

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: HPB File No. 7569. **405 Espanola Way.**

The applicant, Espanola Way Associates LTD, is requesting variances to exceed the maximum area for a projecting sign and to relocate a permitted sign from the first floor of the building to the second floor for a hotel.

STAFF RECOMMENDATION

Approval of the variances with conditions.

EXISTING STRUCTURE:

Local Historic District:	Espanola Way
Classification:	Contributing
Date of Construction:	1925
Original Architect:	Robert A. Taylor

ZONING / SITE DATA

Legal Description:	Lots 1, 2, 3, 4, 5 and 6, each less 3 feet Thereof for Street, Block 3-A of "First Addition to Whitmans Subdivisions of Espanola Villas", According to the Plat Thereof, as recorded in Plat Book 9 at Page 147, of the Public Records of Miami-Dade County, Florida.
Zoning:	CD-2 (Commercial, Medium Intensity)
Future Zoning:	CD-2 (Commercial, Medium Intensity)
Existing Use/Condition:	Hotel/ Mixed use

THE PROJECT

The applicant has submitted plans entitled "Wall Sign El Paseo Hotel" as prepared by PMDI Signs Inc., signed and sealed by Adam M. McLaughlin, P. E., dated August 17, 2015.

The applicant is requesting variances to exceed the maximum area for a projecting sign and to relocate a permitted sign from the first floor of the building to the second floor for a hotel.

The applicant is requesting the following variance(s):

1. A variance to exceed by 13.4 s.f. the maximum permitted area of 15 s.f. for a projecting sign in order to permit a sign with a total of 28.4 s.f. including both sides at the corner of the site facing Washington Avenue.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.
Zoning District, CD-2 – Projecting: 15 square feet.

The proposed double faced sign exceeds the maximum 15 s.f. permitted. However, as seen on only one side the sign is approximately 14.2 s.f. For this reason, staff has no objection to the proposed sign area.

2. A variance to relocate a flat sign which is allowed on the first floor of the building, to the second floor of the building facing Espanola Way.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.
Zoning District, CD-2 – Flat:

20 square feet for the first 25 feet of linear frontage, plus one square foot for every three feet of linear frontage over 25 feet up to a maximum of 30 square feet; however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed one percent of the wall area on which it is placed.

A new sign with approximately 8 s.f. of area is proposed at the second floor of the building facing Espanola Way. However, only a building identification sign above the first floor is allowed by the Code. In this case, the applicant is requesting the relocation of the allowable flat sign from the first floor to the second floor, in order to minimize alteration or conflict with the existing architectural elements of the building at the first floor. Considering that the area and design of the proposed sign is compatible with the architecture of the building and the pedestrian character of the street, staff is supportive of this variance request.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

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

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

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

That granting the variance requested will not confer on the applicant any special

privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

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

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

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

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

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. Only one sign per accessory use can be erected. The three building signs and projecting sign located at the corner of the site exceed the maximum permitted.
2. The two menu boards installed at the corner of the site exceed the maximum number of allowable signs.

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.

VARIANCE ANALYSIS

The subject site contains several buildings constructed between 1925 and 1930 that have been unified as one mixed-use property. The lot is located in the Espanola Way Local Historic District and also within the National Register Architectural District. The property includes hotel, restaurants and other commercial businesses. The property is under renovation and the applicant is proposing new signs for the hotel use including variances for its location and to exceed the maximum size permitted.

Staff would note that the site contains several signs that are not permitted as indicated in the zoning compliance section. A building permit shall be obtained for all signs or the applicant will have to remove the non-permitted signs before a building permit for the new proposed signs is issued.

In summary, staff recommends approval of the variances number 1 and number 2, as detailed in the variance description.

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 Practical Difficulty and Hardship criteria, as applicable.

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

MEETING DATE: October 13, 2015

FILE NO: 7569

PROPERTY: 405 Espanola Way

APPLICANT: Espanola Way Associates LTD.

LEGAL: Lots 1, 2, 3, 4, 5 and 6, each less 3 feet Thereof for Street, Block 3-A of "First Addition to Whitmans Subdivisions of Espanola Villas", According to the Plat Thereof, as recorded in Plat Book 9 at Page 147, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for variances to exceed the maximum area for a projecting sign and to relocate a permitted sign from the first floor of the building to the second floor for a hotel.

ORDER

The applicant filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness and/or for one or more variances.

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

1. No Certificate of Appropriateness was filed as part of this application.

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 exceed by 13.4 s.f. the maximum permitted area of 15 s.f. for a projecting sign in order to permit a sign with a total of 28.4 s.f. including both sides at the corner of the site facing Washington Avenue.
 2. A variance to relocate a flat sign which is allowed on the first floor of the building, to the second floor of the building facing Espanola Way.
- 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.

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. Approved building permits shall be obtained for any existing non-permitted sign, prior to the issuance of the Building permit for any new signs.
- B. Approval from the public Works department shall be required in order to construct the projecting sign over the public right of way facing Espanola Way.
- C. The applicant shall comply with all conditions imposed by the Public Works Department.
- 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.

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 Certificate of Appropriateness and Variances are GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "Wall Sign El Paseo Hotel" as prepared by PMDI Signs Inc., signed and sealed by Adam M. McLaughlin, P. E., dated August 17, 2015.

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 a Certificate of Appropriateness and Variances 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 Certificate of Appropriateness and Variances were granted, the Certificate of Appropriateness will expire and become null and void. 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 Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 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 Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this _____ day of _____, 20____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

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

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

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