangement.  
**Not Applicable**
  - c. Texture and material and color.  
**Satisfied**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Not Applicable**
  - 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 Applicable**
  - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.  
**Not Applicable**
  - 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.  
**Not applicable**
  - 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 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 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**

## **ANALYSIS**

Staff would preface this analysis by noting that on July 11, 2008, the Board of Adjustment, reviewed and approved variances (BOA 3368) for the installation of two (2) building identification signs for the subject property. As part of a hotel rebranding, the applicant is requesting approval for the design of new building identification signs reading 'Lexington Hotel' at the locations previously approved by the Board of Adjustment on the west and south facades and an additional building identification sign on the east façade.

It is important to note that on October 16, 2013 the City Commission adopted amendments to the signage regulations for the RM-3 zoning district, requiring Historic Preservation Board approval for the installation of a building identification sign located on the parapet of a structure that is located within a local historic district. Prior to the adoption of this Ordinance, all oceanfront hotel and residential buildings within the RM-3 zoning district were required to obtain a variance from the Board of Adjustment for such sign. As a result, signs No.1 and No.3 require only a Certificate of Appropriateness.

The applicant is proposing to replace the existing "Days Inn" sign located at the parapet of the south elevation with a new sign (Sign No.2). The replacement of this sign requires a variance to relocate an allowable building identification sign from the parapet of the north side of the building (43<sup>rd</sup> Street) to the parapet of the south side of the building, which does not face a street. The proposed location will continue to allow for appropriate signage directing guests of

the hotel to the building when traveling on northbound only Collins Avenue. Additionally, staff would note that the parking pedestal of the building located immediately to the south is set forward approximately 10'-0" from the front façade of the subject building, resulting in greatly reduced visibility of any sign located at the parapet or ground level along Collins Avenue.

Staff finds that the unique siting of the 'Contributing' structure including the oversized parking pedestal of the building immediately adjacent to the south, as well as the dense urban condition of Collins Avenue creates practical difficulties that justify the variance requested. As a result, staff is supportive of the variance as it will not adversely impact the 'Contributing' structure or the surrounding historic district.

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

Article 1, Section 2 of the Related Special Acts authorizes the granting of variances by the Board where there are practical difficulties in the way of carrying out the strict letter of the zoning Ordinance, to modify the regulations so that the spirit of the zoning Ordinance is observed, public safety and welfare secured, and substantial justice done. Due to the size and location of the building, staff believes that the variances requested are consistent with the spirit of the signage ordinance and that practical difficulties exist that justify the variance request.

Finally, staff has no objections with regard to the design of the signs, as they are proportionate with and will not have any adverse impact on the 'Contributing' structure.

### **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 and Practical Difficulty and Hardship criteria, as applicable.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: November 8, 2016

FILE NO: HPB16-0063

PROPERTY: 4299 Collins Avenue

APPLICANT: AVP Miami Beach, LLC

LEGAL: Lots 1, 2, 5 & 6 and RIP RTS and Part of the alley contiguous, Block 37, According to the Plat Thereof, as Recorded in Plat Book 5, Page 87, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness a Certificate of Appropriateness for the installation of three building identification signs, including a variance to relocate one of the signs.

**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 Collins Waterfront 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. Final design and details of the proposed signage shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.



## II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to relocate an allowable building identification sign from the parapet of the north façade to the parapet of the south façade.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board imposes the following conditions 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.

**III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. 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.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 "Lexington Hotel" as prepared by IAA Design Associates PA, dated September 26, 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 \_\_\_\_\_ ( )

DRAFT