

OFF REC 13614 101

BEFORE THE PLANNING BOARD
OF THE CITY OF MIAMI BEACH, FLORIDA

IN RE: The application of Bascones Enterprises, Inc.

CONDITIONAL USE PERMIT

On the 8 day of March, 1988 the applicant, Bascones Enterprises, Inc. filed an application with the Director of the Planning Department for a Conditional Use Permit as per Section 7 of Miami Beach Zoning Ordinance 1891; Supplementary Use Regulations: The Miami Beach Planning Board held a public hearing on February 23, 1988 and voted to approved the following:

Address: 1000 Collins Avenue

Legal Description: Lots 7 and 8, Block 30,
Ocean Beach Addition

Conditional Use: Construction and operation of a 80-seat
restaurant/outdoor cafe.

- Conditions:
1. The Planning and Zoning Department shall approve a detailed landscape plan prior to the issuance of a building permit and the installed material prior to the issuance of an occupational License;
 2. The applicant shall submit a floor plan showing 21 hotel suites with an average of 511 sq. ft. prior to the issuance of a building permit for the restaurant/cafe (Plan for restaurant/cafe and hotel room may be submitted simultaneously). Should the applicant wish to convert the units to apartments, they shall comply with the minimum floor area requirements as set forth in the Zoning Ordinance (minimum 400 sq. ft. at average of 600 sq. ft.); and;
 3. The property shall be joined under a Unity of Title which shall be recorded prior to the issuance of a building permit for the restaurant/cafe. (Additional property may be listed under the Unity of Title at the request of the City or the applicant for purposes of complying with the Zoning Ordinance or encouraging further development).

This document shall be recorded on the Public Records for and in Dade County, Florida.

Notice of the request for conditional use was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made. The Board finds that the property in question is located in the Hotel Zoning District and further finds:

That the application is consistent with the
Comprehensive Plan;

1030

That structures and uses associated with the request are consistent with the Ordinance;

That the public health, safety, morals, and general welfare will not be adversely affected;

That adequate off-street parking facilities will be provided;

That the necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values; and

That the intended use or construction does not place a burden upon City services.

IT IS THEREFORE ORDERED, by the Board, that a Conditional Use Permit as requested and set forth above be granted.

PROVIDED, the applicant shall take all necessary steps to have building permit issued by the Director of the Building Department within a period of six (6) months from the date of approval, otherwise this Order shall become null and void, unless the time for the issuance of such permit is extended by the Planning Board. This Order does not constitute a permit, but upon presentation of this Order to the Director of the Development Services Department, a permit shall be issued in accordance with and pursuant to the ordinances of the City of Miami Beach.

Dated this 9 day of MARCH, 1988.

PLANNING BOARD OF THE CITY OF
MIAMI BEACH, FLORIDA

BY: JUD KURLANCHEEK
JUD KURLANCHEEK
FOR CHAIRMAN

STATE OF FLORIDA)
)SS
COUNTY OF DADE)

BEFORE ME personally appeared JUD KURLANCHEEK to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that he executed said instrument for the purpose therein expressed.

WITNESS my hand and official seal, this 9th day of

March A.D. 1988.

Coleman Tallas
NOTARY PUBLIC
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. AUG 30, 1988
BONDED THRU GENERAL INS. UND.

My commission expires _____



RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

**BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**

**MEETING DATE: SEPTEMBER 3, 1999
FILE NO. 2710**

**IN RE: The application of
BASCONES ENTERPRISES, INC.
a/k/a Fairmont Hotel
1000 COLLINS AVENUE
LOT 7 LESS N. 5 FT. OF W. 20.41 FT. AND
ALL OF LOT 8; BLOCK 30
OCEAN BEACH ADDITION NO. 2
PLAT BOOK 2 - PAGE 56**

ORDER

The applicant, Bascones Enterprises, Inc., filed an application with the Planning Department for a variance in order to change the name of the existing Fairmont Hotel to Fairwind Hotel, as follows:

1. A variance to exceed by 8 sq. ft. the maximum allowable size of 15 sq. ft. for projecting signs located in the MXE zoning district in order to change the name of the existing Fairmont Hotel to Fairwind Hotel with a 23 sq. ft. doublefaced projecting sign.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the MXE Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance:

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

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

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

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

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

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

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

IT IS THEREFORE ORDERED, by the Board, that the variance as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The applicant shall comply with all of the conditions of the Joint Design Review/Historic Preservation Board.
2. The applicant shall utilize all of the existing letters with the exception of the "M", "O" and "T", which shall be replaced with letters that match the style, material and color of the original signs.
3. The applicant shall obtain a building permit for the subject signs within 60 days of this approval.
4. The applicant shall complete the installation of the subject signs within 120 days of this approval.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before November 3, 1999 (within two (2) months of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court

File No. 2710
Rescones Enterprises, Inc.
1000 Collins Avenue

of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance and pursuant to the ordinances of the City of Miami Beach.

