



9-NOV-2020

DRB20-0528)

Plan Address: 959 West Ave. Miami Beach, FL 33139 - Shoppes at West Avenue

Parcel: 0242030010080

Description: Modification of DRB Order 22945 and approval of signage and landscape

First Submittal: 10/12/20

Tentative Board Meeting Date: 01/07/21

## 1. Application

### 2. Generally

### 3. Deficiencies in architectural presentation

**Comment # a:** Application and plans identifying need for # and size of signs needs signage details. Project cannot move forward without these. Details are needed of these signs. Size, method of attachment, wiring, and illuminations.

**Response:** Number and size of signs are added to G-04 signage plan. For signs sizes, method of attachment wiring and illuminations refer to sheets A-05 & A-05a for Monument Signage. Refer to sheets A-06 for wall sign and A-06A for Parking sign and directional sign. Refer to sheet a-07 for tenant signs.

### 4. Design comments

**Comment # a:** Design review for signage program

**Response:** Refer to sheet A-05 and A-05a for Monument sign, sheet A-06 for wall sign and sheet A-06a for Directory sign and parking sign.

**Comment# b:** A-05 additional details needed for PARKING Signs (method of installation, materials, lighting, etc)

**Response:** Additional details for parking signs were added to sheet A-06a. Material: aluminum individual letter with LED lighting, installation: double rail mounted to the building wall with studs.

**Comment # c:** Details needed for sitewide "lighting"

**Response:** Please refer to sheet L-05 for site wide lighting.

**Comment # d:** Design of Artificial wall should be replaced with natural landscaping green wall.

**Response:** We are proposing petrified moss, and we will bring a sample to the hearing.

**Comment# f:** Design of candy striped awnings.

**Response:** Please refer to sheet A-07, additional candy striped awning details have been added.

## 5. Zoning comments

**Comment # a:** Side yard walkways width subject to DRB approval of walkway widths in side yards

**Response:** Noted

**Comment# b:** DRB approval of sign above the ground floor. (Projecting signs PARKING along West Avenue, 9th and 10th Street).

**Response:** Noted—the revised LOI reflects the request for signage above the ground floor.

**Comment # c:** FO Conditions removed: 14084 to be modified and included in LOI, JGM has identified the following:

B1d All awnings shall consist of a woven fabric and shall incorporate a simple, rectangular pitch, with no side panels or valences.

B1g. The center feature of the east and west elevations shall be increased to three (3) bays and the book-ends shall be increased to two (2) bays in order to better break down the scale and mass of the structure as it relates to the entire City block, in a manner consistent with Exhibit “A” submitted at the meeting, subject to the review and approval of staff.

B1h The six (6) remaining intermediate bays, flanking the new three (3) bay center feature on the east and west elevations, shall be in an alternating A, B format; alternatively an AA, BB format, or variations thereof, may be utilized, in a manner consistent with Exhibit “A” submitted at the meeting, subject to the review and approval of staff.

B2a. All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, subject to the review and approval of staff.

B3. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit.

**Response:** Noted—the revised LOI reflects the request to remove the outlined conditions.

**Comment # d:** Revise letter of intent to indicate how the variances requested satisfies the practical difficulties or hardship criteria for approval.

**Response:** Letter of intent has been revised.

**Comment # e:** Page A-04. Missing section details of the signs. Missing type and material specifications

**Response:** For signs sizes, method of attachment wiring and illuminations refer to sheets A-05 & A-05a for Monument Signage. Refer to sheets A-06 for wall sign and A-06A for Parking sign and directional sign. Refer to sheet a-07 for tenant signs.

#### **6. Irina Villegas Comments:**

**Comment # a:** Missing enlarged details and section of monument sign, wall signs and parking signs

**Response:** For signs sizes, method of attachment wiring and illuminations refer to sheets A-05 & A-05a for Monument Signage. Refer to sheets A-06 for wall sign and A-06A for Parking sign and directional sign. Refer to sheet a-07 for tenant signs.

