

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: May 9, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB16-0079, **3425 Collins Avenue – Versailles Hotel**.

The applicant, 3425 Collins LLC, is requesting After the Fact variances to exceed the maximum area allowed for construction signs, to relocate the construction signs to a non-street façade and to relocate construction signs above the first floor, in order to retain multiple construction signs on the property.

STAFF RECOMMENDATION

Denial of the variances.

EXISTING SITE

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Construction Date:	1940
Original Architect:	Roy France

ZONING / SITE DATA

Legal Description:	Lots 1 through 8, inclusive, and the 16.00 foot alley, all in block 21, of the amended map of the Ocean Front Property of Miami Beach Improvement Company, according to the plat thereof, recorded in plat book 5, pages 7 & 8 of the Public Records of Miami-Dade County, Florida.
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Zoning:	RM-3, Residential Multi-family, high intensity
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THE PROJECT

The applicant has submitted a survey and plans entitled "Versailles-temporary construction signs" dated March 27, 2017.

The applicant is requesting variances for the retention of several construction signs currently installed on the property.

The applicant is requesting the following variance(s):

1. An after the fact variance to exceed by 324 s.f. the maximum area allowed of 16 s.f. for construction signs in order to retain a sign attached to the building and signs attached to the fence with an aggregate area of 340 s.f. facing Collins Avenue.
2. An after the fact variance to exceed by 2,100.5 s.f. the maximum area allowed of 16 s.f. for construction signs in order to retain signs attached to the building with an area of 2,116.5 s.f. facing 34th Street.
3. An after the fact variance to exceed by 346.7 s.f. the maximum area allowed of 16 s.f. for construction signs in order to retain a sign attached to the building on the east side and signs attached to the fence at the north and east side with an aggregate area of 362.7 s.f.

- Variances requested from:

Section 138-133. Temporary signs regulations for business, real estate, construction, and election/free speech signs.

(h) Size, multifamily. The sign area for a multifamily zoning district shall not exceed 16 square feet.

Variance number 1 pertains to multiple signs installed on the west side of the property facing Collins Avenue with an aggregate area of 340 square feet. Signs reading FAENA and other graphics are part of the construction fence surrounding the property. Section 138-133 of the City Code as noted above, allows for signage to be located on a construction fence, provided the total area of the copy does not exceed 16 square feet. While the area of the temporary signage located on the construction fence facing Collins Avenue is 16 square feet, the applicant has added an additional 324 square feet of signage attached to the west façade of the building, greatly exceeding the maximum area permitted.

Variance number 2 is associated with temporary signs located at the south side of the building. The aggregate area of these signs is 2,116.5 square feet, significantly exceeding the maximum area permitted of 16 square feet.

Variance number 3 includes the FAENA signs located on the fence at the north and east sides of the property and a sign attached to the east wall of the building. As the east side is not considered a street side for the location of temporary signs, the applicant is requesting that the signage permitted north side be relocated to the east side. The combined area of the signs on the north and east also exceeds the maximum area allowed.

The applicant has constructed a perimeter fence without the appropriate building permits, including graphics and signs attached to the fence. Also banners with signs that identify the FAENA Overlay District have been installed on the east, west and south facades of the building. Based on the letter of intent provided, the applicant's change in economic conditions was such that it was not financially feasible to continue with the full renovation of the historic tower. The applicant has further stated that the temporary banners help to protect the interior of the building from weather related damage.

Staff has concluded that the variance request does not satisfy the practical difficulties or hardship criteria of the Code. A covering to protect the building may be installed without the signs or with smaller signs that comply with the maximum area allowed. Changes in financial conditions are not part of the criteria considered for the granting of the variances. In addition, there is evidence that the banners may not be securely affixed to the building, which may create a hazardous situation for the public and surrounding properties. Therefore, staff recommends that the requested variances be denied.

4. An after the fact variance to relocate a construction sign above the first floor on the west side facing Collins Avenue.
5. An after the fact variance to relocate a construction sign above the first floor on the south side facing 34th Street.
6. An after the fact variance to relocate a construction sign above the first floor on the east side facing the ocean.

- Variances requested from:

Section 138-133. Temporary signs regulations for business, real estate, construction, and election/free speech signs.

(b) Setback, height regulations for temporary business, real estate, construction, and election/free speech signs. Unless affixed to a fence or an existing building detached signs shall be setback ten feet from any property line. Maximum height to the top of a detached sign affixed to posts or a fence shall be five feet above grade in a single family and multifamily residential districts and 12 feet above grade in all other districts. Maximum height to the top of a flat sign affixed to a building shall not extend above the first floor in single-family and multifamily districts and shall not extend above the second story of such building in all other districts.

