

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: January 4, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB21-0747
317 North Coconut Lane

An application has been filed requesting Design Review Approval for the construction of a new two-story single family residence, including one or more waivers to replace an existing architecturally significant pre-1942 home.

RECOMMENDATION:

Approval of the design with conditions

LEGAL DESCRIPTION: See attached "Exhibit A"

SITE DATA:

| | |
|------------------|---------------------|
| Zoning: | RS-4 |
| Future Land Use: | RS |
| Lot Size: | 8,492 SF |
| Lot Coverage: | |
| Proposed: | 2,523 SF / 29.71% |
| Maximum: | 2,547.6 SF / 30% |
| Unit size: | |
| Proposed: | 4,219 SF / 49.7% |
| Maximum: | 4,246 SF / 50% |
| Height: | |
| Proposed: | 26'-11" sloped roof |
| Maximum: | 27'-0" sloped roof |

Base Flood Elevation: +9.00' NGVD
Adjusted Grade: 6.82' NGVD
First Floor Elevation: +10' NGVD (BFE+1' FB)

EXISTING PROPERTY:

Year: 1924
Architect: August Geiger
Vacant: No

SURROUNDING PROPERTIES:

East: Two-Story 1924 residence
North: Two-Story 1992 residence
South: Two-Story 1925 residence
West: Biscayne Bay

Grade: +4.64' NGVD

THE PROJECT:

The applicant has submitted plans entitled "Penrod Residence", as designed by **Fairfax & Simmons**, signed and sealed November 8, 2021.

The applicant is requesting the following design waiver(s):

1. A two-story side (south) elevation in excess of 60'-0" in length in accordance with Section 142-106 (a) (2)(d).
2. A second story along the front elevation when the lot coverage for a two-story home is 25% or greater in accordance with Section 142-105 (b) (4) c.

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:

- Subject to the review and approval of the Design Review Board the following applies to the second story of two-story homes with a lot coverage of 25% or greater: At least 35% of the second floor along the front elevation shall be setback a minimum of five feet from the minimum required setback.
- Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard:
 - a. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line.
 - b. The square footage of the additional open space shall not be less than one percent of the lot area.
 - c. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
 - d. At least 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

- Proposed chimneys shall be measured from the mid-point of the roof within which they are sited.
- The proposed courtyard along the interior (south) elevation shall include landscaping, in accordance with Section 142-106 (a) (2)(d).
- Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard:
 - e. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line.
 - f. The square footage of the additional open space shall not be less than one percent of the lot area.
 - g. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
 - h. At least 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

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.
Satisfied
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.
Satisfied. However, the applicant is requesting two design waivers from the Board.
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.
Satisfied. However, the applicant is requesting two design waivers from the Board.
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.
Satisfied
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.
Satisfied. However, the applicant is requesting two design waivers from the Board.
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.
Satisfied. However, the applicant is requesting two design waivers from the Board.

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.
Satisfied. However, the applicant is requesting two design waivers from the Board.
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; a lighting plan has not been submitted.
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).
Satisfied. However, the applicant is requesting two design waivers from the Board.

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.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
11. Cool pavement materials or porous pavement materials shall be utilized.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:

The applicant is proposing to construct a new two-story residence on a waterfront site on Palm Island. Located at the western end of island, the property is an irregularly pie-shaped lot. The design floor elevation of the new residence is proposed at base flood elevation (9') plus a free board +1', or +10.00' NGVD. The applicant is requesting two design waivers from the Board.

The first design waiver request is for the setback of the second story of the front elevation when the lot coverage exceeds 25%. The City code requires that in such instances, 35% of the second-floor elevation shall be further setback 5', and variation from this requirement is subject to the review and approval of the Design Review Board. The application proposes an additional setback for 35% of the second-story frontage, but for a setback that ranges from 4'-5" to 4'-11". As proposed, staff finds that the design meets the intent of the code and is supportive of the waiver.

The second design waiver requested for review relates to the open space requirement for two-story elevations that exceed 60'-0" in length; specifically, for the interior (north) elevation that is 89'-0" long. The proposed elevation features planar movement along its two-story elevation, providing 153 SF of open space, which is 1.8% of the lot area, where 1% is required by code. Staff finds that the subject elevation meets the intent of the code by breaking up the massing along a long elevation and is supportive of the waiver request.

The residence has been designed in an eclectic traditional style, with classical and Mediterranean inspired features that include second-story balconies, a central courtyard, chimneys, engaged columns, arched openings, and barrel tiled roofs. The new residence is u-shape in plan with a courtyard that is open to the south interior yard. Staff is supportive of the proposed design and recommends the approval of the application with the conditions noted herein.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved** with conditions, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

Exhibit "A"

Legal Description

Lot 1, Block 2 A of RIVIERA, according to the Plat thereof as recorded in Plat book 9 at page 109 of the Public Records of Dade County, Florida.

