

RESOLUTION NO. 2021- 2801

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9133-9149 COLLINS AVENUE, SURFSIDE, FLORIDA, TO AMEND CONDITION NO. 3 OF RESOLUTION NO. 2018-2489 TO INCORPORATE MIAMI-DADE HISTORIC PRESERVATION BOARD SPECIAL CERTIFICATE OF APPROPRIATENESS NO. 2019-32-S; RETAINING THE SITE PLAN AND CONDITIONAL USE APPROVALS, CONDITIONS, AND ALL OTHER ASPECTS OF THE PREVIOUS APPROVALS SET FORTH IN RESOLUTION NOS. 2018-2489 AND 2021-2782; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside approved Resolution No. 2018-2489 (the “Site Plan Approval”) which approved an application for site plan and conditional use approval on the property generally located at 9133-9149 Collins Avenue, Surfside, Florida 33154 and legally described in the Application (as hereinafter defined) (the “Property”), to allow the development of 48 condominium units, 31 hotel rooms, and an 1,100 square foot restaurant and lounge, together with hotel swimming pools, hotel lounge, and outdoor dining as incorporated in the site plan; and

WHEREAS, the Miami-Dade Historic Preservation Board issued Special Certificate of Appropriateness No. 2017-09-S which approved the selective demolition, partial relocation, and restoration of the historically designated Seaway building subject to conditions on May 17, 2017 (the “2017 Historic Preservation Approval”), which was made a part of the Site Plan Approval; and

WHEREAS, following Site Plan Approval, the Miami-Dade Historic Preservation Board issued Special Certificate of Appropriateness No. 2019-32-S which modified the terms of the 2017 Historic Preservation Approval to allow demolition and reconstruction of the entire north and south building sections while preserving and relocating only the west façade (the “2019 Historic Preservation Approval”); and

WHEREAS, the 2019 Historic Preservation Approval contains the same conditions as the 2017 Historic Preservation Approval, and adds four new conditions requiring: (1) LIDAR laser surveying of the existing building; (2) salvaging of character-defining architectural features for re-use in the reconstructed building; (3) reconstruction according to the LIDAR survey results and

the original 1936 building plans; and (4) all building plans to be reviewed by Miami-Dade County Historic Preservation staff prior to construction; and

WHEREAS, Seaway Condo Acquisition, LLC (the “Applicant”), owner of the Property, thereafter obtained approval of Resolution No. 2021-2782 to amend the Site Plan Approval to: (i) reduce the number of units by 24 total units (reduction from 48 approved condominium units to 29 condominium units and from 31 approved hotel rooms to 26 hotel rooms); (ii) increase the underground footprint of the parking garage from 36,250 square feet to 58,242 square feet; and (iii) alter the exterior balconies for levels 2 through 12 of the new tower (the “Site Plan Amendment”), which Site Plan Amendment incorporated all conditions of the Site Plan Approval; and

WHEREAS, the Applicant has now applied to amend the Site Plan Approval to incorporate the 2019 Historic Preservation Approval attached hereto as Exhibit “A” (the “Application”); and

WHEREAS, on April 19, 2021, the Town Planner issued an updated recommendation of approval of the Application to the Planning and Zoning Board; and

WHEREAS, on April 29, 2021, the Planning & Zoning Board, at a duly noticed quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of the Town Code for Site Plan Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan and recommended the Application for approval to the Town Commission; and

WHEREAS, on June 8, 2021, the Town Commission, held a duly noticed quasi-judicial public hearing to review the Application, hear from its professional staff, the Applicant, and members of the public, and consider the recommendation of the Planning & Zoning Board, the requirements of the Town Code for Site Plan Approval and the Application’s consistency with the Town of Surfside’s Comprehensive Plan, and the substantial competent evidence presented at the hearing.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:

SECTION 1. RECITALS AND FINDINGS OF FACT.

1. All recitals set forth above are adopted and incorporated into the body of this Resolution as if same were fully set forth herein.

2. The Commission finds that the Application for the proposed site plan amendment is in compliance with the requirements of the Town Code for Site Plan Approval and the Application is consistent with the Town of Surfside's Comprehensive Plan.