The signs located on the building on the west, south and east sides are not allowed above the first floor. The applicant has chosen the size and location of the signs, which are not related to the applicant's economic conditions or to the preservation of the historic tower. Again, the building can be protected from the weather conditions without the addition of the signs. The location of the signs is irrelevant to the preservation of the historic building. Based on the lack of practical difficulties or hardship for the variances requested, staff recommends denial of the variances 4, 5 and 6.

7. An after the fact variance to relocate a construction sign allowed on the north side to a non-street façade at the east side facing the ocean.

- Variance requested from:

Section 138-133. Temporary signs regulations for business, real estate, construction, and election/free speech signs.

(d) Number. There shall be a maximum of one temporary sign per street frontage, with the exception of election/free speech signs which shall not exceed one temporary sign per residential or commercial unit.

Temporary signs are not allowed on non-street facades. The signs located on the fence and building on the east side require a variance to be relocated from the north side to the east side. The letter of intent associates the variance request with the need to protect the historic building until the construction activity has been completed. Staff has concluded that this variance request is not related to the preservation of the historic building and does not satisfy the criteria for the granting of the variance. Staff recommends that the Board denies the applicant's request.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **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

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.

VARIANCE ANALYSIS

The site containing the historic Versailles hotel has been vacant for several years. On September 13, 2011 the Board approved the partial demolition, renovation and restoration of the historic tower and the construction of a new 10-story multifamily building with a roof-top pool deck at the rear of the site, along with a new landscape and hardscape plan for the entire site. Subsequently, the property was sold and a modified project was approved by the Board on November 14, 2014. This project consists of the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new residential development.

To the day of writing this report, the site has several open violations related to the installation banners and signs. In addition, there is an open violation for failing to comply with the required 40 year building recertification (US2016-00109).

First, staff would like to raise a concern regarding the appropriate installation of the banners on the entire building without the issuance of a building permit. As shown in the photographs below, the banner facing south was partially detached from the building on at least two recent occasions, creating a potentially hazardous condition for the public and surrounding properties within this highly dense and congested area of Collins Avenue. As staff is unable to evaluate the fastening details on the documents provided and the installation details of the banners have not been inspected by the appropriate City departments, staff would recommend the removal of the banners on the entire building immediately until a building permit is obtained.



Second, the applicant states in the letter of intent that due to economic reasons, the renovation of the building has been on hold and has resulted in the need for larger temporary signs and that these construction signs will serve to protect the building from the elements while also covering up the building in its current condition while the interior restoration work is ongoing. Although, the building is mostly covered, the north side remains open. Staff finds that the practical difficulties noted are insufficient and also may be injurious to the public and detrimental to the neighborhood.

Third, the size and color of the banners as a temporary façade treatment on the building and fence is excessive and detracts from the surrounding historic district. The current design of the banners is incompatible with the neighborhood and does not enhance the appearance of the surrounding properties. It is important to note that temporary construction signs may remain installed until the construction activity is completed. The applicant has advised staff that the schedule for construction of the previously approved project is currently unknown.

In summary, staff recommends that the variances be denied and the banners be removed immediately until a building permit is obtained. Staff would further recommend that the applicant explore an alternative banner design that incorporates abstract art work and signage that is significantly reduced in size.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **denied**.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 9, 2017

FILE NO: HPB16-0079

PROPERTY: 3425 Collins Avenue

APPLICANT: 3425 Collins LLC.

LEGAL: Lots 1 through 8, inclusive, and the 16.00 foot alley, all in block 21, of the amended map of the Ocean Front Property of Miami Beach Improvement Company, according to the plat thereof, recorded in plat book 5, pages 7 & of the public records of Miami Dade County, Florida.

IN RE: The application for variances to exceed the maximum area allowed for construction signs, to relocate the construction signs to a non-street façade and to relocate construction signs above the first floor, in order to retain multiple construction signs on the property.

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):

The following variances were **denied** by the Board:

1. An after the fact variance to exceed by 324 s.f. the maximum area allowed of 16 s.f. for construction signs in order to retain a sign attached to the building and signs attached to the fence with an aggregate area of 340 s.f. facing Collins Avenue.
2. An after the fact variance to exceed by 2,100.5 s.f. the maximum area allowed of 16 s.f. for construction signs in order to retain signs attached to the building with an area of 2,116.5 s.f. facing 34th Street.
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the east side and signs attached to the fence at the north and east side with an aggregate area of 362.7 s.f.

4. An after the fact variance to relocate a construction sign above the first floor on the west side facing Collins Avenue.
 5. An after the fact variance to relocate a construction sign above the first floor on the south side facing 34th Street.
 6. An after the fact variance to relocate a construction sign above the first floor on the east side facing the ocean.
 7. An after the fact variance to relocate a construction sign allowed on the north side to a non-street façade at the east side facing the ocean.
- 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.

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 for the above-referenced project subject to those certain conditions specified in Paragraph I and II of the Findings of Fact, to which the applicant has agreed, that the variance application is DENIED WITHOUT PREJUDICE.

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. 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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