



CFN 2003R0640867
DR BK 21601 Pgs 4446 - 4449 (4pgs)
RECORDED 09/03/2003 11:45:51
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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 ORDER

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.

901

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

all

Page 4 of 4
HPB File No. 1253
Meeting Date: July 8, 2003

continue in accordance with the requirements of the applicable Building Code, the Certificate of Appropriateness will expire and become null and void.

Dated this 26 day of AUGUST, 2003

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
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 26TH day of AUGUST 2003 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. Tart
My Commission 00233174
Expires July 17, 2007

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

Approved As To Form: gated
Legal Department: _____ (8-25-03)

Filed with the Clerk of the Historic Preservation Board on 8/26/03 (et)

F:\PLAN\HPB\03HPB\JulHPB03\1253-rCORRECTED.fo.doc

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 14, 2004

FILE NO: 1253

File Number	1253
Date	SEP 14
Type	Order
Date	JUL 7
Type	Corrected Order
Date	NOV 13
Type	Order
Date	NOV 12
Type	Order
(See attached)	

PROPERTY: 1036 Ocean Drive - The Congress Hotel

LEGAL: Lots 2-4 in Block 15 within 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 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. Specifically the applicant is requesting a Certificate of Appropriateness for modifications to the lobby area of the Congress Hotel, including the installation of a fire rated glass enclosure.

ORDER

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 structure is located within the Ocean Drive / Collins Avenue Local Historic District and National Register Architectural District and is 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 not consistent with the Certificate of Appropriateness Criteria a in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria b, e, g, and h in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria d 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).

9001

Page 2 of 2
HPB File No. 1253
Meeting Date: September 14, 2004

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, that the Certificate of Appropriateness is DENIED for the above-referenced project.

Dated this 7 day of OCTOBER, 2004.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
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 7th day of OCTOBER, 2004, 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. Tarr
My Commission DD233174
Expires July 17, 2007

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

Approved As To Form: gated

Legal Department: (10-6-04)

Filed with the Clerk of the Historic Preservation Board on 10/7/04 (att)

gated

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

Page 4 of 4
HPB File No. 1253
Meeting Date: July 8, 2003

continue in accordance with the requirements of the applicable Building Code, the Certificate of Appropriateness will expire and become null and void.

Dated this 26 day of AUGUST, 2003

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
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 26TH day of AUGUST, 2003 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. Tart
My Commission DD233174
Expires July 17, 2007

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

Approved As To Form: gated
Legal Department: _____ (8-25-03)

Filed with the Clerk of the Historic Preservation Board on 8/26/03 (ent)

744

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

MEETING DATE: November 12, 2002

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 a one (1) year Extension of Time to obtain a Building
Permit for 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.

ORDER

The applicant, Ocean Boulevard, LLC, filed an application with the City of Miami Beach Planning
Department for an extension of time to obtain a Building Permit for a previously Issued Certificate of
Appropriateness.

The City of Miami Beach's Historic Preservation Board makes the following FINDING 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:

The applicant stated that, among other things, there were delays in financing the project.
The foregoing constitutes good cause for granting a one (1) year extension of time to the
requirement that a Full Building Permit be obtained within one (1) year of the original
Certificate of Appropriateness.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and
analysis, which is adopted herein, including the recommendation, that a one (1) year extension of
time to obtain a full building permit (which one (1) year period shall run from the expiration date of
the original approval, which is November 13, 2002) is GRANTED for the above-referenced project
conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by
November 13, 2003.
2. Construction shall commence and continue in accordance with the applicable Building Code.

[Handwritten signature]

Page 2 of 2
HPB File No. 1253
Meeting Date: November 12, 2002

3. This 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.

No building permit may be issued unless and until all conditions of approval as set forth in this Order and the Order for the November 13, 2001 approval 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 the plans approved by the Board, modified in accordance with the conditions set forth in this Order and the Final Order for the November 13, 2001 meeting, 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 by November 13, 2003 and construction does not commence and continue in accordance with the applicable Building Code, the approval will expire and become null and void.