Dated this 24th day of September, 1999.

RECORDED IN OFFICIAL RECORDS BOOK
 OF DADE COUNTY, FLORIDA
 RECORD VERIFIED
 HARVEY RUVIN
 CLERK CIRCUIT COURT

BOARD OF ADJUSTMENT OF
 THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
JORGE GOMEZ
 PLANNING AND ZONING DIRECTOR

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

Jorge Gomez personally appeared before me and subscribed as the person who has executed said instrument for the purposes therein expressed and who is personally known to me.

Sworn and subscribed this 24TH day of SEPTEMBER 19 99
CHARLES A. TART

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

OFFICIAL NOTARIAL
 CHARLES A. TART
 NOTARY PUBLIC STATE OF FLORIDA
 COMMISSION NO. 0000113
 MY COMMISSION EXPIRES 12/31/00

Approved As To Form:
 Legal Department [Signature] 9-24-99

Filed with the Clerk of the Board of Adjustment on 9/27/99 AT

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HISTORIC PRESERVATION BOARD**City of Miami Beach, Florida****MEETING DATE:** July 13, 1999**IN RE:** The application for a Certificate of Appropriateness for Demolition to partially demolish a historic sign and change the copy due to alleged infringement of federally registered service marks.**PROPERTY:** 1000 Collins Avenue**HPB FILE NO:** 1116**ORDER**

The applicant, Bascones Enterprises, Inc., filed an application with the City of Miami Beach's Planning Department for a Certificate of Appropriateness for Demolition to partially demolish a historic sign and change the copy due to alleged infringement of federally registered service marks.

The City of Miami Beach's Historic Preservation Board makes the following FINDINGS OF FACT:

- A. The proposed project site is located in the Ocean Drive/Collins Avenue Local Historic District in the City of Miami Beach. The subject structure on site is designated "contributing" in the Miami Beach Historic Properties Database.
- B. A decision by the Historic Preservation Board on an application for a Certificate of Appropriateness for Demolition encompasses a review of the proposed demolition for the subject structure, and proposed replacement project, for consistency with the Evaluation Criteria stated in the Code of the City of Miami Beach, Section 118-564 (f)(4). Based on the application, plans, photographs and documents submitted, the staff report and analysis prepared by the Planning Department, dated July 13, 1999, the proposed demolition, as requested is not consistent with Evaluation Criteria Nos. 7 & 8.
- C. The modification to the existing sign, requested in the subject application, is not essential to the historic character of the subject building.
- D. Due to the uncertainty of the eventual legal outcome of the litigation associated with the subject application, the removal of portions of the subject sign would

set a potentially dangerous precedent.

- E. The City Commission, in light of the potentially dangerous precedent which could be set by the removal of portions of the subject sign, should consider a legal challenge to any decision allowing the removal of portions of the subject sign.
- F. Based on the findings contained in paragraphs A - F above, the demolition of the subject structures would be consistent with the aforescribed Evaluation Criteria if the following conditions are met:
 1. The three (3) letters ("M" "O" & "T") of the subject sign to be removed shall be retained, preserved and stored in a secure location, subject to the review and approval of staff.
 2. Shop drawings, including sections through the projecting sign element, be submitted to staff for review and approval. Said drawings shall include all pertinent details of the removal and replacement of the three (3) letters ("M" "O" & "T"), including construction details that show the similarity of the new letters with the balance of the historic sign.
 3. A museum quality plaque, delineating the change in the historic signage necessary, shall be placed on a prominent public location in the lobby of the hotel. The copy and the location of the plaque shall be reviewed and approved by staff and complete installation of said plaque shall be prior to signing off on a Certificate of Completion.
 4. All proposed new construction associated with this Certificate of Appropriateness for Demolition on the subject site shall be consistent with the Design Review Approval and a Certificate of Appropriateness approved by the Joint Design Review/Historic Preservation Board (DRB File No. 11469J).
 5. A permit for any demolition approved by the Historic Preservation Board on the subject property shall not be issued by the Building Department until a building permit for the new construction (DRB File No. 11469J) has been pulled.
 6. The Certificate of Appropriateness for Demolition shall only remain in effect for the period of time that there is an active Design Review Approval and Certificate of Appropriateness for the associated new construction (DRB File No. 11469J) on the subject property.
 7. This Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which is part of the record for this matter and the staff report and analysis, which is adopted herein, including the staff recommendations which were amended by the Board, that the Application for a Certificate of Appropriateness for Demolition is granted for the above-referenced project, subject to those certain conditions specified in paragraph F of the Findings of Fact hereof (conditions #1-7, inclusive), to which the applicant has agreed.