**Comment # b:** Water portion of the monument sign shall be setback 5'-0".

**Response:** Water portion of the monument sign has been updated to 5'-0" please refer to sheet A-05.

**Comment # c:** Missing variance diagrams.

**Response:** Please refer to sheet G-06a for the variance diagram. The indicated variances are:

1. Variance to allow for encroachments within the required front yard ("Front Yard Variance")—this is the sidewalk paving
2. Variances to permit one parking projecting sign on each of the three street frontages ("Parking Signs Variances")
3. Variance to allow two detached monument signs where one detached sign is permitted ("Monument Sign Variance")
4. Variances to allow for the three distinct signs per frontage where one is permitted ("Frontage Signage Variance")

**Comment # o:** Revise letter of intent to indicate the following variances:

1. #1 - A variance to exceed the maximum number of signs per frontage along West Avenue. Permitted 1 | Proposed 3: (WS, MS2, PS2)
2. #2 - A variance to exceed the maximum area for signs per frontage along West Avenue for a monument sign (MS2) Permitted 0 SF | Proposed 7.5 SF
3. #3 - A variance to exceed the maximum area for signs per frontage along West Avenue for a projecting sign (PS2) Permitted 0 SF | Proposed 15 SF
4. #4 - A variance to exceed the maximum number of signs per frontage along 9th Street. Permitted 1 | Proposed 2: (MS1, PS1)
5. #5 - A variance to exceed the maximum area for signs per frontage along 9th Street for a monument sign (MS1) Permitted 0 SF | Proposed 7.5 SF
6. #6 - A variance to exceed the maximum allowable projection for paving within the front yard in RM2 zoning district. Permitted 5'-0" (25%) | Proposed 20'-0" (100%)

**Response:** Letter of intent has been updated.

**End of Document**

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

**MEETING DATE:** February 22, 2001

**IN RE:** The Application for Design Review Approval for the construction of a  
5 story parking structure with accessory retail space.

**PROPERTY:** 901-963 West Avenue

**FILE NO:** 14084

**ORDER**

The applicant, Gumenick Family Investments #2, Ltd., filed an application with the City of Miami Beach Planning Department for Design Review approval.

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:

- A. 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 Design Review Criteria Nos. 2, 3, 4, 6, 7 & 8 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the above criteria and requirements if the following conditions are met:
  - 1. Revised elevation, site plan and floor plan drawings, in accordance with Exhibit "A" submitted at the meeting, shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The proposed parking/ramp system shall be inverted so that the entrance to the speed ramp is from Tenth (10th) Street and the grade level parking area fronts Ninth (9th) Street. Access to the

relocated grade level parking area shall be from the alley, and not from the street along Ninth Street; retail space shall be extended eastward at the first level, along the south property line, to the stairwell, in a manner to be approved by staff.

- b. The elevations of the subject structure shall be further refined and developed, in a manner to be approved by staff.
- c. The proposed arches at the top part of the center of the west and east elevations shall be eliminated.
- d. All awnings shall consist of a woven fabric and shall incorporate a simple, rectangular pitch, with no side panels or valences.
- e. All garage entrance gates and service areas, fronting Tenth Street, shall be substantially opaque and the final details and design shall be subject to the review and approval of staff.
- f. All garage openings, on all elevations, shall incorporate screening panels, the design, details and dimensions of which shall be subject to the review and approval of staff.
- g. The center feature of the east and west elevations shall be increased to three (3) bays and the book-ends shall be increased to two (2) bays in order to better break down the scale and mass of the structure as it relates to the entire City block, in a manner consistent with Exhibit "A" submitted at the meeting, subject to the review and approval of staff.
- h. The six (6) remaining intermediate bays, flanking the new three (3) bay center feature on the east and west elevations, shall be in an alternating A, B format; alternatively an AA, BB format, or variations

- b. 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.

- c. The Royal Palms on the west side of the site shall be replaced with shade trees, in a manner to be approved by staff.
- 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 shall be screened from view, in a manner to be approved by staff.
- 8. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
- 9. 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.

10. The applicant shall be required to obtain any and all variances from the Board of Adjustment, prior to the issuance of a Building Permit.

