

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 3, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23258
914 Marseille Drive – Townhomes

The applicant, EAYC INV E LLC, is requesting Design Review Approval for the construction of a new four-story duplex on a vacant site, including a variance from the minimum lot size area required and a variance to reduce the required front setback.

RECOMMENDATION:

Approval with conditions

Approval of the variances with conditions

LEGAL DESCRIPTION:

The north 75'-0" of the east 62.18' of Lot 4A of Block 3 of 'Ocean Side Section of the Isle of Normandy' according to Plat thereof as recorded in Plat Book 25, Page 60, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RM-1
Future Land Use: RM-1
Lot Size: 4,665 SF
Proposed FAR: 4,962 SF / 1.06*
Permitted FAR: 5,831 SF / 1.25

*As represented by the applicant

Height:
Proposed: **40'-0" / 4-Story***
Maximum: 50'-0" / 5-Story
Highest Projection: **40'-0"**

*Must be measured from BFE

Existing Use: Vacant
Proposed Use: Townhomes

Residential Units: 2 Units
Required Parking: 4 Spaces
Provided Parking: 4 Spaces

Grade: +4.48' NGVD
Base Flood Elevation (BFE): +8.00' NGVD
Difference: 3.52' NGVD
Adjusted Grade: +6.24' NGVD
Finished Floor Elevation: +4.48' NGVD

Surrounding Properties:

East: 2-story 1940 Multifamily building
North: 2-story 1947 Multifamily building
South: 2-story 1940 Multifamily building
West: 2-story 1926 Multifamily building

THE PROJECT:

The applicant has submitted plans entitled "Marseille Drive—Residential Building", as prepared by **idea international design engineering architecture** dated, signed, and sealed March 11, 2016.

The applicant is proposing to construct a new four-story residential development on a vacant parcel, including variances to waive the required front setback and to reduce the minimum lot size required.

The applicant is requesting the following variance(s):

1. A variance from the minimum required lot area of 5,600 SF within the RM-1 zoning district in order to construct a new four-story residential development on a property with a lot area of 4,663 SF.

- Variance requested from:

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

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows: Minimum Lot Area (Square Feet): 5,600 SF

The subject property is a legally subdivided lot containing a total lot area of 4,663 SF that has been documented since at least 1943 or earlier. The Code defines lot area as “*the total horizontal area within the lot lines of the lot*”. The minimum lot area required by the Code for an RM-1 lot is 5,600 SF. Without the granting of this variance, the construction of a new residential development would not be permitted. Staff finds that the undersize area of the lot is the hardship that creates the need for this variance request. Staff is supportive of the applicant’s request and recommends **approval** of variance #1.

2. A variance to reduce 1’-5” from the required front setback of 20’-0” in order to construct a new four-story residential building at 18’-7” from the front property line facing Marseille Drive.

- Variance requested from:

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows: Pedestal, Front: 20’-0”

The RM-1 zoning district requires a minimum front setback of 20’-0” from the front property line. Nonconforming front setbacks of greater intensity are a common recurrence in North Beach which has many MiMo buildings in the area. These buildings are typically 40’-0” wide on 50’-0” wide lots with 10’-0” of spacing between buildings and typically a 10’-0” spacing (5’-0” setback for each building) to the front property line. In this immediate context, the neighboring building to the west, built in 1926, has a front setback of approximately 20’-0” while the neighboring building to the east, built in 1940, has a nonconforming front setback of approximately 15’-0”. The actual front setback proposed by the applicant is 23’-2” for the majority of the building. There are two sets of framing elements proposed on the ground floor and on the third floor that are not identified as “allowable encroachments”, which the Code identifies as architectural elements that are allowed to project into required yards up to 25% of the setback. The requested variance reduction of 1’-5” for these elements is minimal and the approval of such would actually assist in further breaking up the elevation by adding depth to the façade. Staff finds that the undersize area of the lot creates the practical difficulties for this variance request. Staff recommends the **approval** of variance #2.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that 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. **In this case, the variances requested are the minimum necessary in**

order to make a reasonable use of the land and satisfy the Certificate of Appropriateness criteria.

The applicant has submitted plans and documents with the application that also 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;

Satisfied; *The lot area was established in 1941 that does not conform with the minimum 5,600 sf of lot area required for the RM-1 District.*

That the special conditions and circumstances do not result from the action of the applicant;

Satisfied; *The existing lot area are not the result of the applicant's actions.*

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;

Satisfied; *The granting of the variances 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. On the contrary, without some of the requested variances (lot size and front setback), the new construction on the site would be prohibited or substantially limited, and make it practically difficult to construct a residential development established for the 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;

Satisfied; *With the literal interpretation of the provisions of the Ordinance, new construction on the site would be prohibited, imposing an unnecessary hardship on the applicant who would not be able to construct a new residential project. The parcel contains a nonconforming lot size.*

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Satisfied; *The variances requested are the minimum necessary to make the reasonable use of the land.*

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

Satisfied; *The granting of the variances will not be detrimental to the adjacent properties or the public welfare and it is in harmony with the general intent of the Ordinance.*

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.