Dated this 4 day of DECEMBER, 2002

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

Approved As To Form:
Legal Department: Jaleen

(12-4-02)

Filed with the Clerk of the Historic Preservation Board on 12/5/02 (cyl)

OP

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

MEETING DATE: November 13, 2001

IN RE: The Application for a 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.

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.

ORDER

The applicant, Soneet Kapila (as the Chapter 7 Bankruptcy Trustee for Shops at Ocean Court), 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 buildings are designated as contributing in the Miami Beach Historic Properties Database and lie within the Ocean Drive/Collins Avenue Local Historic District and the National Register Architectural 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 not consistent with Certificate of Appropriateness Criteria a through h, inclusive, in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria a, b, c, d, e, h, i, j, and m in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness for Demolition Criteria 2, 3, 5, 6, 8 and 9 in Section 118-564(f)(4) 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:

CLB

1. Revised elevation, floor plan, site plan and interior drawings, shall be submitted to and approved by staff; at a minimum, said drawings shall incorporate the following:
 - a. The entrance to the residential lobby of the first floor of the proposed new structure shall be clearly identified and visible from Ocean Drive, in a manner to be approved by staff.
 - b. Revised floor plans shall fully comport with the elevations of the submitted plans.
 - c. The east elevation of the two (2) level connector in between the proposed infill structure and the existing Waves Apartment shall be composed of transparent glass.
 - d. The original first and second level catwalks on the north side of the existing Waves Apartment at 1052 Ocean Drive may not be enclosed and shall remain fully open; the original catwalks, doors and windows of the north elevation of said structure shall be fully restored pursuant to historic documentation and subject to the review and approval of staff.
 - e. The proposed outdoor bar and stools shall not be permitted.
 - f. The overall amount of glass utilized on the first floor of the proposed new structure shall be reduced in a manner to be approved by staff.
 - g. No exterior speakers shall be permitted on the subject structures, nor within the dining court area.
 - h. The design of the operable windows on the second level of the east elevation of the existing Waves Apartment shall relate to the original windows of the structure, subject to the review and approval of staff.
 - i. The actual color/tinting of the glass of the proposed new structure shall be subject to the review and approval of staff.
 - j. The demolition of the original existing interior central corridor terrazzo steps and wrought iron railings in the Adrian Hotel shall be left to the discretion of staff.
 - k. A fully detailed lobby restoration plan for the Adrian Hotel detailing all proposed demolition, which is consistent with historic documentation, inclusive of elevation, floor plan, and section drawings, shall be submitted.

9/14

- I. Only one set of french doors shall be permitted on the north elevation on the Adrian Hotel (former Congress Hotel at 1036 Ocean Drive).
2. A revised landscape plan, prepared by a Professional Landscape Architect, 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, said plan shall incorporate the following:
 - a. All exterior walkways shall consist of decorative pavers, set in sand.
 - b. All landscape areas shall be defined by continuous concrete curb.
 - c. 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.
 - d. The dining courtyard and the site in general shall incorporate mature plant species, in a manner to be approved by staff.
3. All building signage shall be consistent in type, composed of flush mounted, individual letters and shall require a separate permit. All new signage for the existing waves apartment structure at 1052 Ocean Drive shall be required to be located at or near the historic location of the original building signage, subject to the review and approval of staff.
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 shall be screened from view, in a manner to be approved by staff.

gmu

8. Revised drawings, with corresponding color photographs, that are separate from the construction documents, drawn to scale and clearly document 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 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.
12. 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.
13. 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.
14. This Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
15. 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 application for a

QRM

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. 1-15, 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 one (1) year 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.

Dated this 3 day of DECEMBER, 2001.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Thomas R. Mooney
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 3rd day of DECEMBER 2001 by Thomas R. Mooney, Design and Preservation

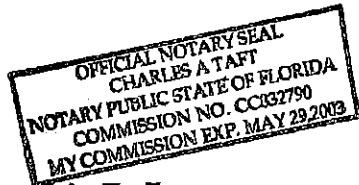
DM


Page 6 of 6

HPB File No. 1253

Meeting Date: November 13, 2001

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. TAFT
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:

Legal Department:  (12-3-01)

Filed with the Clerk of the Historic Preservation Board on 12/4/01 ()

F:\PLAN\HPB\01HPB\Novhpb01\1253.fo.doc

