

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: May 07, 2019

FILE NO: DRB18-0326

PROPERTY: **7275 Collins Avenue – North Beach Bandshell**

APPLICANT: The City of Miami Beach

LEGAL: See Exhibit 'A'

IN RE: The Application for Design Review Approval for the construction of a permanent single-support shade canopy umbrella to the existing open-air outdoor amphitheater.

ORDER

The City of Miami Beach Design Review 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:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- 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 Design Review Criteria in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Sea Level Rise in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The proposed lighting mounted on the upper/outer ring shall be further refined in order to accentuate the underside of the canopy, and the lighting alignment and frequency of lighting components to correspond with the spokes of the canopy. The final design and details of associated exterior lighting shall be further analyzed and submitted, subject to review and approval of the Planning and Capital Improvement Projects Department, in a



manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. The height of the lower ring of canopy shall be raised to a clear height of 16'-20' when measured from the ground to the base of the ring in order to minimize obstructed lines of site to the existing stage structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. The electrical receptacle/ box, electrical conduits and junction boxes that service the canopy shall be integrated into the design of the column and not directly attached to the exterior of the column, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. Up to two plumbing drain pipes and gutter systems shall be permitted on the exterior of the column, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The PVC coated polyester fabric material as presented to the Design Review Board shall be approved. The material sample shall be submitted as part of the building permit, subject to the review and approval of staff.
- f. Any new terrazzo flooring shall be installed to match to the greatest extent possible the existing flooring.
- g. Any proposed demolition to the exterior wall in order to facilitate the installation of the canopy structure, shall be reconstructed to match to the greatest extent possible the existing exterior wall.
- h. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
- i. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- j. 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.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)



- A. No variance(s) were filed as part of this application.

III. General Terms and Conditions applying to both 'I. Design Review Approval and II. Variances' noted above.

- A. The project shall comply with any landscaping or other site improvement and environmental standards as may be prescribed by a relevant analysis by the Environment and Sustainability Department prior to the completion of the project.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- E. Nothing in this order authorizes a violation of City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

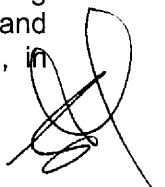
IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I,II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "North Shore Bandshell Canopy" by **Giller & Giller, Inc.** dated March 11, 2019, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in



accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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

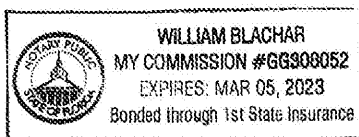
Dated this 13th day of May, 2019.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 13th day of May, 2019 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



William Blachar
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: March 5th, 2023

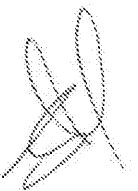
Approved As To Form: [Signature] (5/10/2019)
City Attorney's Office: [Signature]

Filed with the Clerk of the Design Review Board on [Signature] (5/14/19)

[Signature]

Exhibit 'A'

A portion of lot 8 being a portion of the original Government Lot 6, bounded on the South by the South line of Government Lot 6, on the North by a line 43 feet South of and parallel to the North right of way line of 73rd Street and its easterly extension, on the East by the Erosion Control line recorded in Plat Book 105, Page 62 and on the West by the East Right-of-Way line of Collins Avenue, recorded in Maintenance Map of State Road No. A-1-A, section 87060, of the Florida Department of Transportation, lying and being in Section 2, Township 53 East, Range 42 South, of the Public Records of Miami-Dade County, Florida.

A handwritten signature in the bottom right corner of the page, consisting of stylized, overlapping loops and lines.