

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: October 13, 2015

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **File No. 7550, 800 Lincoln Road.**

The applicant, South Beach TriStar 800 LLC, is requesting a Certificate of Appropriateness for the partial demolition, restoration and renovation of the existing 'Contributing' structure on the site and the construction of a new 1-story rooftop addition and new 3-story ground level addition, including variances to reduce the required rear pedestal setback and to not provide the minimum required parking for off-street loading spaces.

STAFF RECOMMENDATION

Approval of Certificate of Appropriateness with conditions
Approval of Variances with modifications

BACKGROUND

On September 8, 2015, the Board reviewed and continued to the application to a date certain of October 13, 2015 meeting to give the applicant additional time to address concerns of the Board.

EXISTING STRUCTURE

Local Historic District:	Flamingo Park
Status:	Contributing
Original Construction Date:	1935
Original Architect:	Robert L. Weed

ZONING / SITE DATA

Legal Description:	Lots 7 and 8, Block 49 of Lincoln Subdivision, according to the plat thereof recorded in Plat Book 9, Page 69 of the public records of Miami Dade County, Florida.
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Zoning:	CD-3, Commercial high intensity
Future Land Use Designation:	CD-3, Commercial high intensity
Lot Size:	14,951.7 S.F. / 2.25 Max FAR
Existing FAR:	Not provided
Proposed FAR:	33,192 S.F. / 2.22 FAR

Existing Height:	2 stories
Proposed Height:	50'-0" / 3 stories
Existing Use/Condition:	Commercial
Proposed Use:	Commercial

THE PROJECT

The applicant has submitted plans entitled "800 Lincoln Road" as prepared by Touzet Studio, dated 14 September 2015.

The applicant is requesting Certificate of Appropriateness for the partial demolition, restoration and renovation of the existing 'Contributing' structure on the site and the construction of a new 1-story rooftop addition and new 3-story ground level addition, including variances to reduce the required rear pedestal setback and to not provide the minimum required parking for off-street loading spaces.

The applicant is requesting the following variance(s):

1. A variance to reduce all minimum required rear setback of 5'-0" in order to construct an addition to the existing building up to the property line facing South Lincoln Lane.

- 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

The required rear setback for this property is 5 feet because the alley is not considered a street and the allowed zero setback when facing a street does not apply to the property. The rear façade is proposed up to the property line, with the exception of a portion at the ground level which is setback 5 feet to allow for additional space for loading operations. Due to the increased pedestrian activity along North and South Lincoln Lane, the activation of the building facades along these alleys has been proposed and approved by the Board for other projects. Because there is no sidewalk along the alley, the continuation of the pedestrian circulation, already approved for the adjacent project to the west, is the most appropriate approach to create a more pedestrian friendly context along the alley.

While staff prefers that the building be setback 5 feet at the rear, the setback proposed for the first level, including the addition of a sidewalk inside the property along the rear is sufficient, given the retention of the existing structure. Additionally it is recommended that the zero setback be approved only for the second and third floors. This is substantially consistent with the variance that was recently approved by the Board for the abutting property to the west.

2. A variance from the requirement to provide three (3) off-street loading spaces for a building with an aggregate area more than 20,000 s.f. and less than 40,000 s.f.

- Variance requested from:

Sec. 130-101. - Space requirements.

When any building or structure is erected, structurally altered, or converted in use, accessory off-street loading spaces shall be provided for the building, structure, additional floor area or new use 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:*
- c. Over 20,000 but not over 40,000: 3 spaces*

The proposed building will require three (3) loading spaces on site in order to satisfy deliveries, trash pickups, etc. The applicant proposes to use the alley and the use of the current adjacent freight zones around the property instead of providing the loading spaces on the premises. The survey shows that the width of the alley along the property ranges between approximately 15'-18' due to the existence of an electrical pole and landscape adjacent to the property across the alley. Staff is concerned with the maneuvering graphic provided on page A-27 of the submitted plans that shows the delivery vehicle parked in a very limited area inside the property to allow for other vehicles to pass by.

Staff does not object to this variance request considering the truck size limitations and required permits established by the City for deliveries in the alleys.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application 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.

