

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 03, 2020

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB19-0488
756 84th Street

DRB19-0488 (DRB18-0239), 756 84th Street. An application has been filed requesting Design Review Approval for exterior modifications to a previously approved Design Review Approval for the construction of a new five-story multifamily building on a vacant lot including mechanical parking and variances. Specifically, the applicant is modifying the rear of the building and requesting a variance to exempt the lobby stair from the requirement to be substantially transparent at the ground level.

RECOMMENDATION:

Approval with conditions

Denial of the variance

LEGAL DESCRIPTION:

Lot 7 of Block 7, of "Biscayne Beach Subdivision", according to Plat thereof as recorded in Plat Book 44, Page 67, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On July 03, 2018, the Design Review Board approved a new five-story multifamily building on a vacant lot including mechanical parking, a design waiver and a variance, pursuant to DRB18-0239.

APPROVED PROJECT:

Zoning: RM-1
Future Land Use: RM-1
Lot Size: 5,625 SF
Approved FAR: 7,029 SF/ 1.25*
Proposed FAR: 6,999 SF 1.25*
Permitted FAR: 7,031 SF/ 1.25

*As represented by the applicant

Height:

Approved: 54'-8"
Proposed: 54'-8"
Highest Projection: 58'-6"

Residential Units: 4 Units
Required Parking: 8 Spaces
Provided Parking: 8 Spaces (lifts)

Grade: +4.25' NGVD

Flood: +8.00' NGVD

Difference: 3.75' NGVD

Adjusted Grade: +6.12 NGVD

30" Above: +8.62' NGVD

Proposed Garage Elev. Clearance: **11'-2"**

Required Garage Elev. Clearance: **12'-0"**

Finished Floor Elevation: +9.00' NGVD

SURROUNDING PROPERTIES:

East: 1-story, 4-unit 1950 Residential Building

North: 2-story 1948 Residential Building

South: 1-story 1949 Duplex Building

West: Vacant

THE PROJECT:

The applicant has submitted plans entitled "The Eighty 4", as prepared by **CDS Architecture and Planning** dated, 01/15/220, and supplemental sheet 'structurally independent roof and balcony' dated 01/14/20.

The applicant is proposing exterior modifications to a previously approved Design Review Approval for the construction of a new five-story multifamily building on a vacant lot including mechanical parking, a waiver and a variance. Specifically, the applicant is modifying the rear of the building and requesting a variance to exempt the lobby stair from the requirement to be substantially transparent at the ground level.

The applicant is requesting the following variance(s):

1. A variance to eliminate the requirement that the stair in the building's main lobby be substantially transparent at the ground level.

- Variance requested from:

Sec. 142-155. Development regulations and area requirements.

(a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

(3) Exterior building and lot standards:

f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:

5. At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

This variance request was previously requested at the July 03, 2018 DRB meeting and subsequently withdrawn by the applicant. It is directly related to the chosen design configuration and selected materials for the lobby stair element. The central lobby stair serves as an architectural accent feature to the front façade and is designed with three solid walls detached from the main façade at the ground level. The architect has designed the primary lobby stair as a structural and sculptural dominant feature of the front façade that is solid, not transparent, at the first-floor level in order to enhance the stairwell's upper levels transparency. Although the concept and design of the stair is very similar to the design approved by the Board in 2018, the approval was conditioned to modifications to the front stair to comply with the transparency requirement, as the applicant withdrew the variance at that time. Staff finds that there are no practical difficulties or hardship that justifies the granting of this variance. Staff recommends that the applicant redesign the envelope of the stair to comply with this requirement, in a manner to be approved by staff and that the Board deny the variance request.

On July 03, 2018, the Board approved for the following waiver(s):

- A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab.
The applicant provided a clearance of 11'-2" from BFE+ 1'-0" freeboard.

On July 03, 2018, the Board approved the following variance(s):

- A variance to reduce 2'-0" from the minimum required width of 12'-0" for driveway entrance in order to provide eight (8) parking spaces with a driveway entrance of 10'-0" in width.

On July 03, 2018, the applicant withdrew the following variance(s):

- A variance to eliminate the requirement that the stair in the building's main lobby be substantially transparent at the ground level.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that do not satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also do not indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

- Section 142-155(a)(1): The maximum FAR for the property is 1.25. Areas of covered outdoor terrace areas at the front of the building's third level must count towards the FAR calculations of the project if the area is not open to the sky OR is not designed as a projecting balcony will remain free and structurally independent from the roof/slab and balcony.
- Mechanical parking (lifts) shall be within fully enclosed building, vented, and NOT screened, pursuant to Section 130-38(5)(d) ... *parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.*

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.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the applicant is requesting one variance.
2. 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; the applicant is requesting one variance.
3. 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; the applicant is requesting one variance.

4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Not Satisfied; the applicant is requesting one variance.
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; the applicant is requesting one variance.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the applicant is requesting one variance.
7. The design and layout of the proposed site plan, as well as all new and existing buildings 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 contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Not Satisfied; the applicant is requesting one variance.
8. 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 all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. 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. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. 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.
Satisfied

12. The proposed structure has 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; the applicant is requesting one variance.
13. The building has, where feasible, space in that part of the ground floor fronting a 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 street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An 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 Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. 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 Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.

Not Satisfied

A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied

- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

Satisfied

- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Satisfied

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Satisfied

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

- (10) In all new projects, water retention systems shall be provided.