Satisfied; *The application is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.*

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):

1. The proposed elimination of the on-street parking spaces will require the review and approval of the Parking Department. Fees may apply.
2. The proposed A/C units must be screened from view and should be placed as close to the center of the roof as possible.
3. The height of the structure must be measured from Base Flood Elevation (or +1').

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.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **residential use** is consistent with the Future Land Use Map of the 2025 Comprehensive Plan.

ACCESSIBILITY COMPLIANCE:

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

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.
Not Satisfied; the proposed project requires several variances 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.
Not Satisfied; the proposed project requires several variances 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.
Not Satisfied; a contrasting material or finish should be incorporated at the front façade.
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 proposed project requires several variances 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.
Not Satisfied; the proposed project requires several variances 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
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.

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 proposed project requires several variances from the Board.

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.

Satisfied

STAFF ANALYSIS:
DESIGN REVIEW

The subject site is located on Normandy Isle within the boundaries of the 'Normandy Isles National Register Historic District'. The applicant is proposing to construct a new contemporary four-story, two-unit residential townhouse building with an active roof deck on a vacant parcel. Vehicular access is off of Marseille Drive in the form of two individual drives and is flanked by the ground level entrances to the two townhomes. Each unit has been designed with individual entrances with enclosed parking areas and consists of two full floors of living area with a private roof top deck and smaller enclosed half-floor rooftop area. The proposal does require two variances.

The modern design of the structure recalls the surrounding MiMo and Art Deco architecture that encompass much of the surrounding Normandy Isle area. The overall architecture is compatible and consistent with the scale and character of the surrounding North Beach neighborhood. Staff would recommend that the structure be slightly refined in the front elevation as it pertains to materiality and finishes. The building is designed to be primarily an all stucco finish with no differentiating or contrasting materials. Staff would recommend additional contrasting materials be introduced along the front elevation, at the underside of and interior side wall of the framing elements, most clearly seen in the rendering on the front sheet of the submitted set of plans. Further, staff would also recommend that the architect revise the side elevations and incorporate additional articulation through changes in plane, the introduction of projections and/or recesses and/or other architectural methods, in order to add more dimension, depth and movement to both elevations.

Overall, the applicant has produced a design for the vacant parcel that is sensitive to the neighborhood's overall context. Staff recommends that the design be approved.

VARIANCE REVIEW

Staff finds that the existing lot width of 62.18' is sufficiently sized to accommodate a reasonable residential development. However, the minimal lot depth of 75'-0" results in an undersized lot area of 4,663 SF. The subject property contains nearly 84% of what is required to be a developable RM-1 zoned site as a matter of right. The applicant is not maximizing the height or FAR of the underlying zoning regulations with the modest level of development proposed. In this regard, it is a modest proposal. As noted under the 'Project' section of the report, staff also finds that the requests for variances meet the criteria for practical and, as such, staff recommends approval of variance #1 and #2.

RECOMMENDATION:

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

TRM/JGM

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 3, 2016

FILE NO: 23258

PROPERTY: **914 Marseille Drive**

APPLICANT: EAYC INV E LLC

LEGAL: The north 75'-0" of the east 62.18' of Lot 4A of Block 3 of 'Ocean Side Section of the Isle of Normandy' according to Plat thereof as recorded in Plat Book 25, Page 60, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new four-story duplex on a vacant site, including a variance from the minimum lot size area required and a variance to reduce the required front setback.

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 a 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 2, 3, 4, 5, 6, and 12 in Section 118-251 of the Miami Beach Code.
- C. 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 for the proposed residential development at 914 Marseille Drive shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The architect shall further refine the side elevations and incorporate additional articulation through changes in plane, the introduction of projections and/or recesses and/or other architectural methods, in order to add more dimension, depth and movement to the elevations, in a manner to

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

- b. Additional material finishes shall be introduced along the front elevation at the underside and side walls of the balcony projections as depicted in the front cover rendering, 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 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.
 - d. 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.
 - e. 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 site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan 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. 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.

- d. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. 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.
- f. The use of sod in the south yard shall not be permitted, instead a low lying ground cover shall be installed, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. The proposed Backflow prevention device located in the front of the property shall not be permitted within any area fronting a street or sidewalk and shall be relocated, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- 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 existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. 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.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. 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.
- m. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- n. 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. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance from the minimum required lot area of 5,600 SF within the RM-1 zoning district in order to construct a new four-story residential development on a property with a lot area of 4,663 SF.
 2. A variance to reduce 1'-5" from the required front setback of 20'-0" in order to construct a new four-story residential building at 18'-7" from the front property line facing Marseille Drive.
- B. The applicant has submitted plans and documents with the application that 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 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.

- C. The Board hereby grants the requested variance(s) 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.

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. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- B. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- C. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- D. The proposed elimination of the on-street parking spaces will require the review and approval of the Parking Department. The costs, if any, associated with the removal of the parking spaces will be the responsibility of the developer.

- E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Marseille Drive—Residential Building", as prepared by **idea international design engineering architecture** dated, signed, and sealed March 3, 2016, and as approved by the Design Review Board, as determined by staff.

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

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and