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 ZONING CODE

The application appears to be consistent with the requirements of the City Code, with the exception of the variance being requested herein; this shall not be considered final zoning review or approval.

All zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

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

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

- e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - 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.
Satisfied
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied
See Compliance with Zoning Code.
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
 - d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied
 - e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety,

crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Satisfied

- 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.

Satisfied

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

Satisfied

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

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).

Satisfied

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied

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 designated as part of the Flamingo Local Historic District; this building is designated as a 'Contributing' structure in the 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 existing structure would be difficult and inordinately expensive to reproduce.

- 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 subject structure is one of the last remaining examples of its kind and is a distinctive example of an architectural or design style which 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 subject structure is designated as a ‘Contributing’ building 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 this structure is critical to developing an understanding of an important 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 in the subject application 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 existing ‘Contributing’ building.

- 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 any part of the subject building.

STAFF ANALYSIS

The subject structure, constructed in 1935 and designed by Robert Law Weed in the Streamline Moderne style of architecture, was originally home to the Burdines department store. In 1953, Burdines moved to a new and larger building located on the corner of Meridian Avenue and 17th Street.

Several alterations were made to the building beginning in the mid-1950s through the mid-1980s. During this time, significant interior modifications took place in order to accommodate a variety of uses including retail, beauty salon, financial institutions, offices and an art institution. These alterations include the removal of portions of the original terrazzo flooring and decorative railings at the mezzanine and the introduction of a partial drop ceiling and interior partition walls.

The exterior of the building has remained largely intact over the years. The most significant exterior alteration occurred in 1954 when the entrance and two storefront windows were blocked in on the Meridian Avenue facade.

The applicant is currently proposing a highly desirable and well detailed restoration, renovation and expansion project as part of a new retail development. The exterior of the building is proposed to be fully retained and restored with the exception of the eastern façade fronting on Lincoln Lane South. Staff would commend the applicant for proposing to reintroduce the original storefront windows and entrance along the Meridian Avenue (east) façade which will result in substantially more activation significantly benefiting the surrounding historic district as well as further enhancing pedestrian activity and safety in this area. Within the interior, the applicant is proposing the restoration and partial reconstruction of the original ceiling details, black terrazzo floors, stair and railings.

In order to expand the second retail floor, the applicant is proposing to extend the existing mezzanine approximately 56'-9" northward. While generally supportive of this modification, staff believes this element requires further development. Specifically, staff would recommend that there be a more clear demarcation of the northern extent of the original mezzanine. This could be accomplished through the use of a translucent glass floor where the original mezzanine abuts the new expanded area. Staff believes this will help to reinforce one of the most fundamental features of the former department store as viewed from below as well as above.

At the time of this report there have been no tenants identified to occupy the building. Consequently, the applicant has submitted several interior floor plan options for consideration. Although, staff would prefer single tenant occupancy which would allow for the interior to be restored more closely to the original design, it is likely there will be multiple tenants requiring the introduction of interior partition walls.

Staff is pleased with the highly compatible design of the ground level and rooftop additions proposed for the site. As indicated by the line of sight drawings submitted with the application, the rooftop addition will be highly visible from Meridian Avenue. Although the rooftop addition itself is not located within the line-of-sight from Lincoln Road, staff would note that the canopy structure will be visible from all pedestrian vantage points, including those along Lincoln Road. The City Code does provide for the Historic Preservation Board to modify the line of sight requirements for rooftop additions based on the following criteria: (i) the addition enhances the architectural contextual balance of the surrounding area; (ii) the addition is appropriate to the scale and character of the existing building; (iii) the addition maintains the architectural character of the existing building in an appropriate manner; and (iv) the addition minimizes the impact of existing mechanical equipment or other rooftop elements.

Since the September meeting, the applicant has reduced the size of the canopy structure by approximately 8'-8". This reduced projection allows for the elimination of all but one structural column, proposed to be located approximately 10'-0" from the northeast curved corner storefront wall. Staff is pleased with the design of the currently proposed canopy, which significantly reduces the structure's impact on the existing 'Contributing' building. Staff has only a minor concern with regard to the proposed column, which as depicted in the rendering detracts from the elegant architecture of the rooftop addition. Consequently, staff would recommend the applicant explore the use of a different material or color that will allow for this element to recede to the greatest extent possible when viewed from Lincoln Road and Meridian Avenue.

