

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: April 10, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB17-0099, **947 Lincoln Road.**

The applicant, 947 Lincoln Road Investments, Inc., is requesting a Certificate of Appropriateness for the near total demolition of the existing 2-story 'Contributing' structure and the construction of a new 2-story building including variances to reduce the required pedestal rear setback and to not provide the required loading spaces.

#### **STAFF RECOMMENDATION**

Continuance of the Certificate of Appropriateness and variances to a date certain of June 12, 2017

**Denial** of the variances #1 and #2.

#### **EXISTING STRUCTURE**

Local Historic District:	Flamingo Park
Status:	Contributing
Original Construction Date:	1924
Original Architect:	William F. Brown
Renovation Date:	1938
Renovation Architect:	L. Murray Dixon

#### **ZONING / SITE DATA**

Legal Description:	Lot 1, Block 37 of Commerical Subdivision, According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.
Zoning:	CD-3, Commercial, high intensity
Future Land Use Designation:	CD-3, Commercial, high intensity
Lot Size:	7,452 S.F. / 2.25 Max FAR
Existing FAR:	9,000 S.F. / 1.20 FAR, as represented by the architect
Proposed FAR:	14,747 S.F. / 1.97 FAR, as represented by the architect
Existing Height:	24'-4" / 2-stories
Proposed Height:	35'-0" / 2-stories
Existing Use/Condition:	Retail/residential
Proposed Use:	Commercial

## **THE PROJECT**

The applicant has submitted plans entitled “947 Lincoln” as prepared by Zyscovich Architects, dated February 15, 2017.

The applicant is requesting a Certificate of Appropriateness for the near total demolition of the existing 2-story ‘Contributing’ structure and the construction of a new 2-story building including variances to reduce the required pedestal rear setback and to not provide the required loading spaces.

The applicant is requesting the following variance(s):

1. A variance to reduce all required pedestal rear setback of 5'-0" in order to construct a two-story commercial building up to the rear property line.

- Variance requested from:

### **Sec. 142-338. - Setback requirements.**

(a) *The setback requirements for the CD-3 commercial, high intensity district are as follows:*

*Pedestal and Tower (non-oceanfront), Rear: 5 feet, 10 feet when abutting a residential district, unless separated by a street or waterway in which case it shall be 0 feet.*

As part of the redevelopment of the site, the applicant is proposing to demolish the rear two-story façade of the existing building located at zero setback and the construction of a new two-story building at the existing zero setback. The City Code requires a 5-foot rear setback when the property is not facing a street. As the alley is not considered a street, the rear of the building shall be setback 5'-0". The extensive demolition of the contributing building would allow the new building to comply with the required rear setback. Therefore, staff has concluded that the variance request does not satisfy the hardship or practical difficulty criteria for the granting of the variance.

2. A variance from the requirement to provide two (2) off-street loading spaces for a commercial use building with an aggregate area more than 10,000 s.f. and less than 20,000 s.f.

- Variance requested from:

### **Sec. 130-101. - Space requirements and location.**

*When any new building or structure is erected, or an existing building is modified resulting in an increase in FAR, accessory off-street loading spaces shall be provided for the new building, new structure, or increase in floor area in accordance with the following schedule:*

- (1) *For each retail store, department store, restaurant, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment, or similar use, which has an aggregate floor area in square feet of:*
  - b. Over 10,000 but not over 20,000: Two spaces.*

The proposed building will require two (2) loading spaces on site in order to satisfy deliveries,

trash pickups, etc., for the commercial uses. As proposed, the new commercial building will be significantly larger than the existing building, which would also increase the loading operations in the surrounding area. The applicant is proposing to use the existing alley in the rear for loading services with vehicles up to 10,000 lbs and for larger vehicles the use of freight zones around the area will be used. No loading spaces are proposed on site

The dimensions of the surrounding on street loading zones are not provided on the operations plan or on the plans submitted. Staff is concerned with the loading operation on the alley as its width has not been submitted in an as-built survey and adjacent FPL poles would reduce maneuverability of the trucks along the alley. Traffic maneuvering of trucks on the alley has not been provided and the traffic assessment submitted also does not address the loading operation. As noted in the letter of intent, the future tenants and specific type of commercial use is currently unknown. Further, the email submitted from the parking director accepting the use of one loading zone adjacent to the property may not be based on a specific loading plan. Therefore, staff is unable to evaluate the impact of the loading operation on the surrounding area and recommends that the variance be denied.

