

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 8, 2007

FILE NO: 3340

PROPERTY: 4441 Collins Avenue

LEGAL: Lot 'A', AND Lots 1 & 2, and the South ½ of Lot 3, of the Amended Plat of "The Indian Beach Corporation's Subdivision," according to the Plat thereof, recorded in Plat Book 8, page 61 of the Public Records of Dade County, Florida, AND the Northerly 125 feet of that certain tract marked and designated "R.P. Van Camp", AND all that certain tract of land designated as "J.H. Snowden," less the south 64.55 feet thereof, AND an exclusive easement over, across, and through the north 60 feet of lots 1 and 2, Block 40, on amended Map of Ocean Front Property of the Miami Beach Improvement Company, as recorded in Plat Book 5, pages 7 and 8, of the public records of Dade County, Florida.

IN RE: The Application for revisions to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing hotel, including the demolition the existing ballroom, meeting rooms and back of house areas on the north side of the site, in conjunction with the construction of a new seven (7) story structure to accommodate new ballroom, meeting rooms and back of house space. Specifically, the applicant is requesting modifications to the entire west side of the site, including the Tropigala Theater, the porte-cochere, and "cheese wall", and modifications to the landscape plan.

ORDER

The applicants, Fontainebleau Florida Hotel, L.L.C., and Fontainebleau Florida Tower 4, 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 structure is located within the proposed expansion boundaries of the Collins

Waterfront Local Historic District.

- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria b 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 to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The applicant shall incorporate wider sidewalks, to the extent technically feasible.
 - b. The existing accessible lift located at the north of the Tropigala Theatre shall be eliminated and internalized, and the cut stone veneer surrounding such area shall be restored, in a manner to be reviewed and approved by staff.
 - c. Prior to the issuance of any TCO, Partial CO or Final CO for any portion of the project approved under HPB File No. 3340, the south elevation of the existing Fontainebleau II garage shall be redesigned in order to create a more pedestrian friendly appearance, in a manner to be reviewed and approved by the Historic Preservation Board. Such approved modifications and improvements shall be substantially completed prior to the issuance of any TCO, Partial CO or Final CO for any portion of the project approved under HPB File No. 3340.
 - d. The proposed 'Apollo' sculpture shall be located on the southeast corner of the Tropigala Theatre, as shown on sheet L-9.2.b of the submitted plans.
 - e. 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. 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. The landscape plans shall be substantially consistent with the renderings provided, in a manner to be reviewed and approved by staff.
- b. The landscape treatment at the front of the site shall be consistent with Alternate 'A' on sheet CW-2.
- c. A streetscape plan shall include both sides of the street along Collins Avenue, and the north side of 44th Street, in a manner to be reviewed and approved by staff.
- d. The paved areas adjacent to 44th Street shall be reduced to the greatest extent possible, and replaced with more substantial landscaping, in a manner to be reviewed and approved by staff.
- e. All exterior walkways and driveways shall consist of decorative pavers (material samples to be provided), set in sand or other decorative material, subject to the review and approval of staff.
- f. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
- g. 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.
- h. 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.
- i. 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.
- j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

3. 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.
4. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
5. The project shall comply with any landscaping or other sidewalk/street improvement standard, 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.
6. The applicant shall design, permit and construct their out-lots along Indian Creek in a manner consistent with the Indian Creek Greenway Masterplan approved by the City. The design, permitting and construction of such out-lots shall not be a condition for the issuance of a Certificate of Occupancy for the main lot.
7. 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.

TBM

- 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.
8. 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.
9. 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.
10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
11. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-11, 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 and in the January 10, 2006 and May 9, 2006 Final Orders 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 January 10, 2006 meeting date, at which the original 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.

In the event a proposed code amendment should render the subject project non-conforming, as more specifically set forth in sections 118-168 and 118-169 of the City Code, then the project shall not be eligible to receive an extension of time for any reason. 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 9th day of May, 2007.

