

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: July 8, 2003

FILE NO: 1253

PROPERTY: 1036, 1042, and 1052 Ocean
Drive

LEGAL: Lots 2, 3 and 4, Block 15, Ocean Beach Additions 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 revisions to a previously issued Certificate of Appropriateness to partially demolish, alter and modify three (3) existing buildings and to construct a new four (4) story building at 1042 Ocean Drive.

CORRECTED O R D E R

The applicant, Ocean Blvd., 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 located within the Ocean Drive/Collins Avenue Local Historic District. 1036 and 1052 Ocean Drive are designated contributing in the Miami Beach Historic Properties Database, while 1042 Ocean Drive is designated noncontributing 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 b and h in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria c in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria for Demolition 6, 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:

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 additional demolition proposed at the rear of 1052 Ocean Drive shall not be permitted as proposed. The previously approved addition may extend eastward but not past bay five (5). The angled storefronts denoted as bay six (6), as well as the corresponding portions of the north elevation on both the 1st and 2nd levels, shall be retained and preserved, in a manner to be reviewed and approved by staff.
 - b. The removal of the floor plate at the eastern end of 1052 Ocean Drive shall not be permitted as proposed; at least five (5) feet of the floor plate along the eastern edge of the structure shall be maintained and the opening in the floor shifted accordingly to the west, in a manner to be reviewed and approved by staff.
 - c. The proposed change in roof pitch and parapet addition for 1052 Ocean Drive shall not be permitted east of bay six (6). If the existing roof is required to be replaced, it shall be reconstructed in the same location, with the same pitch and parapet design as the original roof, subject to the review and approval of staff.
 - d. There shall be no outdoor entertainment establishment at the rooftop pool area ("Rooftop Pool") at the building to be located at 1042 Ocean Drive. In addition, the owner shall not seek any special events permits for outdoor entertainment at the rooftop pool.
 - e. Any outdoor speakers installed at the Rooftop Pool, or portable speakers used at the Rooftop Pool, will only be permitted to emit ambient background music that will not interfere with normal conversation.
 - f. The outdoor bar and Rooftop Pool shall only be utilized by residents, room paying hotel guests, and invitees of the residents and invitees of the room paying hotel guests.
2. 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.
3. 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.

4. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
5. 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.
6. The new construction at 1042 Ocean Drive, with the exception of the removal of existing structures and the installation of piles, shall not proceed until the restoration and rehabilitation of the structures at 1036 and 1052 Ocean Drive is substantially (at least 50%) completed, in a manner to be reviewed and approved by staff.
7. An historic analysis of the existing structures, inclusive of a photographic and written description of the history and evolution of the original buildings on site, shall be submitted to and approved by staff and carefully stored in acid-free boxes, prior to the issuance of a Building Permit. A detailed and illustrated interpretive display of museum quality which is based on this analysis shall be designed by a professional graphic designer and installed in a prominent location. The content, design and location of such installation shall be subject to the review and approval of staff, and the installation shall be completed prior to the issuance of a Certificate of Occupancy.

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 for the entire project is not issued by November 12, 2003 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.

Dated this _____ day of _____, 20__.

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)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ 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
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
Legal Department: _____ ()

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