SECTION 2. APPROVAL AND AMENDMENT OF CONDITION. The request to approve an amendment to the Site Plan Approval to incorporate the 2019 Historic Preservation Approval is hereby approved. Condition No. 3 of the Site Plan Approval is amended as follows:

3. The Applicant shall comply with the terms and conditions of imposed by the Miami-Dade Historic Preservation Board Special Certificate of Appropriateness No. 2019-32-S attached hereto as Exhibit "A." on May 17, 2017, as provided with the staff report, which conditions are incorporated herein as part of the approval. All operations relating to the preparation, move, and relocation of the west building shall at all times be open to observation, monitoring, and inspection by the Building Official to ensure the west building is adequately protected and preserved throughout the process.

SECTION 3. RETAINING SITE PLAN AND CONDITIONAL USE APPROVALS, CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NOS. 2018-2489 AND 2021-2782. All other aspects of the Site Plan Approval and Site Plan Amendment, including, but not limited to, the site plan approval, the conditional use approval, 26 other conditions of the Site Plan Approval and two conditions of the Site Plan Amendment, continue in full force and effect.

SECTION 4. SEVERABILITY CLAUSE. In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

SECTION 5. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

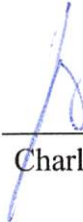
PASSED AND ADOPTED this 8th day of June, 2021.

Motion by: Vice Mayor Paul

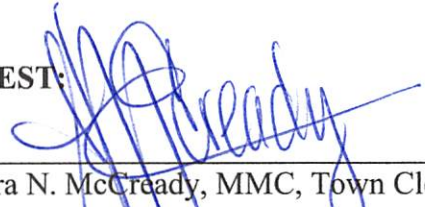
Second by: Commissioner Velasquez

FINAL VOTE ON ADOPTION

| | |
|-------------------------------|------------|
| Commissioner Charles Kesl | <u>Yes</u> |
| Commissioner Eliana Salzhauer | <u>Yes</u> |
| Commissioner Nelly Velazquez | <u>Yes</u> |
| Vice Mayor Tina Paul | <u>Yes</u> |
| Mayor Charles Burkett | <u>Yes</u> |

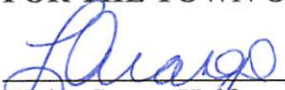


 Charles Burkett, Mayor

ATTEST: 

 Sandra N. McCready, MMC, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

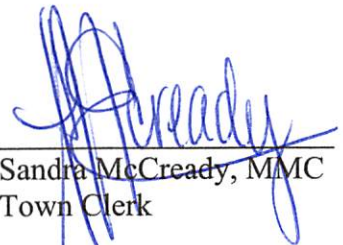


 Weiss Serota Helfman Cole & Bierman, P.L.
 Town Attorney

STATE OF FLORIDA)
 COUNTY OF MIAMI-DADE)

I, Sandra N. McCready, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2021-2802 adopted by the Town Commission at its meeting held on the 8th day of June, 2021.

Issued: 6/22/2021



 Sandra N. McCready, MMC
 Town Clerk

EXHIBIT "A"

**(Attach the Miami-Dade Historic Preservation Board issued
Special Certificate of Appropriateness No. 2019-32-S)**



Regulatory and Economic Resources Department
Office of Historic Preservation
111 NW 1st Street, Mailbox 114 • 12th Floor
Miami, Florida 33128
T 305-375-4958

September 19, 2019

Seaway Condo Acquisitions LLC
176 NE 43 Street
Miami, FL 33137

RE: Seaway Villas, 9149 Collins Avenue, Surfside, Special COA #2019-32-S

Dear Property Owner:

The Miami-Dade County Historic Preservation Board has approved the Special Certificate of Appropriateness application for the partial demolition and reconstruction of Seaway Villas, 9149 Collins Avenue, Surfside. The Board voted to approve the application with a series of conditions, which are detailed within the enclosed resolution.

Please note that COA approvals are valid for one year from the date of approval. If the approved scope of work has not begun by September 18, 2020, please contact the Office of Historic Preservation for additional guidance.

Please do not hesitate to contact our office with any questions.

Sincerely,

A handwritten signature in black ink that reads "Sarah K. Cody".

