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HARVEY RUVIN, CLERK OF COURT, MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 14, 2008

FILE NO: 6013

PROPERTY: 250-260 Collins Avenue

LEGAL: 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.

IN RE: The Application for 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.

ORDER

The applicant, Two Fifty Collins, LLC, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

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:

- A. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Ocean beach 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 is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a', 'b' & 'h' in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with the Certificate of Appropriateness for Demolition Evaluation Criteria in Section 118-564(a)(3) 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:

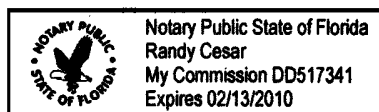
CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

[Signature] 10/27/08
(Signature of Planning Director or Designee) (Date)
Personally known to me or Produced ID: _____

[Signature]
Notary Public, State of Florida at Large
Printed Name: Randy Cesar
My Commission Expires: (Seal)

This document contains 8 pages.



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 on the north and east sides 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 with additional landscaping, 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. The height of the elevator tower shall be lowered, in a manner to be approved by staff.
 - 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. Additional landscaping shall be required in the courtyard, inclusive of trees, in a manner to be approved by staff.
 - b. At the first level of the east side of the site, the applicant shall remove portions of the existing concrete and replace it with landscaping, in a manner to be approved by staff.
 - c. No hedge material of any kind shall be permitted within the front or street side of the site.
 - d. All exterior walkways shall consist of decorative pavers, decorative concrete or other decorative material, subject to the review and approval of staff.
 - e. 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.
 - f. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - g. 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.
 - h. 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.
 - i. 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.

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- 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.

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 by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-14, inclusive) hereof, to which the applicant has agreed.

No building permit shall be approved unless and until all conditions of approval as set forth herein have been met. The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including zoning approval. If adequate handicapped access is not provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.



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