The variance requested is not associated with the retention of the contributing building and based on the deficiencies of the documentation provided; staff recommends denial of the variance. However, if the Board finds that practical difficulties exist to approve this variance request, staff recommends that the application be continued to a future date to allow sufficient time for the applicant to provide more information in order to further evaluate the loading operation.

#### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded **DO NOT** 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 **DO NOT** 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, with the exception of the variances requested herein, appears to be consistent with the City Code.

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 proposed **commercial 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.  
**Not Satisfied**  
**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**
  - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. Exterior architectural features.  
**Not Satisfied**  
**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- b. General design, scale, massing and arrangement.

**Not Satisfied**

**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- c. Texture and material and color.

**Not Satisfied**

**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- d. The relationship of a, b, c, above, to other structures and features of the district.

**Not Satisfied**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- e. The purpose for which the district was created.

**Not Satisfied**

**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

**Not Satisfied**

**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

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

**Satisfied**

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

**Not Satisfied**

**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- 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 Satisfied**

**The applicant has not provided for on-site loading spaces.**

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

**Not Satisfied**

**See 'The Project' section of this report.**

- 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 design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- 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**

**The design of the new structure do not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic 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.

**Not Satisfied**

**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- 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 Satisfied**

**Exterior and Interior lighting plans have not been submitted.**

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Satisfied**

- 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 Satisfied**

**Exterior and Interior lighting plans have not been submitted.**

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Not Satisfied**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- 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.

**Satisfied**

- 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 Satisfied**

**The level of demolition proposed is excessive and compromises the architectural integrity of the 'Contributing' building.**

**The design of the new structure does not sufficiently respond to the character of the remaining portion of the Contributing building and the surrounding Historic District.**

- 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 Satisfied**

**The applicant has not provided for on-site loading spaces.**

#### **CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA**

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

**Satisfied**

**The existing structure is located within the Flamingo Park Local Historic District.**

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

**Satisfied**

**The structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.**

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

**Satisfied**

**The structure is one of the last remaining examples of its kind and contributes to the character of the district.**

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

**Satisfied**

**The structure is classified as 'Contributing' in the Miami Beach Historic Properties Database.**

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

**Satisfied**

**The retention of structure is critical to developing an understanding of an important early Miami Beach architectural style.**

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

**Not Applicable**

**The demolition proposed is not for the purpose of constructing a parking garage.**

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

**Not Applicable**

**The applicant is not proposing total demolition of the 'Contributing' structure.**

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

**Not Applicable**

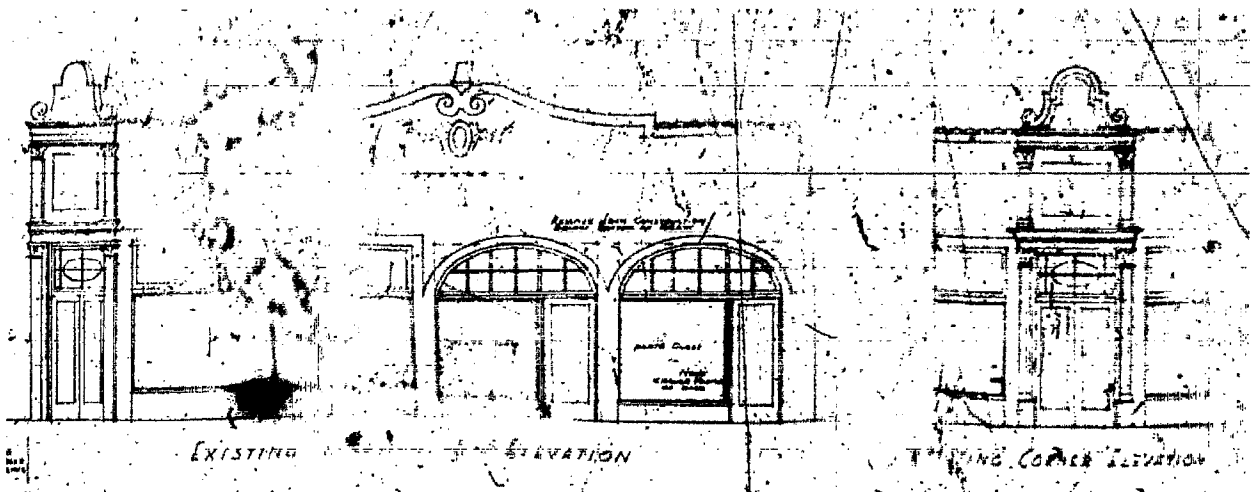
**The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.**