HISTORIC PRESERVATION BOARD,
THE CITY OF MIAMI BEACH, FLORIDA

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

TBM

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

The foregoing instrument was acknowledged before me this 9TH day of MAY 2007 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
My Commission DD233174
Expires July 17, 2007

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

Approved As To Form: _____
Legal Department: _____

Filed with the Clerk of the Historic Preservation Board on 5/10/07 (act)

F:\PLAN\HHPB\07HPB\MayHPB07\3340-r.fo.doc

TH



MIAMI BEACH

HISTORIC PRESERVATION BOARD STAFF REPORT

TO: **HISTORIC PRESERVATION BOARD**

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

DATE: January 10, 2006

RE: Historic Preservation File No. 3340
4441 Collins Avenue – The Fontainebleau

The applicants, Fontainebleau Florida Hotel, L.L.C., and Fontainebleau Florida Tower 4, L.L.C., are requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing hotel, including the complete demolition of the existing north tower, and the construction of a new 20-story tower.

LEGAL DESCRIPTION (brief):

Lot 'A', AND Lots 1 & 2, and the South ½ of Lot 3, of the Amended Plat of "The Indian Beach Corporation's Subdivision," according to the Plat thereof, recorded in Plat Book 8, page 61 of the Public Records of Dade County, Florida, AND the Northerly 125 feet of that certain tract marked and designated "R.P. Van Camp", AND all that certain tract of land designated as "J.H. Snowden," less the south 64.55 feet thereof, AND an exclusive easement over, across, and through the north 60 feet of lots 1 and 2, Block 40, on amended Map of Ocean Front Property of the Miami Beach Improvement Company, as recorded in Plat Book 5, pages 7 and 8, of the public records of Dade County, Florida.

HISTORY:

The preliminary application for the project came before the Board on September 12, 2005. The full application came before the Board on December 13, 2005, and was continued to a date certain of January 10, 2006, in order to address the concerns expressed by the Board and Staff.

SITE DATA:

Zoning -	RM-3 (Residential Multifamily, High Intensity)
Future Land Use Designation-	RM-3 (Residential Multifamily, High Intensity)
Lot Size -	Unclear / Not provided by the applicant
Existing FAR -	Not provided by the applicant
Proposed FAR -	2,029,200 S.F. (Max FAR = 3.0), as represented by the applicant
Existing Height -	14 stories
Proposed Height-	+210 feet / 21 stories
Existing Use/Condition -	Hotel/Condo
Proposed Use -	Condo-Hotel (~500 new units, spa, ± 200,000 S.F. meeting space, new theatre venue)

EXISTING MAJOR STRUCTURES:

The Fontainebleau

(1952-1954):

The original Fontainebleau Hotel was constructed in 1954 and designed by noted Miami Beach architect Morris Lapidus.

(1958-1961):

The north expansion of the Fontainebleau, including the existing 14-story north tower, convention hall ballroom, and "cheese wall" lobby, was constructed in 1959 and designed by noted Miami Beach architect Herbert Mathes.

(1984-1988):

The pedestal of the north tower was expanded eastward, adding Ballroom #2, meeting rooms and parking. Architect: Arc-Tech Associates.

(1997-2005):

The 36-story Fontainebleau II, located at the southwest corner of the site, which included the relocation of 44th Street, was designed by the architectural firm of Nichols Brosch Sandoval & Associates.

The 18-story Fontainebleau III (which replaces the former Sorento Hotel), was also designed by Nichols Brosch Sandoval & Associates, and is currently under construction at the southeast corner of the site.

The site is located within the proposed northerly expansion of the Collins Waterfront District. Please refer to the Historic Resources Report, submitted with the application, for a thorough documentation of the site's history and architectural development.