No demolition permit for Board approved work may be issued unless and until all conditions of approval, as set forth herein, have been met. The issuance of a Certificate of Appropriateness for Demolition does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including zoning approval. This Certificate of Appropriateness for Demolition shall only remain valid and in full force and effect for the period of time that there is an active Design Review Approval and Certificate of Appropriateness for the associated new construction on the subject property (Design Review Board File #11469J), and upon expiration of such Design Review Approval and Certificate of Appropriateness, this Certificate of Appropriateness for Demolition shall contemporaneously and automatically expire.

When requesting a demolition permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for demolition permit approval. Two (2) sets will be returned to you for submission for a demolition permit and one (1) set will be retained for the Planning Department's file.

Dated this 18 day of AUGUST, 1999.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:

CHAIR

HERB SOGA

STATE OF FLORIDA)

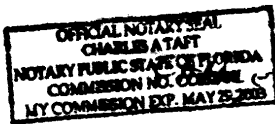
)SS

COUNTY OF MIAMI-DADE)

HERB SOGA personally appeared before me and subscribed as the person who has executed said instrument for the purposes therein expressed and who is personally known to me.

Sworn and subscribed this 18TH day of AUGUST 1999

OFF. REC. 18923M1015



Charles A. Taff
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:

Legal Department: 29a 8-17-99

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

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PLANING AND ZONING
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(12/1/00)

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

REF: 1892301016

DESIGN REVIEW/HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 13, 1999

IN RE: The Application for a Certificate of Appropriateness and Design Review Approval to partially change the copy of a historic sign due to alleged infringement of federally registered service marks.

PROPERTY: 1000 Collins Avenue

FILE NO: 11469J

ORDER

The applicant, Bascones Enterprises, Inc., filed an application with the City of Miami Beach's Planning Department for a Certificate of Appropriateness and Design Review approval.

The City of Miami Beach's Design Review/Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which is part of the record for this matter:

- A. The proposed project is located in the Ocean Drive/Collins Avenue Local Historic and National Register Districts of the City of Miami Beach and the subject structure on the site is designated "contributing" on the Miami Beach Historic Properties Database.
- 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 not consistent with the Design Review Criteria Nos. 4 & 5 in Section 118-251 of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria Nos. 1, 2, 3, 4 & 6 in Section 118-564(b) of the Miami Beach Code, and does not comply with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
- C. The modification to the existing sign, requested in the subject application, is not essential to the historic character of the subject building.
- D. Due to the uncertainty of the eventual legal outcome of the litigation associated with the subject application, the removal of portions of the subject sign would set a potentially dangerous precedent.

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- E. The City Commission, in light of the potentially dangerous precedent which could be set by the removal of portions of the subject sign, should consider a legal challenge to any decision allowing the removal of portions of the subject sign.
- F. The project would be consistent with the afore-stated criteria and requirements if the following conditions are met:
 1. The three (3) letters ("M" "O" & "T") of the subject sign to be removed shall be retained, preserved and stored in a secure location, subject to the review and approval of staff.
 2. Shop drawings, including sections of the projecting sign element, shall be submitted to and approved by staff. Said drawings shall include all pertinent details of the removal and replacement of the three (3) letters ("M" "O" & "T"), including construction details that show the similarity of the new letters with the balance of the historic sign.
 3. A museum quality plaque, delineating the change in the copy of the historic sign shall be placed in a prominent public location in the lobby of the hotel. The copy and the location of the plaque shall be reviewed and approved by staff, and the complete installation of said plaque shall occur prior to the issuance of a Certificate of Completion.
 4. This Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which is part of the record for this matter and the staff report and analysis, which is adopted herein, including the staff recommendations which were amended by the Board, that the Application for a Certificate of Appropriateness and Design Review approval is granted for the above-referenced project subject to those certain conditions specified in paragraph F of the Findings of Fact hereof (conditions #1-4, inclusive), to which the applicant has agreed.