### **STAFF ANALYSIS**

The subject 1 and 2-story structure was constructed in 1924 and designed by William F. Brown in the Mediterranean Revival style of architecture. The structure underwent a number of early alterations after its initial construction. Although no original building permit plans have been located within Building Department records, staff has examined the building permit card, historical photographs and later building permit plans and has outlined what is believed to be the likely evolution of the site.

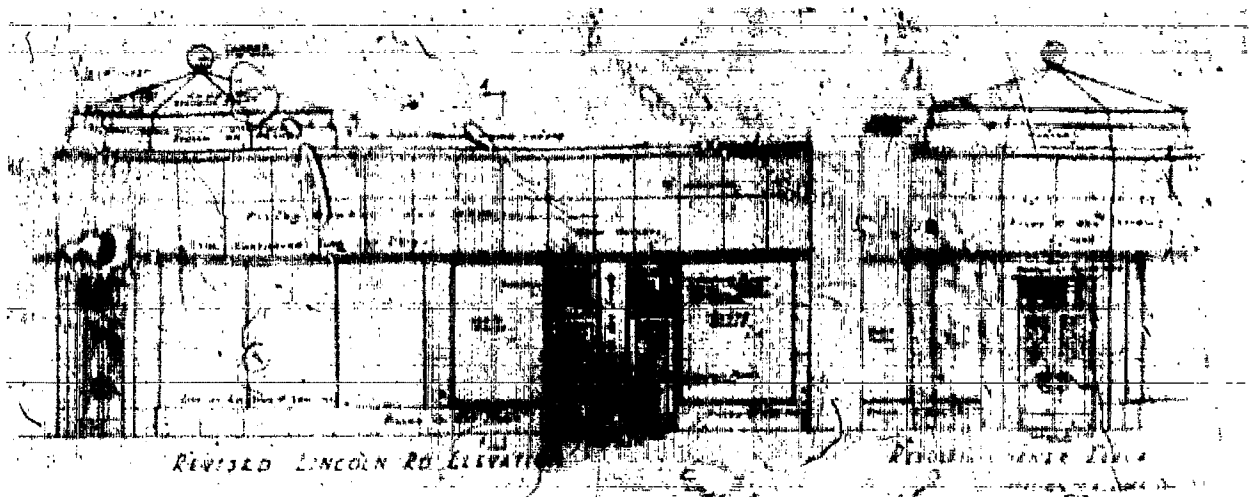
The original 1924 design consisted of four equal size bays along Lincoln Road and 12 equal size bays along Michigan Avenue. Each arched bay had a glass door, large plate glass window, low knee-wall and a divided lite transom. The upper façade featured a stucco cornice, projecting articulated elements and tiled parapets. The second floor contained office space and was entered via a door along Michigan Avenue between the northernmost two bays. The ceilings within the sales areas were composed of pecky cypress wood, some of which remain today.

Between 1930 and 1933, the Lincoln Road/Michigan Avenue corner of the building was chamfered at 45 degrees in order to introduce a new Mediterranean Revival style frontispiece as can be seen in the elevation drawings by L. Murray Dixon below. Additionally, the adjacent bays were reconfigured, including the introduction of rectangular transoms in the place of the arched transoms.



*Existing Lincoln Road and corner elevation drawings, L. Murray Dixon, 1938.*

In 1938, the Lincoln Road façade was 'modernized' in the Streamline Moderne style of architecture by L. Murray Dixon. These alterations (see elevations below) included the introduction of a copper roofed dome at the corner, projecting eyebrow, filled keystone cladding, and new storefront showcase windows built-out approximately 2'-0" towards Lincoln Road. The rear approximately 85% of the building was not altered. Since 1938, the facades of the building have remained relatively intact with the exception of minor alterations within the bay openings and the removal of the decorative dome in 1956.