THE PROJECT:

Demolition: several hundred thousand square feet (exact numbers not provided) of floor area will be demolished:

- The nearly complete demolition of the Herbert Mathes designed 14-story north tower and pedestal, including the demolition of the "cheese wall" lobby; the non-conforming east pedestal wall fronting the ocean, constructed in the 1980's, and a portion of the pedestal at the southeast corner of the Mathes' addition connecting to the original Fontainebleau will remain.
- The partial demolition of the Tropigala Theater (originally the La Ronde Club), located to the south of the original Fontainebleau tower.
- The interiors of the basement shopping and café level (below the lobby) of the Chateau Building will be completely demolished.
- All non-structural interiors above the lobby of the Chateau Building will be completely demolished. Note: No proposal has been submitted for the restoration or alteration of the existing (previously altered) lobby.

- The complete demolition of the pool deck and garden areas along the east side of the property, north of the Fontainebleau III project.

The new construction to the south of the Tropigala Theatre (proposed to be demolished) will remain, including the primary entrance drive, landscape features, and serpentine walkway constructed as part of the Fontainebleau II project.

New Construction: Most of the new construction will take place at the north end of the site, with the proposed new tower abutting the proposed tower for the Eden Roc, to the immediate north. $\pm 1,250,000$ square feet of new floor area will be added to the site, with the following breakdown per level in the new pedestal and tower:

- Lower Basement: A 2-level valet garage, with an entrance and exit at both levels facing Collins Avenue. A service drive is located along the north property line, below the proposed tower, with access to the loading dock at the far east end of the site. This level will also contain a new 2-story spa located to the east of the Chateau building facing the Ocean.
- Basement: Storage, warehouse, maintenance, and parking.
- Levels 2-5: Ballroom and meeting rooms, with a gallery incorporating the re-constructed 'cheese wall' along Collins Avenue.
- Level 6-20: The first tower level will contain townhouse units facing the ocean, with hotel units above. A formal roof-top garden is proposed above the new pedestal.
- Level 21: A pool deck, restrooms, bar, and mechanical equipment will top off the roof level.

In addition to the new pedestal/tower construction, a new 3-story spa is proposed at the east end of the Chateau building, and a new theatre will be constructed which will replace the demolished Tropigala Theatre. A new pool deck design is proposed north of the Fontainebleau III project.

No proposal has been put forth for the design of west end of the parking pedestal, below the reconstructed 'cheese wall', and no alterations to the lobby or vehicular circulation at the front of the property are proposed at this time.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, may be inconsistent with the following portions of the City Code:

1. The proposed project may require the following variances:
 - a. A rear pedestal setback variance.
 - b. An interior pedestal and tower setback variance from the north property line.
 - c. As shown, the tower exceeds the maximum permitted height; the restrooms, pantry, and storage areas proposed at the roof level cannot be located above the maximum permitted height of 200'-0".

2. Complete parking calculations shall be required.
3. F.A.R. (Floor Area Ratio) shaded drawing are required for the entire site.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

ACCESSIBILITY COMPLIANCE:

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

PRELIMINARY CONCURRENCY DETERMINATION:

The Transportation and Concurrency Management Division has NOT conducted a preliminary concurrency evaluation.

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

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA:

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Satisfied; see Concern No. 1 and Staff Analysis
The proposed demolition of architecturally significant portions of the Chateau Building is excessive and the proposed new tower is incompatible with the size, scale, and massing of the existing historic structure. Complete restoration of the original Fontainebleau lobby or public interiors has not been proposed.
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Not Satisfied; see Concern No. 1 and Staff Analysis
See a above.
- 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.
Not Satisfied; see Concern No. 1 and Staff Analysis
The proposed demolition of architecturally significant portions of the Chateau Building is excessive and the proposed new tower is incompatible with the size, scale, and massing of the existing historic structure.
 - b. General design, scale, massing and arrangement.
Not Satisfied; see Concern No. 1 and Staff Analysis
See a above.
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Not Satisfied; see Concern No. 1 and Staff Analysis
The proposed project is incompatible with the size, scale, and massing of the existing historic structure.
 - e. The purpose for which the district was created.
Not Satisfied; see Concern No. 1 and Staff Analysis
See a above.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Satisfied; see Concern No. 1 and Staff Analysis
See a above.
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Satisfied; see Concern No. 1 and Staff Analysis
See a above.
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Not Satisfied; see Concern No. 1 and Staff Analysis

The submitted plans are still highly preliminary, and no drawings or documentation has been submitted for several significant portions of the project.