Sarah K. Cody
Historic Preservation Chief
Miami-Dade County

Encl. COA-2019-32-S
Miami-Dade County Historic Preservation Board Resolution No. 2019-09

Cc: Mr. James Galvin, Fort Partners
Mr. Christian Lopez, RA, O'Donnell Dannwolf & Partners Architects
Ms. Kathleen Kauffman, Principal, KSK Preservation
Ms. Sarah Sinatra Gould, AICP, Town Planner, Town of Surfside
Mr. Ross Prieto, Building Official, Town of Surfside



**MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD
STEPHEN P. CLARK CENTER
111 N. W. FIRST STREET
MAILBOX 114, (12TH FLOOR)
MIAMI, FLORIDA 33128
305-375-4958**

**MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD**

RESOLUTION NO. 2019-09

**RESOLUTION DECIDING THE APPLICATION FOR
SPECIAL CERTIFICATE OF APPROPRIATENESS #2019-32-S
FOR SEAWAY VILLAS, 9149 COLLINS AVENUE**

WHEREAS, Seaway Villas, located at 9149 Collins Avenue, Surfside, Florida was designated by the Historic Preservation Board of Miami-Dade County on December 18, 2014; and

WHEREAS, the property owner was previously granted approval to undertake rehabilitation and selective demolition of the structure under COA #2017-09-S; and

WHEREAS, the property owner has applied for a Special Certificate of Appropriateness for documentation, demolition, and reconstruction of a substantial portion of the designated structure; and

WHEREAS, the folio number and legal description for the subject property is as follows:

TAX FOLIO NUMBER: 14-2235-015-0001

LEGAL DESCRIPTION: SEAWAY VILLAS CONDO
ALTOS DEL MAR NO 4 PB 10-63
LOTS 4 & 5 BLK 2
& RIP RTS & PORT LYNG EAST &
ADJACENT WEST OF EROSION LINE
PER PB 105-62
LOT SIZE 37730 SQ FT M/L



MIAMI-DADE COUNTY
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305-375-4958

Resolution #2019-09
Page 2

WHEREAS, on September 18, 2019, the Historic Preservation Board of Miami-Dade County conducted a public hearing to decide the application for Special Certificate of Appropriateness for documentation, demolition, and reconstruction at 9149 Collins Avenue, Surfside, Florida, pursuant to the procedures set forth in Section 16A-11(5).

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC PRESERVATION BOARD OF MIAMI-DADE COUNTY, FLORIDA, that,

Section 1: The foregoing recitals are approved and incorporated in this Resolution.

Section 2: Having considered this matter at a public hearing, the application for Special Certificate of Appropriateness #2019-32-S is hereby **approved**.

Section 3: This approval has been conditioned upon the following:

1. The owner shall submit the LIDAR documentation to Staff upon completion.
2. The owner shall salvage any character-defining architectural features for reuse in the reconstructed building, to the greatest extent feasible.
3. The reconstructed building shall be based upon the LIDAR results in conjunction with a thorough review of the original 1936 building plans and other historic period documents to ensure that the reconstructed building accurately reflects the historic character and features, rather than features that were altered over time.
4. The owner shall submit the proposed building plans to Staff for administrative review prior to undertaken reconstruction.
5. The owner shall submit a revised planting plan to staff that does not obscure the Collins Avenue façade. Staff shall provide an administrative review of the revised plan prior to construction.
6. The owner shall reconstruct the missing arched chimney cap.



**MIAMI-DADE COUNTY
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MIAMI, FLORIDA 33128
305-375-4958**

Resolution #2019-09

Page 3

7. New paving in the courtyard shall be an oolitic limestone that matches the character and color of the existing limestone.

8. The owner shall provide information on the paving material proposed for the vehicular drop-off area between Collins Avenue and the structure. Staff shall provide an administrative review of the proposed material prior to installation.

9. The open-air entry/lobby area of the building shall retain its existing terracotta-colored tile.

10. The proposed awnings for the third-story open-air terraces shall be a dark, solid color with white scallop detail edging, as documented in historic period photos. Staff shall provide an administrative review of the proposed awnings prior to installation.

11. The owner shall submit requests for COA amendments if any changes or alterations from what has been presented in this application are proposed at any time through project completion. Staff shall provide administrative reviews of any such amendment requests prior to the construction of any such proposed revision.

12. If the intent to relocate the three-story, Collins Avenue-fronting portion of the building eastward by 13 feet is altered from what was presented in this application, due to any reason, the applicant shall reappear before this Board with a request to amend the COA approval.