*Proposed Lincoln Road and corner elevation drawings, L. Murray Dixon, 1938.*

The proposed redevelopment project consists of a new 14,747 sq. ft. commercial building. In order to construct the new 2-story structure, the applicant is proposing the near total demolition of the building with the exception of the northernmost two-thirds of the Michigan Avenue façade.

The design of the new building is composed primarily of floor-to-ceiling glass on both levels. The second floor and roof structure edges are clad with bronze steel which have the appearance of structural beams. The angled Lincoln Road entrance and surrounding kneewalls at the ground level are clad with coral stone as well as the partially reconstructed rear wall.

The new 2-story structure is proposed to be constructed behind the remaining portion of the Michigan Avenue wall. The arched bay openings are proposed to be retained and new glass window systems will be introduced behind the wall within the envelope of the new building. The architect is proposing to install three panels of glass behind each bay to recall the door, window and transom of the original design.

Staff has concerns with regard to the level of demolition proposed for this Contributing building, which is fairly intact and retains a significant number of character defining architectural features. Staff would note that numerous buildings constructed in the 1920's on Lincoln Road have been successfully restored including, 530 Lincoln Road (Russel T. Pancoast, 1929), 600 Lincoln Road (John Bullen 1926), 845 Lincoln Road (John Bullen, 1925), 900 Lincoln Road (unknown architect, 1925) and 901 Lincoln Road (Russel Pancoast, 1928). Staff strongly recommends that that applicant further study the retention of the primary facades and restoration to either the pre-1938 altered Mediterranean Revival condition or the post-1938 hybrid design which remains substantially intact.

If the Board finds the amount of demolition proposed to be appropriate, staff would recommend that the design of the new structure be further developed in a manner which better responds to the portion of the character of the Contributing building proposed to be retained and the historic and architectural development pattern of Lincoln Road. Specifically, staff would recommend the further study of the corner design and material pallet.

Finally, staff has encountered a number of inconsistencies throughout the set of plans – among them are:

- The renderings on sheets 20 and 21 show the height of the proposed building a few inches shorter than the adjacent building which is not consistent with the east elevation drawing on sheet 15 which shows the proposed building approximately 3'-0" taller than the adjacent building.
- The configuration of the storefront mullions is not consistent between the floor plans, elevations and renderings.
- Materials are incorrectly labeled on the proposed elevation plans on sheet 14.
- The proposed rear elevation indicates windows at the second level corresponding to the original windows openings however, the windows are not indicated in the rendering on sheet 19.

In summary, staff recommends that the application be continued to a future meeting date in order to allow sufficient time for the applicant to reevaluate the request for near total demolition and explore restoration of the primary facades and additional development of the new 2-story structure.

### **VARIANCE ANALYSIS**

Two variances are requested as part of the project. Staff has concluded that variance #1 to eliminate the setback at the rear is not related to the retention of the contributing building, as the majority of the building is demolished and the required rear setback can be provided. This variance is not the minimum necessary to make a reasonable use of the property as the proposed building is significantly larger in area than the existing structure.

In reference to variance #2 to eliminate all required loading spaces on site, staff would note that the Code was amended to allow the Board to waive the requirements for off-street loading spaces for properties containing a contributing structure. The project proposes the demolition of a significant part of the building and does not qualify for this incentive. This variance request is the result of the actions of the applicant who has chosen to demolish most of the building and construct a larger commercial building.

The variances requested are design related and self-imposed. They are not associated with the retention of the contributing building. The documentation provided lack of sufficient evidence to make a conclusive determination in favor of the variances requested as noted in the project portion of this report.

In summary, staff recommends that variance #1 and #2 be denied.

### **RECOMMENDATION**

In view of the foregoing analysis and the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable, staff recommends the application be continued to a date certain of June 12, 2017.

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

MEETING DATE: April 10, 2017

FILE NO: HPB17-0099

PROPERTY: 947 Lincoln Road

APPLICANT: 947 Lincoln Road Investments, Inc.

LEGAL: Lot 1, Block 37 of Commerical Subdivision, According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the near total demolition of the existing 2-story 'Contributing' structure and the construction of a new 2-story building including variances to reduce the required pedestal rear setback and to not provide the required loading spaces.

**ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter.

**I. Certificate of Appropriateness**

A. The subject site is located within the Flamingo Park Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'g', 'i', 'j', 'm' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
4. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) 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. The architect shall reevaluate the request for near total demolition of the contributing structure in order to integrate the primary facades into a new development project, in a manner to be approved by the Board.
  - b. The design of the proposed structure shall be further developed and refined in a manner which better responds to the character of the remaining portion of the Contributing building and the surrounding Historic District, in a manner to be approved by the Board.
  - c. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by the Board.
  - d. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by the Board.
  - e. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the north and east walls of the building on the first and second levels, in a manner to be reviewed and approved by the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
  - f. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the retail area and shall have a maximum temperature of 2700 K (or its equivalent), in a manner to be reviewed and approved by the Board.
  - g. The maximum footcandle level of lighting within the retail area shall not exceed 50 footcandles and the average level of all lighting shall not exceed 30 footcandles, in a manner to be reviewed and approved by the Board.
  - h. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.
  - i. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by the Board.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the

review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

**In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.**

## **II. Variance(s)**

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

The following variances were denied by the Board:

1. A variance to reduce all required pedestal rear setback of 5'-0" in order to construct a two-story commercial building up to the rear property line.
2. A variance from the requirement to provide two (2) off-street loading spaces for a commercial use building with an aggregate area more than 10,000 s.f. and less than 20,000 s.f.

- B. The applicant has submitted plans and documents with the application that the Board has concluded DO NOT 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.

Additionally, the Board has concluded that the plans and documents submitted with the application DO NOT comply with the following hardship criteria 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 **Denies** the requested variance(s), as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

**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. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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 and that the variances requested be DENIED 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 "947 Lincoln" as prepared by Zyscovich Architects, dated February 15, 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

STATE OF FLORIDA                     )  
  )SS  
COUNTY OF MIAMI-DADE        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

Approved As To Form: \_\_\_\_\_  
City Attorney's Office: \_\_\_\_\_ (                     ) \_\_\_\_\_

Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ (                     ) \_\_\_\_\_

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

MEETING DATE: April 10, 2017

FILE NO: HPB17-0099

PROPERTY: 947 Lincoln Road

APPLICANT: 947 Lincoln Road Investments, Inc.

LEGAL: Lot 1, Block 37 of Commerical Subdivision, According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the near total demolition of the existing 2-story 'Contributing' structure and the construction of a new 2-story building including variances to reduce the required pedestal rear setback and to not provide the required loading spaces.

**ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

A. The subject site is located within the Flamingo Park Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'g', 'i', 'j', 'm' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
4. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) 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. The architect shall reevaluate the request for near total demolition of the contributing structure in order to integrate the primary facades into a new development project, in a manner to be approved by the Board.
  - b. The design of the proposed structure shall be further developed and refined in a manner which better responds to the character of the remaining portion of the Contributing building and the surrounding Historic District, in a manner to be approved by the Board.
  - c. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by the Board.
  - d. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by the Board.
  - e. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the north and east walls of the building on the first and second levels, in a manner to be reviewed and approved by the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
  - f. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the retail area and shall have a maximum temperature of 2700 K (or its equivalent), in a manner to be reviewed and approved by the Board.
  - g. The maximum footcandle level of lighting within the retail area shall not exceed 50 footcandles and the average level of all lighting shall not exceed 30 footcandles, in a manner to be reviewed and approved by the Board.
  - h. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.
  - i. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by the Board.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the

review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

**In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.**

## **II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1. A variance to reduce all required pedestal rear setback of 5'-0" in order to construct a two-story commercial building up to the rear property line.
  2. A variance from the requirement to provide two (2) off-street loading spaces for a commercial use building with an aggregate area more than 10,000 s.f. and less than 20,000 s.f.
- 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 Board shall maintain jurisdiction of this file. Within ninety (90) days after obtaining the Occupational License for at least 50% of the tenants, the owner shall make a progress report to the Board including a traffic study showing delivery schedules and details of the loading operation for the entire building. The Board reserves the right to modify the conditions of this approval at the time of a progress report, in a non-substantive manner, including modifications to the delivery schedule, trash pickups, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.

**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. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee,

pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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 "947 Lincoln" as prepared by Zyscovich Architects, dated February 15, 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

STATE OF FLORIDA                     )  
  )SS  
COUNTY OF MIAMI-DADE         )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

Page 7 of 7  
HPB17-0099  
Meeting Date: April 10, 2017

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ (                      )

Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ (                      )

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