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Not Satisfied; See Zoning Analysis

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Not Satisfied; see Concern No. 2 and Staff Analysis

- 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.

Not Satisfied; see Concern No. 1 and Staff Analysis

The proposed demolition of architecturally significant portions of the Chateau Building is excessive and the proposed new tower is incompatible with the size, scale, and massing of the existing historic structure. The submitted plans are still rather preliminary. The siting, scale, massing, and distribution of volume associated with the proposed new tower is inconsistent with the built context of the immediate area and results in the broadsiding of the Ocean and the elimination of important view corridors.

- 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.

Not Satisfied; see Concern No. 1 and Staff Analysis

See d above.

- 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 Satisfied; see Concern No. 1 and Staff Analysis

See d above.

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Satisfied
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Satisfied; see Concern No. 2 and Staff Analysis
- 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 Satisfied; see Concern No. 1 and Staff Analysis
The submitted plans are still rather preliminary.
- 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).
Not Satisfied; see Concern No. 1 and Staff Analysis
The proposed project is incompatible with the size, scale, and massing of the existing historic structure.
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Satisfied; see Concern No. 1 and Staff Analysis
The proposed project is incompatible with the size, scale, and massing of the existing historic structure.
- 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 Satisfied; see Concern No. 1 and Staff Analysis
The submitted plans are still rather preliminary.

- 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 Satisfied; see Concern No. 1 and Staff Analysis

The submitted plans are still highly preliminary, and no drawings or documentation has been submitted for several significant portions of the project.

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA:

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

1. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structures planned for demolition, the Herbert Mathes north tower addition, and the Tropigala Theatre, are located within the proposed expansion of the Collins Waterfront Local Historic District.

2. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The existing Tropigala theatre would be difficult and inordinately expensive to reproduce. The Mathes addition would not be difficult or inordinately expensive to reproduce.

3. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The Tropigala Theatre is one of the last remaining examples of its kind and is a distinctive example of an architectural or design style which contributes to the character of the district.

4. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The contributing status of the subject structures has not been fully evaluated; however, the Tropigala Theatre is an architecturally significant feature of the site.

5. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of the Tropigala Theatre, including its significant public interior spaces, is critical to developing an understanding of an important Miami Beach architectural style.

6. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Satisfied

The demolition proposed in the subject application is for the purpose of constructing a parking garage, which will have a negative impact on the character of the surrounding neighborhood and Collins Avenue.

7. There are definite plans for reuse of the property if the proposed demolition is carried out, the effect of those plans on the character of the Historic District, whether there is a compelling public interest requiring the proposed demolition, and whether the Applicant is willing to bond the completion of the proposed new construction.

Satisfied

The applicant is proposing to use the structure as a part of a hotel complex.

8. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Satisfied

The Dade County Unsafe Structures Board has not ordered the demolition of any part of the subject building.

9. The Board determines that retention of the Building/Structure would deny the owner economically viable use of the property.

Not Satisfied

The applicant has not submitted a financial feasibility study to determine whether the new project as proposed will make the subject property financially viable.

STAFF ANALYSIS:

As previously mentioned, the applicant submitted an excellent Historic Resources Report prepared by architect Alan T. Shulman, detailing not only the remarkable architectural development, but also the extraordinary social history behind one of the largest and most famous hotels ever constructed on Miami Beach. The importance of such an iconic historic hotel as The Fontainebleau necessitates the careful study of any proposed development on the subject site, in order to fully understand and evaluate the appropriateness and compatibility of such new construction as it relates to the original Lapidus design. Although some of the Board members indicated their support for the project at the previous meeting, staff continues to believe that the project fails to address the most significant Certificate of Appropriateness Criteria.

