



MIAMI BEACH

PLANNING DEPARTMENT

HISTORIC PRESERVATION BOARD STAFF REPORT

FROM: Jorge G. Gomez, Director *JGM for JGG*
Planning Department

DATE: October 14, 2008 meeting

RE: Historic Preservation File No. 6013
250-260 Collins Avenue – Moravia, a.k.a, The Maxan Apartments

The applicant, Two Fifty Collins, LLC, is requesting a Certificate of Appropriateness for the partial demolition, renovation, and restoration of two (2) existing 2-story multifamily buildings, including the construction of a new roof-top addition on each of the existing 2-story buildings.

LEGAL DESCRIPTION:

Lots 1 & 2, Ocean Beach, according to the Plat Thereof, as Recorded in Plat Book 2, Page 38, of the Public Records of Miami-Dade County, Florida.

HISTORY:

This application was to be presented before the Board on September 9, 2008, however due to the forecasted track of hurricane Ike, the September meeting was canceled and all items on the agenda were deferred to the October 14, 2008 meeting.

SITE DATA:

Zoning -	RPS-3 (Medium-High Density Residential)
Future Land Use Designation-	RPS-3 (Medium-High Density Residential)
Lot Size -	13,000 S.F.
Existing FAR -	14,448 S.F. / 1.11
Proposed FAR -	19,722 S.F. / 1.52 (Max FAR = 1.75), as represented by the applicant
Existing Height -	~20 feet, 2-stories
Proposed Height-	~29 feet, 3-stories (~37 feet to highest architectural projection)
Existing Use/Condition -	Apartments (28 units)
Proposed Use -	Condominium (27 units in existing building + 8 new units)

EXISTING STRUCTURE:

Constructed in 1959 and designed by architect Eugene E. Baylis, the subject structure is designated contributing in the Miami Beach Historic Properties Database and is located within the Ocean Beach Local Historic District. (See attached Historic Resources Report for more detailed information on this building).

THE PROJECT:

The proposed project involves the substantial restoration of the existing 2-story garden apartment structure and the construction of a partial roof-top addition. The new third floor addition is set back from the main façade on Collins Avenue and roof top pool deck is proposed above the new third floor.

COMPLIANCE WITH ZONING CODE:

The application, as proposed, is inconsistent with the following requirements of the City Code:

1. Based on the survey provided, the existing building does not meet the minimum required side or rear setbacks. As the new construction is proposed following the existing building lines, setback variances will be required for the proposed roof-top addition.
2. A parking impact fee of \$35,000 per space will be required for any parking spaces not provided by code allowed methods.

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.

ACCESSIBILITY COMPLIANCE:

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, section 11 (Florida Accessibility Code for Building Construction.) The above noted comments shall not be considered final accessibility review or approval. These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

PRELIMINARY CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

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.

Not Satisfied; See Zoning Analysis

- 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 Zoning Analysis
- 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.
Not Satisfied; See Staff Analysis and Condition No.4
- 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

STAFF ANALYSIS:

The applicant is proposing a welcome renovation of the 2-story courtyard structure, originally named The Maxan Apartments, and constructed in 1959. As indicated in the submitted drawings, all of the existing highly contributing decorative block railings and screening elements will be retained and restored or replicated as part of the building's renovation. Although supportive of the overall project, including the proposed roof-top addition, staff has some concerns regarding the proposed modifications to the original structure, as well as concerns with the design of the proposed new elevator tower and the location of the proposed roof-top railings.

First, the deep overhang of the main roof structure is one of the character defining elements of the original structure and staff is concerned with the location of the railings at the roof-top level, which are proposed very close to the edge of the existing roof around the entire perimeter of the building. In order to preserve more of the autonomy of the original roof structure, including its thin horizontal profile, staff would recommend that the roof-top railings be setback to align with the exterior walls of the second floor below. On the north elevation, where the new third floor is already proposed close to the building wall below, staff would recommend that the railings be setback to align with the new window wall of the proposed addition, or be eliminated altogether. On the rear, west elevation, because it is very visible from 3rd Street, and because the railings serve no functional use, staff would recommend that these railings be eliminated.

Second, as the proposed elevator will be highly visible from Collins Avenue and 3rd Street, staff would recommend that a simple rectangular form be utilized for the elevator, and that the proposed dome-like element at the top of the elevator be eliminated.

Third, regarding the modifications proposed to the existing ground floor, staff would recommend that the proposed new railings along 3rd Street be eliminated and that the original planters adjacent to the individual entrances be restored. Staff believes the planters are an integral component of the architecture and contribute to the pedestrian character of 3rd Street. On the west elevation of the existing structure staff has no objection to the expansion of the existing small windows with very high sills, however staff would suggest that a twelve (12") inch high kneewall be incorporated into the expanded window openings on Collins Avenue.