No building permit may be issued unless and until all conditions of approval as set forth herein have been met. The issuance of a Certificate of Appropriateness and Design Review approval 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.

gpm 8-18-99

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, as well as annotated floor plans which clearly delineate the Floor Area Ratio (FAR) calculations for the project, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Design Review Board's file. If the Full Building Permit is not issued within one (1) year of the rendition of this Order and construction does not commence within two (2) years of the rendition of this Order, and continue diligently through completion, the Design Review approval will expire and become null and void.

Dated this 18 day of AUGUST, 1999.

DESIGN REVIEW/HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: *William J. Thann*

CHAIR

Approved As To Form:

Legal Department: DRB 8-17-99

Filed with the Clerk of the Design Review Board on 8-18-99 (2)

This document is the Final Order for DRB File No. 11469J, which must be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

PLANNING DEPARTMENT
CITY OF MIAMI BEACH, FLORIDA

BY: *Thomas R. Mooney*

THOMAS R. MOONEY, AICP
Principal Planner

STATE OF FLORIDA)

ISS

COUNTY OF MIAMI-DADE)

THOMAS R. MOONEY

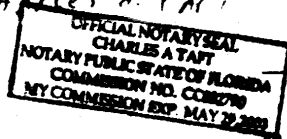
personally appeared before me and

OFF. REC. 1892371019

subscribed as the person who has executed said instrument for the purposes therein expressed and who is personally known to me.

Sworn and subscribed this 18TH day of AUGUST 1999.

CHARLES A. TAFT



Charles A. Taft
NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: _____

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RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

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PLANNING AND ZONING

gm
8-18-99



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RECORDED 04/25/2006 12:50:42
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

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,
CITY OF MIAMI BEACH

[Signature] 4/12/07
(Signature of Planning Director or designee)
Personally known to me or produced ID: 4/12/07

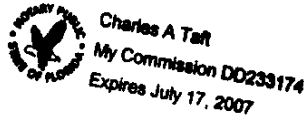
[Signature]
Notary Public, State of Florida - Large

Printed Name: CHARLES A. TAFT
My Commission Expires: (Seal)

This document contains 2 pages.

MEETING DATE: March 14, 2006

FILE NO: 3434



PROPERTY: 1000-1030 Collins Avenue – Fairwind Hotel

LEGAL: Lots 5-8, Block 30 of Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, 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 the existing 3-story Fairwind Hotel, including a single story roof-top addition, as well as the renovation and substantial demolition of the two (2) existing 2-story multifamily buildings, and the construction of one (1) new 5-story building along the alley.

ORDER

The applicant, Ocean-Fairwind L.L.C., 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 structures are located within the Ocean Drive/Collins Avenue Local Historic District and National Register Architectural District and each are designated contributing in the Miami Beach Historic Properties Database.
- 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 not consistent with Certificate of Appropriateness Criteria a, b, d, e, and f in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria a, b, d, j, and m in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria for Demolition 2, 5, 8, and 9 in Section 118-564(f)(4).
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:

[Handwritten initials]

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. The eastern exterior walls of the stair cores located within the gaps of the proposed new construction at the rear of the site shall be made transparent by utilizing clear glass or glass block, in a manner to be reviewed and approved by staff.
 - b. The design of the east elevations of the proposed rear structures shall be further studied and substantially revised in order to create three (3) separate and distinct architectural languages, in a manner to be reviewed and approved by staff.
 - c. The design of the west elevations of the proposed rear structures shall be further studied and revised in a manner more consistent with the revised primary elevations, in order to add visual relief and detail, as viewed from the west side of Washington Avenue and 10th Street, in a manner to be reviewed and approved by staff.
 - d. The slope of the proposed plaza to the north of the Fairwind Hotel, including the entry from Collins Avenue, shall not exceed 1:20.
 - e. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - f. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be approved by staff.
 - g. The retained portions of the existing structures on site shall be substantially renovated and restored, in a manner to be reviewed and approved by staff, prior to the issuance of a Temporary Certificate of Occupancy (T.C.O.) for the proposed new structures; at a minimum, this shall include the following.
 - i. The public interior areas shall be substantially renovated and restored, in a manner consistent with the subject plans and all available historic documentation, subject to the review and approval of staff.
 - ii. The street facing elevations of all structures shall be fully restored to their original configurations, in a manner to be reviewed and approved by staff, with the exception of the south elevation of 1000 Collins Avenue, which may be modified as proposed, for the introduction of new commercial uses.