Although more details have been provided with this latest submission, the prior concerns identified by staff have not been adequately addressed. The submitted plans are still not complete, and few lobby restoration plans or details have been submitted for the Chateau building. The massing of the proposed tower unnecessarily impedes most of the view corridors through the site, and its design shows little relationship to, and is incompatible with, the architecture of Morris Lapidus' original Fontainebleau.

First, considering that this is one of most ambitious demolition/construction projects ever to be undertaken on Miami Beach, staff believes the submitted plans are still rather preliminary and haphazard in nature. No plans or elevations showing the original balconies of the east end of the Chateau structure, which will be affected by the new construction, have been provided. Nor is there a clear line in the latter area showing where demolition is going to occur. Furthermore, portions of the original Chateau structure, adjacent to the existing Tropigala theatre, will be demolished to make way for the proposed expanded footprint of a new entertainment venue, yet the plans and elevations do not clearly denote such demolition.

While staff recognizes the proposed demolition of the massive stage constructed at the south end of the Tropigala Theatre will allow for expanded views of the Chateau structure, staff is not yet convinced that the original La Ronde Club structure (now the Tropigala) should not be restored and its south stage addition replaced by a more appropriately scaled and designed addition.

Moreover, the sections provided show expanses of dead space, such as the loading dock and central plant, facing the ocean. With the proposal to replace the elevated Board Walk with a grade level Beach Walk, the active programming and architectural development of these pedestal areas is fundamental to the appropriate creation of a pedestrian friendly design.

Second, the elevations of the Chateau still do not show the restoration of the upper balconies on the east elevation to their original 'open' condition. Indeed, the uppermost balcony is still shown as partially enclosed.

Third, while the applicant has proposed, for the Eden Roc site, a generally well executed and appropriately sited south tower addition, staff cannot state the same of the Fontainebleau portion of the new tower. The primary reason for which staff has supported combining the Fontainebleau and Eden Roc towers along their adjoining property lines was to provide the greatest degree of separation from each of their sites respective historic structures. The massing, as proposed for the new Fontainebleau tower fundamentally defeats this purpose. The north-south tower wing, although setback substantially from Collins Avenue, essentially broadsides the Ocean and will substantially block views to the historic Chateau structure, as viewed moving north to south along the beach. Staff believes the southernmost extension of the new tower is located too close to the Chateau building, especially as the new design lacks any relationship with such structure. While supportive of the removal of the "spite wall," due to its negative impact on the Eden Roc Hotel, staff continues to question the appropriateness of demolishing the existing north tower, only to replace it with a new tower that negatively impacts the historic Fontainebleau Chateau building.

It cannot be denied that the blank north 'spite wall' of the existing north tower is an eyesore, and that its removal would be a substantial improvement when viewed from the north; however, the remaining elevations, with their horizontal window bands, as well as the narrow siting and relatively low height (14 stories), of the north tower, are beneficial to the Chateau Building.

Although the increased front setback of the proposed north tower will enable greater visibility of the Chateau building from the north, the proposed 8-story pedestal along Collins Avenue will still substantially obscure much of the original structure. Staff would strongly suggest that the upper portions of the pedestal facing Collins Avenue be further setback from the street.

Staff believes that the following deficiencies in the design, scale, siting and massing of the proposed tower need to be addressed: 1. Overwhelming solid massing (which in elevation is disproportionately large relative to its actual footprint); 2. Top-heavy design elements (where the tower should become more slender and simple, it is 'popping out' and becoming larger and competing with the Chateau); 3. Inadequately scaled elevations (which lack vertical scale development sufficient to create a compatible relationship with the Chateau architecture or even with Collins Ave.) and; 4. Vast expanses of continuous glass curtain wall that will have an overwhelming impact on the adjacent historic structures and the surrounding environment.

Staff would again strongly suggest that the applicant explore breaking the proposed new tower of the Fontainebleau into two; the north tower being attached to the new Eden Roc Tower and a separate tower in-between it and the Chateau building, which might pick up on the character and shape of the Fontainebleau II Tower, but in a more compact form. This would allow more light, air, and sky through the site, even though a separate vertical core would be needed.

