

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: March 13, 2017

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB16-0073, **230 Lincoln Road**

The applicants, Camford Corp and Carib Mall Associates LLC as Tenants in Common, are requesting variances to relocate an allowable building identification sign and to exceed the maximum size allowed, variances to relocate allowable signs to a non-street façade, to locate them above the first floor, and to exceed the maximum size allowed for shopping center signs.

STAFF RECOMENDATION

Approval with conditions

EXISTING STRUCTURE

Local Historic District:	Flamingo Park
Classification:	Non-Contributing
Construction Date:	1950
Architect:	Michael DeAngelis & Roy France

BACKGROUND:

On May 14, 2013, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the renovation of the structure including new contemporary facades, an entrance courtyard, and four active retail levels, as part of a new retail development.

On September 13, 2015, the Board approved a Certificate of Appropriateness for the introduction of signage facing Lincoln Road in accordance with the Lincoln Road Signage District.

ZONING / SITE DATA

Legal Description:	Beginning at a point on South Line of Lincoln Road 40 feet West of the Northeast Corner of Lot 9 for point of beginning west 30 feet South 100 feet, West 35 feet, South 195 feet, East 100 feet, North 195 feet, West 35 feet to point of beginning, Block 54 according to the Plat thereof,
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as recorded in Plat Book 2, page 77 of the Public Records of Miami-Dade County, Florida.

Zoning: CD-3 (Residential Multifamily, High Intensity)
Future Land Use Designation: CD-3 (Residential Multifamily, High Intensity)

THE PROJECT

The applicant has submitted plans entitled “230 Lincoln Road Commercial Building” as prepared by Revuelta Architecture International, signed, sealed and dated January 20, 2017.

The applicant is requesting variances for the installation of new signs on the east side of the property.

The applicant is requesting the following variance(s):

1. A variance to relocate a building identification sign allowed on the south side fronting an alley to be placed on the east side of the building.

- Variance requested from:

Section 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:

(2) Signs shall front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage.

A building identification sign is proposed on the south east side of the building. However, the sign is not allowed at this location without a variance because this side is not facing a street. The applicant is proposing to relocate the allowable sign at the south side facing the alley to the east side to increase visibility of the sign. As the building is constructed close to the alley, a sign parallel to the alley would not have the same potential for visibility from Collins Avenue as the proposed location, due to the existence of an at grade parking area fronting Collins Avenue. The building also is adjacent to a new 10-story building being constructed on the south side, which may limit sign visibility. The interior location of the property and its closeness to the rear alley creates practical difficulties to place a sign with successful visibility from Collins Avenue, a commercial corridor with high vehicle and pedestrian traffic.

2. A variance to exceed by 42.2 s.f. the maximum area of 51.5 s.f. allowed for a building identification sign at the south facade in order to permit the sign to be relocated to the top east side of the building with an area of 93.7 s.f.

- Variance requested from:

Section 138-16. Wall Sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Wall Sign design Standards per District, Supplemental Standard, CD-3: Hotels, apartments-hotel, and commercial buildings two stories or higher may be permitted one building identification sign above the roofline, with an area not to exceed one percent of the wall area on which it is placed.

Building identification signs are not allowed to exceed 1% of the area of the wall on which they are located. The property is allowed a sign with up to 51.5 sf facing the alley, based on the area of the rear façade. The applicant proposes to relocate the sign to the east façade with a larger area, in order to obtain higher visibility from Collins Ave. Staff finds that there are practical difficulties for the installation of a building identification sign on the alley due to its limited width and the fact that this alley does not continue through Washington Avenue on the west side, which limits pedestrian activity. The alley is enclosed by the adjacent buildings, including a new 10-story building addition on the south property which may impede visibility of a sign located at the top of the building. Based on these site conditions, staff is supportive of the variance request.

3. A variance to exceed by 154.5 s.f. the maximum area of 30 s.f. allowed for a shopping center sign at the south facade in order to permit the sign to be relocated to the east side of the building with an area of 184.5 s.f.

- Variance requested from:

Section 138-202. Signs for shopping centers.

Signs for shopping centers (for purposes of this article a shopping center is a main permitted use in a commercial district with three or more individual stores) shall be subject to the following:

Main shopping center sign: Identifying the name of the shopping center and the names of the stores, Number: One sign per street frontage or waterfront, Sign Area: 30 square feet.

4. A variance to relocate a sign for a shopping center from the south façade to the east façade.
5. A variance to relocate a sign for a shopping center above the first floor.

- Variances requested from:

Section 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:

(2) Signs shall front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage.