Including:

A strip of land 20 feet wide abutting the waterfront and of Lot 1, Block 2-A of RIVIERA, PALM ISLAND, being a part of the 20 foot strip of land encircling Palm Island conveyed to Biscayne Bay Islands Company in Deed recorded in Deed Book 1501 at page 479 more specifically described by metes and bounds as follows, is,:

Commencing at the Southwesterly corner of Lot 1, Block 2-A, RIVIERA PALM ISLAND, as shown by the Amended Plat thereof recorded in Plat book 32 at page 37 of the Public Records of Dade County, Florida, thence Westerly 20 feet on the prolongation of the Southern boundary line of Lot 1, Block 2-A, RIVIERA, extended into the Bay; thence to the right on a line parallel to and 20 feet distant from the Western boundary line of Lot 1 to a point where said line intersect an extension of the dividing line between Lots 1 and 2 extended into the Bay; thence to the right 20 feet along said dividing line of Lots 1 and 2, extended into the Bay to the Northwestern corner of Lot 1, thence to the right along the Western boundary line of Lot 1, 78 feet more or less to the Point of Beginning.

The External Area formed by a 25 foot Radius Curve Concave to the North, Tangent to the Southwesterly Line of Lot 1, Block 2-A, Amended Riviera and First and Second Additions Thereon, Plat Book 32, at Page 37, of the Public Records of Dade County, Florida, also known as Lot 1 Block 2A of Riviera, according to the plat thereof recorded in Plat Book 9, at page 109, of the Public Records of Dade County, Florida, and Tangent to the Southeasterly Line of Lot 1, Block 2A.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: January 4, 2022

PROPERTY/FOLIO: **317 North Coconut Lane 02-4205-002-0010**

FILE NO: DRB21-0747

IN RE: An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence, including one or more waivers to replace an existing architecturally significant pre-1942 home.

LEGAL: See attached "Exhibit A"

APPLICANTS: Lucia Penrod

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 9 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 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 for the proposed new home at 317 North Coconut Lane shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. The proposed north interior side requirement **shall be** waived, 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 required 5' setback for the proposed second story along the front elevation **shall be** waived, 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 proposed chimneys shall be measured from the mid-point of the roof within which they are sited.
 - d. The proposed courtyard along the interior (south) elevation shall include landscaping.
 - e. 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.
 - f. 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.
 - g. 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.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans 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, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.

- d. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- e. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- f. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- i. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
- j. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- k. 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. Right-of-way areas shall also be incorporated as part of the irrigation system.
- l. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other

related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.

- n. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- o. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape 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.

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. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard, and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.

- C. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- D. Prior to the issuance of a building permit for the new home, a construction fence shall be installed along all property lines, in accordance with Section 142-876 of the City Code, "Vacant and abandoned properties and construction sites." However, along the front property line, such fence shall consist of an opaque screening, a minimum of eight (8') feet tall (as measured from adjacent grade), which may include plywood or aluminum panels, or the equivalent solid construction on a wood or metal frame, with a continuous color finish, and concrete foundations. Only rolling gates or rigid folding panels shall be permitted. Swinging gates shall not be permitted. Such fence shall not encroach into the right-of-way.
- E. All allowable construction signage shall be attached to or situated behind the construction fence, and shall be limited to one (1) sign, not to exceed four (4) square feet, in accordance with Section 138-133 of the City Code.
- F. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- G. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- H. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- I. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- J. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- K. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- L. 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.

- M. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- N. 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.
- O. 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.
- P. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- Q. 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 "Penrod Residence", as designed by **Fairfax & Simmons**, signed and sealed November 8, 2021, signed, 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

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

Exhibit "A"

Legal Description

Lot 1, Block 2 A of RIVIERA, according to the Plat thereof as recorded in Plat book 9 at page 109 of the Public Records of Dade County, Florida.

Including:

A strip of land 20 feet wide abutting the waterfront and of Lot 1, Block 2-A of RIVIERA, PALM ISLAND, being a part of the 20 foot strip of land encircling Palm Island conveyed to Biscayne Bay Islands Company in Deed recorded in Deed Book 1501 at page 479 more specifically described by metes and bounds as follows, is,:

Commencing at the Southwesterly corner of Lot 1, Block 2-A, RIVIERA PALM ISLAND, as shown by the Amended Plat thereof recorded in Plat book 32 at page 37 of the Public Records of Dade County, Florida, thence Westerly 20 feet on the prolongation of the Southern boundary line of Lot 1, Block 2-A, RIVIERA, extended into the Bay; thence to the right on a line parallel to and 20 feet distant from the Western boundary line of Lot 1 to a point where said line intersect an extension of the dividing line between Lots 1 and 2 extended into the Bay; thence to the right 20 feet along said dividing line of Lots 1 and 2, extended into the Bay to the Northwesterly corner of Lot 1, thence to the right along the Western boundary line of Lot 1, 78 feet more or less to the Point of Beginning.

The External Area formed by a 25 foot Radius Curve Concave to the North, Tangent to the Southwesterly Line of Lot 1, Block 2-A, Amended Riviera and First and Second Additions Thereon, Plat Book 32, at Page 37, of the Public Records of Dade County, Florida, also known as Lot 1 Block 2A of Riviera, according to the plat thereof recorded in Plat Book 9, at page 109, of the Public Records of Dade County, Florida, and Tangent to the Southeasterly Line of Lot 1, Block 2A.