Fifth, although the Board requested the restoration of the original Morris Lapidus design for the lower levels of the (concave) elevation of the Chateau building at the last meeting, and the applicant agreed, the revised plans submitted reflect a crude approximation of the original design at best. Staff strongly recommends that the original design, consistent with original documentation, be restored.

Sixth, the intent, usage, and aesthetic appearance of the proposed video wall at the south end of the existing Tropicana Theater structure on a 24 hour basis is unclear, and could have an adverse impact upon the existing Chateau structure and surrounding area. It may require separate review and approval as well as amendments to the Code.

Finally, staff believes that a project of this magnitude should be simultaneously proposing and addressing the restoration of several of the Fontainebleau Hotel's original public interior areas as well as the preservation of the original hotel entrance as a major entrance and arrival area for the future development. This may require the removal of certain previous alterations of these respective areas.

In summary, with such major inadequacies in the development of the application drawings and documentation for both the new construction and the restoration, as well as on the major design and appropriateness issues of the proposed tower, staff would strongly recommend that the project be continued to a later date. Staff firmly believes this project requires substantially more time for further design development. A model of the site, which demonstrates the massing and spatial relationships between the existing architecture and the proposed design should be a part of any future presentation.

RECOMMENDATION:

In view of the foregoing analysis and the inconsistencies with the aforementioned Certificate of Appropriateness criteria, staff recommends the application be continued to a date certain of March 14, 2006 in order to address the following concerns:

1. Revised elevation, site plan and floor plan drawings shall be submitted; at a minimum, such drawings shall incorporate the following:
 - a. Comprehensive demolition plans and elevations shall be provided. Existing detailed plans and elevations shall also be provided.
 - b. The north-south wing of the proposed tower should be eliminated, and an alternate massing scheme for the site should be explored, which allows for a greater separation from the existing Chateau tower, and further enhances its visibility from both Collins Avenue and the proposed Beach Walk. Such tower should be designed in a manner that is more compatible with the scale and design of the existing Chateau building.
 - c. The proposed pedestal portion located above the recreated 'cheese-hole' wall shall be further setback from Collins Avenue, in order to increase the visibility of the historic Chateau Tower.
 - d. The applicant should further explore restoring the original La Ronde Club space at its current height, footprint, and multi-tiered interior layout, with the exception of the existing rear staging area facing Collins Avenue, which should be eliminated, and may be replaced with a smaller and lower stage area addition.
 - e. All new windows proposed for the restored portion of the Chateau structure shall be designed and configured to match the original windows; all penthouse balconies shall be restored to their original open conditions, with the removal of the non-original enclosures.
 - f. All original balconies on the east elevation of the Chateau structure shall be preserved and restored.
 - g. The existing accessible lift located at the north of the Tropigala Theatre shall be eliminated and internalized, and the cut stone veneer surround such area should be restored.
 - h. The easternmost wall of the existing north pedestal shall be completely demolished; the new pedestal shall meet the required rear setbacks and contain active programming at all levels of its east façade fronting the Ocean.
 - i. A fully detailed lobby restoration plan for the Chateau building, based upon all available historic documentation, shall be submitted and approved, prior to the issuance of any demolition or building permit for the project.
 - j. The existing Chateau building, including tower, lobby, and public interiors shall be fully restored, based on historic documentation, 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 structure.
 - k. Full detailed measured drawings shall be prepared for the reconstruction of the "cheesehole arcade wall," subject to staff review and approval.