13. The project shall include a public space to interpret, or "tell the story," of the history of Seaway Villas, particularly its context in the early history of Surfside.



**MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD**
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305-375-4958

Resolution #2019-09

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The foregoing resolution was offered by Board Member Paul George who moved its adoption. The motion was seconded by Board Member Anthony Rionda and upon being put to a vote, the vote was as follows:

| | | | | |
|----------------|---------------------------------------|-----|------------------|--------|
| | Cecilia Stewart, Chairwoman | YES | | |
| | W. R. (Bob) Smith, III, Vice Chairman | YES | | |
| Gary Appel | ABSENT | | Paul George | YES |
| Melinda Jester | ABSENT | | Megan McLaughlin | ABSENT |
| Anthony Rionda | YES | | Lourdes Solera | YES |
| Harry Tapias | YES | | | |

Prepared by:

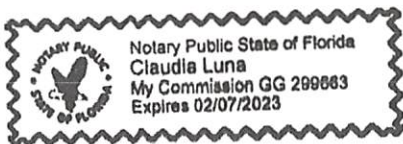
Sarah K. Cody, Historic Preservation Chief
Office of Historic Preservation

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by Sarah K. Cody who is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 19th day of September 2019, in the County and State aforesaid.

(Notary Seal)



Claudia Luna
Signature of Notary

Notary, Public State of Florida
Claudia Luna
Printed Name

My Commission Expires: _____



RECEIVED
 SEP 09 2019
 MIAMI-DADE COUNTY
 OFFICE OF HISTORIC PRESERVATION

APPROVED
 SEP 18 2019
 Miami Dade County
 Office of Historic Preservation
 Digitized Signature

OFFICE OF HISTORIC PRESERVATION
 111 NW 1st STREET, MAILBOX 114
 MIAMI, FL 33128
 (305) 375-4958

APPLICATION FOR A
CERTIFICATE OF APPROPRIATENESS (COA)

For Historically Designated Properties, or Properties within Historic Districts

I. PROPERTY INFORMATION INFORMACIÓN DE LA PROPIEDAD

ADDRESS (Dirección) 9149 Collins Avenue CITY (Ciudad) Surfside ZIP (Zip) FL

SITE DESIGNATION NAME (if applicable) (Nombre del Edificio) Seaway Villas

DISTRICT NAME (if applicable) (Nombre del Distrito) _____

FOLIO NUMBER (Numero de Folio) 14-2235-015-0001

II. APPLICANT INFORMATION INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER (Nombre de Dueño) Seaway Condo Acquisitions, LLC PHONE (teléfono) 305-571-8228

ADDRESS (Dirección) 500 W. Cypress Creek Rd. S.W. EMAIL (correo electrónico) asoto@fortpartners.com

NAME OF APPLICANT (if other than owner) (Nombre del Solicitante) _____

CONTACT PHONE (Teléfono) _____ EMAIL _____

APPLICANT IS: OWNER (Dueño) RENTER/LEASEE (Inquilino) CONTRACTOR (Contratista) LEGAL AGENT (Representante legal)

FOR OFFICE USE ONLY
 Solamente por uso de oficina

APPLICATION# 2019-325 DATE RECEIVED 9/9/19 STAFF INITIALS SKC
 ("R" for Regular, "S" for Special)

APPROVED APPROVAL DATE 9/18/19
 DENIED
 APPROVED WITH CONDITIONS BOARD DATE 9/10/19
 (see attached conditions sheet)



III. PROJECT TYPE TIPO DE PROYECTO

PLEASE CHECK ALL THAT APPLY:
 (Por favor marque todas que aplican)

- | | |
|---|---|
| <input type="checkbox"/> New Construction (construcción nueva) | <input type="checkbox"/> Paint (pintura) |
| <input type="checkbox"/> Restoration/Rehabilitation (restauración) | <input type="checkbox"/> Repairing Existing (reparación) |
| <input type="checkbox"/> Relocation/Moving a Structure (traslado) | <input type="checkbox"/> Landscaping (areas verdes) |
| <input checked="" type="checkbox"/> Demolition (demolición) | <input type="checkbox"/> Interior Work Only (Únicamente el Interior) |
| <input type="checkbox"/> Excavation/ Ground Disturbing Activities (excavación) | |

IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO

Please describe in detail the proposed project, including any new construction, demolition, the removal or replacement of existing materials, and all other proposed changes to the current structure. Attach an additional sheet if necessary.

