

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: December 8, 2015

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB File No. 7589, **2100 Collins Avenue – Bass Museum**

The applicant, Bass Museum of Art, is requesting Certificate of Appropriateness for the installation of a sculpture within Collins Park.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

EXISTING STRUCTURES

Local Historic District:	Museum
Status:	Contributing
Construction Date:	1930
Architect:	Russel T. Pancoast

ZONING / SITE DATA

Legal Description:	Blocks marked City Park between Ocean Ave & Park Ave of Miami Beach Improvement Company Subdivision, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records, of Miami-Dade County, Florida.
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Zoning:	GU Government Use
Future Land Use Designation:	GU Government Use
Lot Size:	108,000 S.F.
Existing Height:	48'-0" / 2-stories
Proposed Height:	Same
Existing Use/Condition:	Cultural Institution / Public Park
Proposed Use:	Same

THE PROJECT

The applicant has submitted plans entitled "Collins Park Sculptural Installation", as prepared by Bass Museum of Art, dated October 26, 2015.

The applicant is proposing to install a sculpture located at the northwest corner of Collins Avenue and 21st Street.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **municipal park use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with all pertinent requirements of the City Code.

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.

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.
Not Applicable
 - 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 Applicable
 - 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.
Satisfied
 - 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.

Not Applicable

- 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.

Not Satisfied

A lighting plan has not been submitted

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Not Applicable

- 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.

Not Applicable

- 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.

Not Applicable

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- 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.
Not Applicable
- 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.
Not Applicable

ANALYSIS

The applicant is proposing to install a sculpture located near the northwest corner of Collins Avenue and 21st Street, within Collins Park. Designed by internationally acclaimed artist, Ugo Rondinone, the sculpture will be approximately 40'-0" in height with an approximate width of 4'-0" to 6'-0". The sculpture will consist of painted granite rocks supported by an internal steel rod structure. Although the actual sculpture has yet to be fabricated, staff has been advised by the applicant that the materiality, color, size and scale will be consistent with the rendering provided. Staff would recommend however, that the final design of the sculpture be presented to the Board prior to its installation.

Staff has no objection to the proposed art installation which is unique and should encourage interaction from passers-by. Due to the proposed location at the corner of Collins Avenue and 21st Street, staff is confident that the artwork will not detract from or obscure the highly significant architecture of the Bass Museum.

Finally, staff would note that the applicant has offered to donate this work of art to the City. As such, the sculpture will be subject to the *AIPP Guidelines Donation Policy* (attached), which includes regulations for fabrication, installation, insurance, bonding and maintenance.

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.

Attachment

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: December 8, 2015

FILE NO: 7589

PROPERTY: 2100 Collins Avenue

APPLICANT: Bass Museum of Art

LEGAL: Blocks marked City Park between Ocean Ave & Park Ave of Miami Beach Improvement Company Subdivision, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records, of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the installation of a sculpture within Collins Park.

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 Museum 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 'g' 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:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The applicant shall present the final design of the sculpture to the Board after the piece has been commissioned and prior to its installation in Collins Park.
 - b. The final design and details of all lighting associated with the sculpture 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. All lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district.
 - c. Final design and details of the sculpture including materials, finishes, and overall dimensions 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.

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. No variances were filed as a part of this application.

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

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. 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.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.

- 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

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 "Collins Park Sculptural Installation", as prepared by Bass Museum of Art, dated October 26, 2015, and 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 _____ 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 _____ ())

AIPP GUIDELINES DONATION POLICY (page 16)

Donations can be an important part of a collection. Proposed donations, monuments, memorials, or plaques, shall undergo a review process to ensure that acceptance of such donations take place in a fair and uniform manner and supports the criteria set forth by the City Commission. AiPP shall assist in the process relative to any donation of work of art to be accepted by the City for placement on public property in the City or located on public facilities within the City, including monuments, memorials, and plaques, as defined in Chapter 82, Article VI, Section 82-502 of the Code of the City of Miami Beach, as amended.

As deemed necessary, the Committee shall require proposals for donations of works of art to include costs for design, fabrication, installation, insurance, bonding, and maintenance, as deemed applicable. Such costs shall be solely underwritten by the proposed donor. In addition, the donor shall be responsible for costs of a pedestal, identification plaque, base, structural support, and any landscaping related to the proposed public site.

If required, utility connections, site modifications, structural reinforcements, or other engineering requirements, and/or site modifications should be described in the donation proposal, and developed by way of construction plans and specifications. The donor shall be responsible of architectural and /or engineering plans, if required, which must be prepared and stamped by a licensed architect and/or engineer.

If required, a maintenance endowment shall be negotiated with the donor on a project-by-project basis. Such factors, including but not limited to, value, size, material, location, and potential for vandalism will be considered in determining that the maintenance endowment is adequate to ensure proper care and maintenance of the donated work of art, and to assure that the work of art will remain in a condition and high quality satisfactory to the donor and the City. Maintenance shall include not only care of the work of art itself but, if applicable, the public property immediately surrounding the work of art; particularly if the art is placed in a City park.

Donation Criteria

- Is the proposed donation a work of art with aesthetic merit, of exceptional quality, and enduring value?
- How is the proposed donation compatible or incompatible with the City's current collection of works of art, particularly those located on public property and /or facilities within the City?
- Is the work of art compatible in scale, material, form, and content with its surroundings?
- Consideration shall be given to the social context of the work, and the manner in which it may interact with people.
- Relationship of the work of art and the proposed placement site shall be considered in terms of the physical dimension, social dynamics, local architectural character, and surrounding urban neighborhood context of the site, existing or as planned.
- The following factors may also be considered:
 - visibility and accessibility
 - safety and traffic patterns (both interior and exterior)
 - significance and relationship to the proposed site
 - social context (intend use of the work, if any)
 - facility/area users
 - landscape design and/or environmental concerns
 - future development plans for the area
 - existing works of art within the proposed site vicinity

In addition to the AiPP review, as set forth herein, design, placement, and installation of donations of works of art on public property and/or City facilities are also subject to administrative design review. Notwithstanding the foregoing criteria, the final determination regarding acceptance of donated works of art for placement on public property in the City or located in public facilities within the City, shall be made by the City Commission. If the City Commission determines that the recommendation of either the Art in Public Places Committee or the administrative design review is not appropriate as to a particular proposed donation of a work of art, it may waive any or all of the aforestated criteria.