- l. An alternate roof-top treatment for the ballroom area shall be explored, to replace the proposed artificial vegetation.
 - m. The east elevation of the Chateau pedestal shall be fully restored to its original design and footprint, which shall require the substantial demolition of the restaurant addition, and recent terrace addition.
 - n. Further information and details shall be provided for the proposed video wall at the south end of the existing Tropigala Theater structure; separate review and approval may be required as well as amendments to the Code.
 - o. 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. 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. A streetscape plan shall include both sides of the street along Collins Avenue.
 - b. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other equally semi-pervious material, subject to the review and approval of staff.
 - c. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
 - d. 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.
 - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

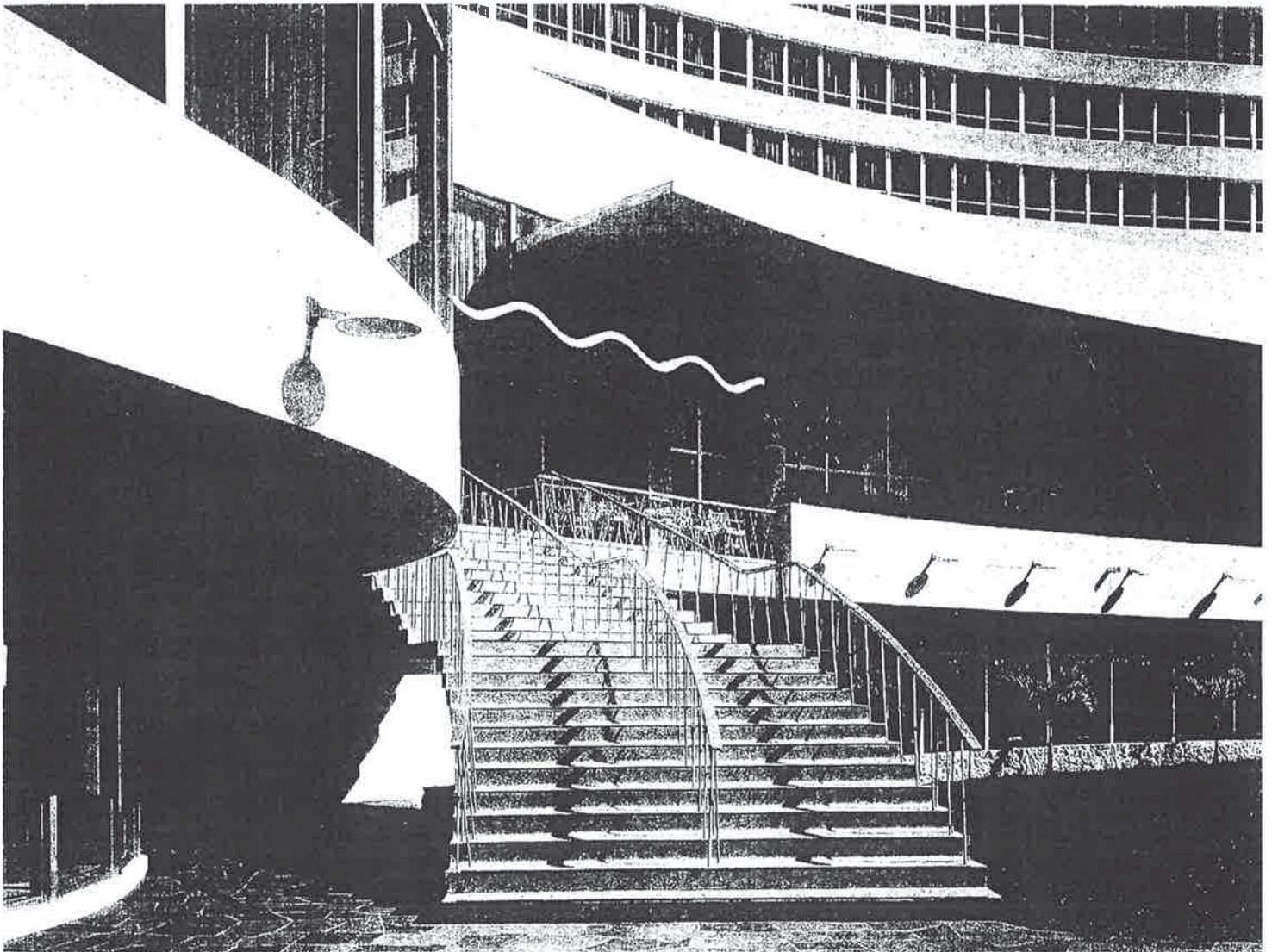
- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
- 3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, 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. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
- 7. 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.
- 8. 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.
- 9. 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.
- 10. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
- 11. The project shall comply with any landscaping or other sidewalk/street improvement standard (including the full implementation of the Indian Creek Greenway project adjacent to the subject property), 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.
- 12. 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.
13. 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.
14. 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.