(3) Signs located above the ground floor shall be limited to the name of the building or the use that encompasses the largest amount of floor area in the building.

Five (5) building signs identifying each tenant space are proposed on the east façade. Variances to relocate the signs to this side and above the first floor are required, as signs are permitted only on a street façade and at the first floor. The signs follow the requirements for

shopping centers that allow one 30 s.f. sign for the commercial spaces. The total area of the sign exceeds the maximum area allowed adding to 3 variances. The allowable signs on the building facing the alley are less noticeable from the parking area adjacent or from Collins Avenue due to the interior location of the property and its condition abutting the alley. The existing alley is a private alley that has limited traffic and pedestrian activity from Collins Avenue to Washington Avenue. The applicant is seeking to improve visibility of the signs as seen from Collins Avenue.

In general, staff has no objections to the size and relocation of the signs to the east façade due to the site conditions previously mentioned and the lack of visibility for signs on the south façade. However, staff would note that there are existing, mature canopy trees located along the western edge of the abutting property to the immediate east, which will substantially block the signs at the height proposed. In this regard, staff recommends that the signs be relocated to the first floor portion of the building below the canopy level of the trees, which would eliminate variance number 5 and improve the signs visibility. With this modification, staff is supportive of the variances requested.

Staff is concerned that in order for the signs to be substantially visible from Collins Avenue, in the location proposed, most of the existing canopy on the adjacent site would have to be removed. Lowering the signs would allow their visibility without potentially negatively impacting the adjacent trees.

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.

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

The application, as submitted, appears to be consistent with the applicable requirements of the City Code, with the exception of the variance(s) requests herein. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

ANALYSIS

On May 14, 2013, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the renovation of the structure including new contemporary facades, an entrance courtyard, and four active retail levels, as part of a new retail development. On June 9, 2015 the Board approved modifications to the design of the project. On September 13, 2015 the Board approved signs at the front of the building facing Lincoln Road. The subject application pertains to new signs located at the east side of the building, for which several variances are required.

The property is an interior site with a dead-end private alley at the rear. The building is allowed to have signs facing the alley, but their visibility is limited to the alley and the rear of the surrounding buildings. The applicant is seeking to expand the signs exposure from Collins Avenue at the east side that contains a more intense commercial activity. Based on the existing location of the property, as noted under the Project Description section of this report, staff finds that the applicant's requests satisfy the practical difficulties criteria for the granting of the variances. The proposed signs are consistent with the signs in the historic district and should not have a negative impact on the adjacent properties.

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: March 13, 2017

FILE NO: HPB16-0073

PROPERTY: 230 Lincoln Road

APPLICANT: Camford Corp and Carib Mall Associates LLC as Tenants in Common.

LEGAL: Beginning at a point on South Line of Lincoln Road 40 feet West of the Northeast Corner of Lot 9 for point of beginning west 30 feet South 100 feet, West 35 feet, South 195 feet, East 100 feet, North 195 feet, West 35 feet to point of beginning, Block 54 according to the Plat thereof, as recorded in Plat Book 2, page 77 of the public records of Miami Dade County, Florida.

IN RE: The application for variances to relocate an allowable building identification sign and to exceed the maximum size allowed, variances to relocate allowable signs to a non-street façade, to locate them above the first floor, and to exceed the maximum size allowed for shopping center 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. Certificate of Appropriateness has not been requested as part of this application.

II. Variance(s)

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

1. A variance to relocate a building identification sign allowed on the south side fronting an alley to be placed on the east side of the building.
2. A variance to exceed by 42.2 s.f. the maximum area of 51.5 s.f. allowed for a building identification sign at the south facade in order to permit the sign to be relocated to the top east side of the building with an area of 93.7 s.f.
3. A variance to exceed by 154.5 s.f. the maximum area of 30 s.f. allowed for a shopping center sign at the south facade in order to permit the sign to be relocated to the east side of the building with an area of 184.5 s.f.

4. A variance to relocate a sign for a shopping center from the south façade to the east façade.
5. A variance to relocate a sign for a shopping center above the first floor.

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

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

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

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

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

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

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

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

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

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

2. The applicant shall submit revised drawings showing the shopping center signs relocated at a lower height on the east elevation. Specifically, the signs shall be located at the first floor, or partially at the first floor, so as to be below the canopy of the trees on the abutting property to the east, in a manner to be reviewed and approved by staff.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. 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.
- B. 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.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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.

Meeting Date: March 13, 2017

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "230 Lincoln Road Commercial Building" as prepared by Revuelta Architecture International, signed, sealed and dated January 20, 2017, 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

[illegible]

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. 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 _____ ()

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