Por favor describa el proyecto en detalle. Adjuntar pagina adicional si es necesario. Por favor describir el proyecto en ingles.

This is an amendment to COA#2017-09-S.

The building is composed of three building sections; North, South, and West.

We are proposing to maintain the West Facade of the West Building facing Collins avenue throughout the construction of the project, then relocate the existing facade to the location agreed upon in COA#2018-09-S.

We are also proposing to demolish the North and South Building Sections and re-build them to match the designated historical facades identified in COA#2017-09-S

CHECK ANY STRUCTURAL SYSTEMS OR ELEMENTS THAT WILL BE AFFECTED BY THIS PROJECT:

Marque el sistema estructural o componente que sera afectado por este proyecto:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Roof (techo) | <input checked="" type="checkbox"/> Foundation (cimiento) | <input checked="" type="checkbox"/> Steps or Stairways (escaleras) |
| <input checked="" type="checkbox"/> Windows (ventanas) | <input checked="" type="checkbox"/> Porches or Porte Cochère (portal ó porche) | <input checked="" type="checkbox"/> Painting/Finishes (pintura/acabado) |
| <input checked="" type="checkbox"/> Doors (puertas) | <input checked="" type="checkbox"/> Siding/Stucco/Façade Work (entablado de exteriores) | <input checked="" type="checkbox"/> Walls/Structural (pared ó estructural) |



V. CHECKLIST OF REQUIRED ATTACHMENTS

ALL APPLICATIONS MUST INCLUDE AT LEAST ONE COLOR PHOTO OF THE BUILDING

PAINTING YOUR BUILDING

- Color photos of each side of the building to be painted
- Paint Samples of the colors you wish to use (please indicate trim, wall, and accent colors)

FENCING, WALLS, NEW POOL, DRIVEWAYS, or LANDSCAPING

- Site plan showing exact location(s) of fence, wall, pool, driveway, or proposed landscaping
- Elevation drawings of fence, including height dimensions and material
- Color photographs of the proposed location for the fence, pool, driveway, or landscaping
- Description of landscaping, including type and placement (if applicable)

WINDOWS or DOORS

- A color photograph of each side of the house
- Existing elevations, which show the window placement, configuration, and material.
- Proposed elevations, which show the new window placement, style of window, and material, and include all proposed muntins, if any
- Manufacturer's brochure or a catalog picture of the requested window or door, and NOA

NEW ROOF

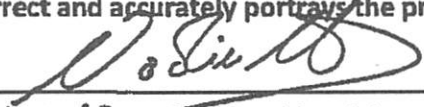
- Color photos of the front of the building and existing roof
- Manufacturer's brochure of requested roof showing color and material and NOA

RENOVATIONS/ADDITIONS or NEW CONSTRUCTION

- Color photos of each side of the building
- Site plan
- Landscape plan, including documentation of any proposed tree removal (if applicable)
- Elevations of all affected facades showing Existing Conditions (11"x17" set of plans)
- Elevations of all affected facades with Proposed Alterations or Additions (11"x17" set)
- Floor Plans
- Manufacturer's brochure or catalog pictures of any new or replacement materials being used in project

VI. OWNER ATTESTATION

I certify to the best of my knowledge that all the information provided within this application is correct and accurately portrays the proposed project.


Signature of Owner (Firma del Dueño)

9/9/19
Date (Fecha)

Signature of Applicant (if other than owner) (Firma del Solicitante)

Date (Fecha)



III. PROJECT TYPE TIPO DE PROYECTO

PLEASE CHECK ALL THAT APPLY:
 (Por favor marque todos que aplican)

- | | |
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We are also proposing to demolish the North and South Building Sections and re-build them to match the designated historical facades identified in COA#2017-09-S

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Marque el sistema estructural o componente que sera afectado por este proyecto:

- | | | |
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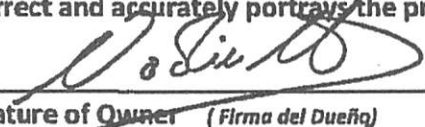
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VI. OWNER ATTESTATION

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 Signature of Owner (Firma del Dueño)

9/9/19
 Date (Fecha)

Signature of Applicant (if other than owner) (Firma del Solicitante)

Date (Fecha)