Not Satisfied

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Not Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The subject site is a vacant interior parcel located within the Biscayne Beach Subdivision. The applicant is requesting exterior design modifications to a previously approved Design Review Approval for the construction of a new (5) five-story, (4) four-unit residential multi-family building with ground floor parking. The original approval included a design waiver and a variance granted by the Design Review Board. Specifically, the applicant is modifying the rear of the building and requesting a variance to exempt the lobby stair from the requirement to be substantially transparent at the ground level.

The original design included rear stairwell with complicated returns in an effort to have the stairs as “uncovered” areas, thus exempting those stair areas from the overall Floor Area Ratio (FAR) of the structure. Now, the applicant has revisited the rear access stair and simplified the rear of the building reflective of the revised program that now features mezzanine levels. By removing the rear second stair, only a single exit (stairway) remained, which then required the building to be limited to no higher than 3 stories, pursuant the Florida Building Code and Fire Code. The applicant turned a five-story building into a three-story building by converting two of the two-story units inside into a (mostly) single space with an enclosed mezzanine. As this is an interior lot, visually this modification has no impact to the exterior design of the building from the right-of-way. However, the proposed changes exceeded the level of modifications that can be approved at staff level.

Staff has no outstanding design concerns with the rear of the building. The design of the front façade is dominated by the stairwell tower that scales from the ground floor up to the beginning of the fifth, and last, floor. The tower is finished in gold acrylic paint and punctured with large geometric openings at the second through fourth level. Staff recommends that the architect revisit the front stair tower design, specifically related to its transparency and materiality (See variance request below). The code requires that the primary stairwell be substantially transparent at the ground floor. As designed, the transparency of the tower has been dedicated to the upper levels, leaving the ground floor solid. Staff would strongly recommend that the design of the tower include transparency on the ground floor and incorporate a higher quality material to the tower's finish, instead of gold paint along with the painted stucco.

VARIANCE REVIEW

The applicant is also requesting a variance associated with a design requirement for a stair located at the front of the building. In 2017, modifications to the RM1 zoning regulations were adopted which included the incorporation of ‘active design guidelines’. Many of the new components included building design strategies for promoting active living through the placement and design of stairs, elevators, and indoor and outdoor spaces. The architect has designed the primary lobby stair as a structural and sculptural dominant feature of the front façade that is solid, not transparent, at the first floor level in order to enhance the stairwell's upper levels transparency. Staff finds that the variance request is a design decision that lacks practical difficulties or hardship associated with it, nor is it the minimum variance needed to make a reasonable use of the property. As such, staff recommends that the

Board deny the variance and that the architect explore an architectural solution of the lobby stair. Some potential options include, but are not limited to, extending the perforated metal golden screen into the lobby and further wrapping around the volume of the stair, so that the latter, which is already significantly open and visible from the outside at the ground level, could be still identified as “transparent”.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design and **denial** of the variance request subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 03, 2020

FILE NO: DRB19-0488

PROPERTY: **756 84th Street**

APPLICANT: Diva Estate LLC

LEGAL: Lot 7 of Block 7, of "Biscayne Beach Subdivision", according to Plat thereof as recorded in Plat Book 44, Page 67, of the Public Records of Miami-Dade County, Florida.

IN RE: An application has been filed requesting Design Review Approval for exterior modifications to a previously approved Design Review Approval for the construction of a new five-story multifamily building on a vacant lot including mechanical parking and variances. Specifically, the applicant is modifying the rear of the building and requesting a variance to exempt the lobby stair from the requirement to be substantially transparent at the ground level.

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 inconsistent with Design Review Criteria 1—7, 9, 12, 16 and 19 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 inconsistent with Sea Level Rise Criteria 1, 5 and 10 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. The property shall comply with all of the conditions of the conditional use permit for the mechanical parking lifts approved by the Planning Board Final Order for PB18-0224, dated October 23, 2018.
2. The property shall comply with all of the conditions of the original approval enumerated in the Final Order for DRB18-0239, dated July 03, 2018, except as modified herein.
3. Revised elevation, site plan and floor plan drawings for the proposed residential building at 756 84th Street shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. In order to confirm the proposed FAR for the property, additional details and calculations shall be submitted at the time of the building permit, in a manner to be reviewed and approved by staff.
 - b. The proposed front balcony at the third level shall be structurally independent of the roof of the floor below, in order to not count towards the FAR of the project.
 - c. Mechanical parking (lifts) shall be within fully enclosed building, vented, and NOT screened, pursuant to Section 130-38(5)
 - d. The architect shall refine and revise the design of the stairwell tower at the ground level to be substantially transparent along both sides, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
 - e. The architect shall incorporate exterior surface materials to the stairwell tower, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
 - f. The final details of all exterior surface finishes and materials, including samples, 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.
 - g. 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.
 - h. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

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. The applicant filed an application with the Planning Department for the following variance(s):

The following variance was **DENIED** by the Board:

1. A variance to eliminate the requirement that the stair in the building's main lobby be substantially transparent at the ground level.
- B. The applicant has submitted plans and documents with the application that do not satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also do not indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as

applicable.

- C. The Board hereby **Denies** the Variance request, and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. The lobby stair at the ground level shall comply with the minimum transparency requirements.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "The Eighty 4", as prepared by **CDS Architecture and Planning** dated, 01/15/220, and supplemental sheet 'structurally independent roof and balcony' dated 01/14/20 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 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 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 shall 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 _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
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 _____ day of

_____ 20____ 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.

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

Approved As To Form:
City Attorney's Office: _____ (_____)

Filed with the Clerk of the Design Review Board on _____ (_____)