Lastly, because the courtyard is relatively narrow, staff would recommend that the applicant reconsider the necessity of introducing new circular stair, as proposed. Staff would recommend this be eliminated and that the landscaping within the courtyard space be greatly enhanced.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be approved, subject to the following conditions, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. An enclosed trash room shall be provided, subject to the review and approval of staff.
 - b. The final design and details of the proposed exterior railings shall be provided, in a manner to be reviewed and approved by staff. The proposed railings on the roof-top of the existing structure shall be setback to align with the building wall of the second floor below. . On the north elevation, where the new third floor is already proposed close to the building wall below, the railings shall be setback to align with the new window wall of the proposed addition, or be eliminated altogether. The proposed railings at the roof-deck of the existing structure on the west elevation shall be eliminated.
 - c. All windows in the existing building, with the exception of those which are expanded, shall match the design of the original window configurations, subject to the review and approval of staff. Only clear or minimally tinted glazing shall be permitted for all windows, subject to the review and approval of staff. The window frames of the new addition shall be composed of a medium-dark gray finish.
 - d. The existing planters at the ground level of third street shall be retained and restored, in a manner to be reviewed and approved by staff. No railings shall be permitted at the ground floor of the north elevation, with the exception of code required hand rails only, subject to the review and approval of staff.
 - e. The elevator shall be redesigned to be rectangular in plan and the proposed dome-like element at the roof-top of the elevator shall be eliminated.

- f. A line-of sight drawing shall be provided taken from eye level on the north side of third street, and the proposed pool deck level, with the exception of the railings, shall not fall within this line of sight.
 - g. A museum quality historic analysis and display of the existing structure, inclusive of a photographic and written description of the history and evolution of the original building on site, shall be submitted to and approved by staff, prior to the issuance of a Building Permit; such historic analysis shall be displayed prominently within the public area of the structure, in a location to be determined by staff.
 - h. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - i. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - j. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
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. No hedge material of any kind shall be permitted within the front or street side of the site.
 - b. All exterior walkways shall consist of decorative pavers, decorative concrete or other decorative material, subject to the review and approval of staff.
 - c. 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.
 - d. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any

exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
- 3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, non illuminated, individual letters and shall require a separate permit.
- 4. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
- 5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- 6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
- 7. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy. Specifically, all streetscape, sidewalk and landscape improvements in the public rights-of-way along the Collins Avenue and Third Street sides of the project site shall be consistent with the approved CIP plans for this area and shall be paid for at the sole expense of the applicant, prior to the issuance of a CO.
- 8. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.

- e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
9. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of the existing structure on the subject site and all existing structures adjacent to the subject site during the course of demolition.
10. The Certificate of Appropriateness for Demolition shall only remain in effect for the period of time that there is an active Certificate of Appropriateness for the associated new construction on the subject property.
11. The Applicant agrees to the following operational conditions for any and all permitted hotel and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.
- a. ROOFTOP CONDITIONS
 - i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
 - ii. Rooftop facilities, inclusive of any pool or spa and pool or spa deck, shall be for the exclusive use of registered owners and their invitees. No bar counter shall be placed on the roof or on any terraces, private decks or balconies at any time. No parties shall be permitted on the rooftop.
 - iii. The Condominium rules and practices shall require that the rooftop pool be closed from 11PM to 8AM.

- iv. Rooftop lighting fixtures shall be designed to deflect light from spilling over to adjacent and nearby properties.
- v. All roof-top fixtures, air-conditioning units and mechanical devices shall be screened from view.
- vi. All stair towers, elevators, and mechanical equipment shall be appropriately designed, screened and detailed in a manner consistent with the building's design, subject to the review and approval of staff.

b. NOISE CONDITIONS

- i. The Historic Preservation Board (HPB) or the Planning Director shall retain the right to call the owners and/or operators back before the HPB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, and the placement or use on the property of exterior loudspeakers, fixed or portable, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- ii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- iii. No outdoor bar counters shall be permitted on the premises.
- iv. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises.
- v. No outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, vocal.
- vi. Outdoor and open air entertainment establishments, as well as dance halls, as defined in the Miami Beach City Code, shall be prohibited, and the applicant will not seek permits therefore.
- vii. Special events pursuant to the Miami Beach City Code may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.
- viii. In addition to rooftop facilities, use of any pool or spa and pool or spa deck, courtyards and open air portions of the public areas of the hotel premises, as well as all terraces, private decks, and balconies associated with apartment

units, shall be for the exclusive use of registered owners and their invitees. No bar counter shall be placed on any of these areas at any time.

- ix. The Condominium rules and practices shall prohibit registered owners, visitors, invitees and others using the facilities or otherwise on the premises, from operating audio amplification equipment, inclusive of loudspeakers, radio receivers, television sets, musical instruments, or other machines or devices for the producing or reproducing of sound, that produces noise that is plainly audible at any apartment unit in the adjacent and nearby properties.

c. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - ii. Adequate trash room space, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.
 - iii. Garbage dumpster covers shall be closed at all times except when in active use.
 - iv. Outdoor cooking anywhere on the premises is prohibited.
12. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
14. 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.