15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
16. 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.

JGG:TRM:MAB
F:\PLAN\HPB\06HPB\JanHPB06\3340.jan.doc



You don't want a circular column, so why not make it oval and leave out the base and the capital? Let's get that feeling of luxury by using beautiful marble trimmed with thin pencil rods of gold metal. Make the columns seem to float, never touching the floor or the ceiling. Doesn't that carry out the ideas you've had all along?"

Wenn ich dich richtig verstehe, willst Du aber doch den Geist als solchen behalten. Du willst keine runden Säulen, also, warum machen wir sie nicht oval und lassen den Fuß und die Kapitelle einfach weg? Laß uns diesen Hauch von Luxus dadurch erreichen, daß wir sie aus feinstem Marmor herstellen und sie mit dünnen Goldstreifen verzieren. Die Säulen sollen aussehen, als ob sie schweben, als ob sie Boden und Decke überhaupt nicht berühren. Ist es nicht das, woran Du die ganze Zeit gedacht hast?"

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: June 13, 2006

FILE NO: 3684

PROPERTY: 4441 Collins Avenue – The Fontainebleau

LEGAL: Lot 'A', AND Lots 1 & 2, and the South ½ of Lot 3, of the Amended Plat of "The Indian Beach Corporation's Subdivision," according to the Plat thereof, recorded in Plat Book 8, page 61 of the Public Records of Dade County, Florida, AND the Northerly 125 feet of that certain tract marked and designated "R.P. Van Camp", AND all that certain tract of land designated as "J.H. Snowden," less the south 64.55 feet thereof, AND an exclusive easement over, across, and through the north 60 feet of lots 1 and 2, Block 40, on amended Map of Ocean Front Property of the Miami Beach Improvement Company, as recorded in Plat Book 5, pages 7 and 8, 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 hotel lobby.

ORDER

The applicants, Fontainebleau Florida Hotel, L.L.C. and Fontainebleau Florida Tower 4, 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 structure is located within the proposed expansion boundaries of the Collins Waterfront Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, and is



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 of Planning Director or Designee) [Signature] (Date) 6/13/06
Personally known to me or Produced ID: 6/13/06
Notary Public, State of Florida at Large
Printed Name: CHARLES A. TAFT
My Commission Expires: (Seal)

This document contains 4 pages.

[Handwritten signature]

consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.

C. The project would remain 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 to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The large recessed lighting domes in the Main Lobby shall be restored to their original smooth finish without ribs and with a smooth border molding, in a manner consistent with the original photographs, subject to review and approval of staff.
 - b. The final design details of the proposed chandeliers shall be further studied and refined, in a manner to be approved by staff.
 - c. The gold anodized aluminum ballasters on the lobby staircase shall be recreated or recalled, in a manner to be approved by staff.
 - d. 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 museum quality photographic exhibit of historic images of the original Fontainebleau Hotel lobby areas shall be designed by the interior designer for the project and permanently displayed in a prominent public interior location subject to the review and approval of staff.
3. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
4. 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.
5. 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.
6. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.



7. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-7, 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 the original 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 19 day of JUNE, 2006.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

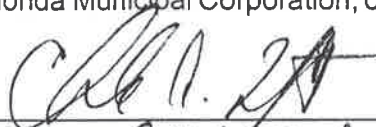
BY: Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

[Handwritten signature]


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

The foregoing instrument was acknowledged before me this 19TH day of JUNE 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.




NOTARY PUBLIC CHARLES A. TART
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form: _____
Legal Department:  (6-16-06)

Filed with the Clerk of the Historic Preservation Board on 6/19/06 ()

F:\PLAN\HPB\06HPB\JunHPB06\3684.fo.doc