JPW

- iii. All new windows and doors shall be consistent with the original windows and doors, subject to the review and approval of staff.
 - h. 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. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other decorative material, subject to the review and approval of staff.
 - b. 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.
 - c. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - d. 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.
 - e. 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.
 - f. 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.

JS

3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, 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. Revised drawings, with corresponding color photographs, that are separate from the construction documents, drawn to scale and clearly documenting the existing conditions of the subject building, shall be submitted. Such drawings and photographs shall include all four elevations and interior floor plans of the building, as well as a site plan.
7. An historic analysis 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.
8. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
9. 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.
10. 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.
11. 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.
12. 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.
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

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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 may be issued 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.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, as well as annotated floor plans which clearly delineate the Floor Area Ratio (FAR) calculations for the project, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Historic Preservation Board's file.

If the Full Building Permit is not issued within eighteen (18) months of the meeting date at which this Certificate of Appropriateness was granted and construction does not commence and continue in accordance with the requirements of the applicable Building Code, the Certificate of Appropriateness will expire and become null and void, unless the applicant, prior to expiration of such period, makes application to the Board for an extension of time; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this **Order** shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 17 day of APRIL, 2006.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

THM

Page 7 of 7
HPB File No. 3434
Meeting Date: March 14, 2006

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

The foregoing instrument was acknowledged before me this 17th day of April 2006 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Charles A. Taft
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form: _____
Legal Department: SHCC (4-13-06)

Filed with the Clerk of the Historic Preservation Board on 7/17/06 (CT)

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THM



CFN 2014R0586522
OR Bk 29279 Pgs 2094 - 2097; (4pgs)
RECORDED 08/21/2014 15:06:52
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

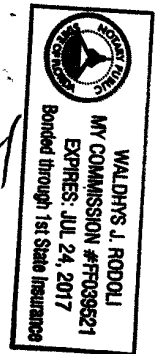
HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: January 14, 2014

FILE NO: 3434

PROPERTY: 1000-1030 Collins Avenue

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.
CITY OF MIAMI BEACH
Waldhys J. Rodou 7-23-14
(Signature of Planning Director or Designer) (Date)
Personally known to me or Produced ID:
Waldhys J. Rodou
Notary Public, State of Florida at Large
Printed Name: *Waldhys J. Rodou*
My Commission Expires: (Seal)
This document contains 4 pages.



LEGAL: Lots 5-8, Block 30 of Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 3-story Fairwind Hotel, including a single story roof-top addition, as well as the renovation and substantial demolition of the two (2) existing 2-story multifamily buildings, and the construction of one (1) new 5-story building along the alley. Specifically, the applicant is requesting to construct an open air pedestrian bridge between the buildings located at 1020 and 1030 Collins Avenue.

SUPPLEMENTAL ORDER

The applicant, CG Fairwinds, 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 structures are classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Ocean Drive/Collins Avenue Historic District.
- B. The subject Certificate of Appropriateness was originally approved by the Historic Preservation Board on March 14, 2006.

[Handwritten signature]
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C. 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 Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria for Demolition 'b' in Section 118-564(f)(4) of the Miami Beach Code.

D. 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 final design and details of the pedestrian bridge 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.
2. 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.
3. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
4. The Supplemental 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.
5. The previous Final Order dated March 14, 2006 shall remain in full force and effect.
6. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
7. 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 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. 1-7 inclusive) hereof, to which the applicant has agreed.



PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "Fairwind Hotel", as prepared by Shulman + Associates, undated.

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 Final 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 Final Order, have been met.

The issuance of this Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, this Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), this Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject this Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 30th day of JANUARY, 2014.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

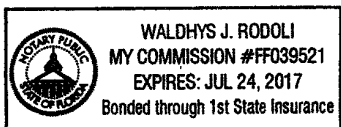
BY: 
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

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



Page 4 of 4
HPB File No. 3434
Meeting Date: January 14, 2014

The foregoing instrument was acknowledged before me this 30th day of January 2014 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Waldhys J. Rodoli
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 7-24-17

Approved As To Form:
Legal Department: _____

Heed (1-30-2014)

Filed with the Clerk of the Historic Preservation Board on 1-30-14 (WJR)

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