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 Design Review approval is granted for the above-referenced project subject to those certain conditions specified in paragraph B of the Findings of Fact hereof (conditions #1-10, inclusive), 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 Design Review approval 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 Design Review Board's file. If the Full Building Permit is not issued within one (1) year of the meeting date at which Design Review Approval was granted and construction does not commence and continue in accordance with the requirements of the



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Meeting Date: February 22, 2001

DRB File No. 14084

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applicable Building Code, the Design Review approval will expire and become null and void.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
THOMAS R. MOONEY, AICP  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

Approved As To Form:

Legal Department: \_\_\_\_\_ ( \_\_\_\_\_ )

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( \_\_\_\_\_ )

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BEFORE THE BOARD OF ADJUSTMENT  
OF THE CITY OF MIAMI BEACH, FLORIDA

MEETING DATE: MARCH 2, 2001  
FILE NO. 2792

IN RE: The application of  
GFI #2, LTD.  
959 WEST AVENUE  
LOTS 8 THROUGH 15 INCLUSIVE; BLOCK 3  
AMENDED PLAT OF FLEETWOOD SUB., PB 28 - 24  
MIAMI-DADE COUNTY, FLORIDA

**ORDER**

The applicant, GFI #2, Ltd., filed an application with the Planning Department for variances in order to construct a five story, 751 space commercial garage, with 21,400 sq. ft. of ground floor commercial spaces facing West Avenue, as follows:

1. A variance to waive 23.28' of the minimum required 31.28' side yard setbacks in order to construct the above garage 8' from the property line along 9th and 10th streets.
2. A variance to waive 7' of the minimum required 15' rear yard setback in order to construct the above garage 8' from the rear property line facing the alley.
3. A variance to exceed by 10' the maximum allowable depth of 40' for commercial spaces located in garages permitted as main uses in a residential zoning district, in order to provide commercial spaces 50' deep facing West Avenue.

Notice of the request for variances was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-2 Zoning District.

AT THE HEARING, Variance Request No. 1 was modified as follows:

1. A variance to waive ~~23.28'~~ **15.28'** of the minimum required 31.28' side yard setbacks in order to construct the above garage 8' from the property line along 9th Street and 8' **16'** from the property line along 10th Street.

File No. 2792

GFI #2, Ltd.

959 West Avenue

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variances:

*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 variances 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 variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure;*

*That the granting of the variances will be in harmony with the general intent and purpose of this Ordinance and that such variances 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.*

IT IS THEREFORE ORDERED, by the Board, that the Variance Nos. 2 and 3, as requested and set forth above, and Variance No. 1, as modified above, be APPROVED with the following conditions to which the applicant has agreed:

1. The applicant shall comply with all of the conditions imposed by the Design Review Board.
2. The applicant shall comply with all of the conditions imposed by the Planning Board.

File No. 2792  
GFI #2, Ltd.  
959 West Avenue

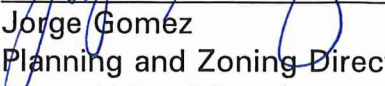
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REC. 19636PC3281

3. The applicant shall resolve any outstanding City Liens or violations prior to obtaining a Building Permit.
4. The parking garage shall serve only residential uses with the exception of any commercial space within the garage.
5. Retail space on the ground floor shall be limited to a depth of 50 ft.
6. The applicant shall comply with all conditions imposed by the Public Works Department.
7. The applicant shall obtain a building permit within one (1) year of the date of this hearing. If the building permit is not issued within one year of the date of this hearing or the building permit lapses after the one-year period, this variance shall become null and void.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before March 2, 2002 (within one year of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of  
The City of Miami Beach, Florida

By: \_\_\_\_\_

  
Jorge Gomez  
Planning and Zoning Director  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

File No. 2792  
GFI #2, Ltd.  
959 West Avenue

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 20TH day of APRIL, 2001, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

*[Signature]*

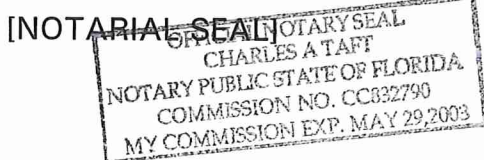
Notary:

Print Name: CHARLES A. TAFT

Notary Public, State of Florida

My Commission Expires:

Commission Number:



Approved As To Form:

Legal Department ( 9/14/01-17-01 )

Filed with the Clerk of the Board of Adjustment on 4/24/01 ( AT )

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RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT

**BEFORE THE  
BOARD OF ADJUSTMENT  
OF THE CITY OF MIAMI BEACH, FLORIDA**

IN RE: The application of  
**GUMENICK FAMILY INVESTMENTS #2, LTD.  
a/k/a THE SHOPPES AT WEST AVENUE  
959 WEST AVENUE  
LOTS 8 THRU 15 INCLUSIVE; BLOCK 3  
AMENDED PLAT OF FLEETWOOD SUBDIVISION  
PLAT BOOK 28-34; MIAMI-DADE COUNTY, FLORIDA**