VARIANCE ANALYSIS

Due to the increased pedestrian activity along North and South Lincoln Lane, the activation of the building facades along these alleys has been proposed and approved by the Board for other

projects. Because there is no sidewalk along the alley, the continuation of the pedestrian circulation, already approved for the adjacent project to the west, is the most appropriate approach to create a more pedestrian friendly context along the alley. In order to be substantially consistent with previously approved projects on this block, staff is supportive of the rear setback proposed at the first level, including the addition of a sidewalk inside the property along the rear as well as zero setback proposed for the second and third floors.

The variance requested from providing the required loading spaces is also consistent with other recent approvals.

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: October 13, 2015

FILE NO: 7550

PROPERTY: 800 Lincoln Road

APPLICANT: South Beach TriStar 800 LLC.

LEGAL: Lots 7 and 8, Block 49 of Lincoln Subdivision, according to the plat thereof recorded in Plat Book 9, Page 69 of the public records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the partial demolition, restoration and renovation of the existing 'Contributing' structure on the site and the construction of a new 1-story rooftop addition and new 3-story ground level addition, including variances to reduce the required rear pedestal setback and to not provide the minimum required parking for off-street 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 consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.

2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code.
 4. Is consistent with Certificate of Appropriateness Criteria for Demolition 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 existing structure on site shall be fully renovated and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The existing original curved glass storefront window located on the northeast corner of the building shall be retained and protected. The non-original, flat panel glass windows to either side of the corner shall be removed and replaced with curved glass, in accordance with historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. A structural obscured glass floor shall be introduced beginning at the point the original mezzanine abuts the new expanded area and shall be at least 3'-0" in depth, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The final design and details of the proposed mezzanine, including railing materials and finishes shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. The applicant shall explore the use of a different material or color for the structural column supporting the rooftop canopy, to allow for this element to recede to the greatest extent possible when viewed from Lincoln Road and Meridian Avenue, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- g. 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 staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The frames shall be a clear anodized aluminum or a light grey or silver powder coated finish. The glass shall not be colored and any tinting shall be the minimum required by Energy Codes.
 - h. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights or way or adjacent properties shall be permitted.
 - i. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Signage shall consist of reverse channel, back-lit letters, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - j. An historic analysis of the site, inclusive of a photographic and written description of the history and evolution of the site, shall be submitted, prior to the issuance of a Certificate of Occupancy in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; said historic analysis shall be displayed prominently in a location to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - k. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
 - l. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required, located within the envelope of the building, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - m. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from 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.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to reduce all minimum required rear setback of 5'-0" in order to construct up to the property line facing South Lincoln Lane.
 2. A variance from the requirement to provide three (3) off-street loading spaces for a building with an aggregate area more than 20,000 s.f. and less than 40,000 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. At a minimum, a three (3) foot wide public sidewalk along the entire rear of the property shall be provided. The applicant shall enter into and record a public easement, approved by the City Attorney, which runs with the land, for the use and maintenance of the sidewalk in perpetuity.
 2. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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

- A. A 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. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- 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. The Historic Preservation 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.
- E. This approval is granted to South Beach TriStar 800 LLC. only. Any change of operator, or ownership by fifty (50) percent or more of stock ownership, partnership interest, or the equivalent, shall require review and approval by the Board as a modification to this Order and a new a traffic study showing delivery schedules and details of the loading

operation for the entire building shall be presented if the retail operation is increased. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the conditions of approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports

- F. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 "800 Lincoln Road" as prepared by Touzet Studio, dated July 23, 2015, as approved by the Historic

Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20__.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of

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HPB File No. 7550
Meeting Date: October 13, 2015

_____ 20__ by Deborah Tackett, Preservation and Design Manager,
Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf
of the corporation. He is personally known to me.

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

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

Filed with the Clerk of the Historic Preservation Board on _____ ()