CFN 2004R1064159  
DR Bk 22843 Pgs 3770 - 3772; (3pgs)  
RECORDED 12/01/2004 13:20:35  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**MEETING DATE: NOVEMBER 5, 2004  
FILE NO. 3051**

**ORDER**

The applicant, Gumenick Family Investments #2, Ltd., filed an application with the Planning Department for a variance in order to illuminate and exceed the maximum permitted size of non-illuminated signs for each of the allowed accessory uses of an existing parking garage, as follows:

1. A variance to exceed the maximum permitted accessory use non-illuminated sign area of 10 square feet by 10 square feet in order to permit a maximum of 20 square feet illuminated signs (backlit only) for each of the permitted accessory uses in the garage.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-2 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance when conditioned as provided for in this Order:

*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;*





**Board of Adjustment Order**  
**Meeting of November 5, 2004**  
**File No. 3051: Gumenick Family Investments #2, Ltd.**  
**959 West Avenue Miami Beach, Florida**

*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.*

IT IS THEREFORE ORDERED, by the Board, that the variance as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The signage design and layout shall be consistent with the Design Review Board Approval for the project. Only individual reverse illuminated channel letters shall be permitted and all accessory use signage pertaining to this application shall be equipped with an automatic timer set to shut off by 11:00 pm 7 days a week.
2. A landscape plan for the entire site shall be submitted to and approved by staff before a building permit is issued for construction of the addition.
3. The applicant shall comply with all conditions imposed by the Public Works Department.
4. The applicant shall obtain a building permit within one (1) year of the date of this hearing and complete the project within two (2) years of the date of the hearing. If the building permit is not obtained or construction is not completed within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on 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 variance to Section 118-356, City Code, for revocation or modification of the variance.
5. 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.



**Board of Adjustment Order**  
**Meeting of November 5, 2004**  
**File No. 3051: Gumenick Family Investments #2, Ltd.**  
**959 West Avenue Miami Beach, Florida**

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before November 5, 2005 (within one year of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of  
The City of Miami Beach, Florida

STATE OF FLORIDA, COUNTY OF DADE  
HEREBY CERTIFY that this is a true copy of the  
original filed in this office on 1st day of  
Dec, A.D. 2004  
WITNESS my hand and Official Seal  
HARVEY RUVIN, CLERK, of Circuit and County Courts  
By [Signature] D.C.



By:

[Signature]  
Jorge G. Gomez, AICP  
Planning and Zoning Director  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 18th day of  
NOVEMBER, 2004, by Jorge Gomez, Planning and Zoning Director of the  
City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation.  
He is personally known to me.

Expires July 17, 2007  
My Commission DD233174  
Charles A. Tarr



[Signature]  
Notary:  
Print Name: CHARLES A. TARR  
Notary Public, State of Florida

[NOTARIAL SEAL]  
My Commission Expires:

Approved As To Form:  
Legal Department (Filed 11-24-04)

Filed with the Clerk of the Board of Adjustment on 11/29/04 (AT)

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

MEETING DATE: August 19, 2003

IN RE: The Application for Design Review Approval for new signage.

FILE NO: 17198

PROPERTY: 959 West Avenue

**ORDER**

The applicant, Gumenick Family Investments #2, Ltd., filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- A. 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 Design Review Criteria 2, 4, and 6 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 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. All tenant signage shall be uniform throughout the building , in a manner to be reviewed and approved by staff.
    - b. The ends of each word on each sign shall be closed, subject to the review and approval of staff.
    - c. The raceway shall be painted to match the color of the wall, subject to the review and approval of staff.
  - 2. 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.
  - 3. 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,

*JKM*

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 Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-3, 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 Design Review approval 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, 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 Design Review Board's file. If the Full Building Permit is not issued within eighteen (18) months of the meeting date at which this Design Review Approval was granted and construction does not commence and continue in accordance with the requirements of the applicable Building Code, the Design Review Approval will expire and become null and void.

Dated this 21 day of AUGUST, 2003.

DESIGN REVIEW 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: galea

Legal Department: (8-21-03)

Filed with the Clerk of the Design Review Board on 8/22/03 ( att )

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