

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 6, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB0716-0042
7310 Harding Avenue – Signage

The applicant, Harding Hotel LLC., is requesting Design Review Approval for the installation of a sign on an existing two-story structure, including variances to relocate a flat sign above the ground floor and to exceed the maximum allowable sign area.

RECOMMENDATION:

Approval of variances #1 and #2, with modifications.

LEGAL DESCRIPTION:

Lots 5 and 6 of Block 8 of 'TOWNSITE OF HARDING', according to the plat thereof, recorded in Plat Book 34 Page 4, of the public records of Miami Dade-County, Florida.

SITE DATA:

Zoning: RM-1
Future Land Use: RM-1
Lot Size: 15,000 SF (100x150)
Existing FAR: ~14,379* (0.95) * As per Miami-Dade County property appraiser
Proposed Use: Hotel (36 units)

Existing building:

2-story 1957 MiMo multifamily building designed by Robert M. Nordin

Surrounding Properties:

East: 2-story 1956 multifamily buildings (28 units)
North: 2-story 1951 multifamily building (20 units)
South: 1-story 1954 multifamily building (20 units)
West: 2-story 1957 multifamily buildings (16 units)

THE PROJECT:

The applicant has submitted plans entitled "HARDING HOTEL" as prepared by **JD Engineering & Construction Corp.**, dated July 15, 2016.

The applicant is proposing to construct a new sign above the ground floor, projecting over the existing planter area at the front of the building for the new hotel.

The applicant is requesting the following variance(s):

1. A variance to exceed by 39.2 SF the maximum allowed sign area of 30 SF for flat signs in order to construct two signs with a total aggregate area of 69.2 SF.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.

RM-1 – Flat signs: One per street frontage; 20 SF for every 50'-0" of linear frontage, or fraction thereof, up to maximum of 30 SF.

The existing two-story 1957 residential courtyard building has been recently renovated and converted into a 36 room hotel. Typically RM-1 zoned properties do not normally permit such uses, except for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south—of which this parcel qualifies. Since commercial (hotel) uses are not typically permitted within the underlying zoning district, the signage section of the City Code does not allocate the same commercial signage standards as evidenced in other zoning districts that permit the same use(s). As such, in order to install signage in association with the hotel usage that would be similar to other signs for similar hotels in other districts, the applicant is at a disadvantage.

The applicant is proposing two signs at the center of the front façade, crossing the second floor walkway area of the proscenium. One sign reads "HOTEL" in standard signage lettering and is proposed to be installed along the exterior side of a planter. The other sign reads "WATERSIDE" and is proposed to be individually mounted and attached to the base of the existing planter at the second floor and project vertically at varying heights. The signs are proposed to be illuminated channel letters with various background colors on circular plates. Overall, the design is fun and evocative of signage that would be installed within the "googie" or MiMo style of roadside architecture. Although not opposed to the design concept and location, staff finds that the sign to be excessive in size with respect to the building elevation, size of the proscenium, and architectural elements of the building. The variation in height of each letter, causes the overall sign appear to be larger and imposing—and for zoning purposes to be calculated as such. Staff recommends that each individual circle plate be reduced in half its proposed size, which will result in an area of 28.6 SF for the "WATERSIDE" sign and an aggregate sign area of 40.6 SF for the two signs. The variance will be modified to "exceed by 10.6 SF the maximum allowed sign area of 30 SF for flat signs in order to construct two signs with a total aggregate area of 40.6 SF":

In addition, the section detail of the main "WATERSIDE" sign showing supports and attachment to the planter is incomplete and unclear, as it pertains to the letters that are closer to the top of the planter only, and does not show the attachments for the letters up to 5' and 6' from the top of the planter. These letters may require additional support, possible to the existing screening wall, as they are freestanding elements and the proposed structure to the planter does not appear to be sufficient to ensure enough stability for the higher letters. Furthermore, the finished material of the interior of the planter is unknown. As proposed, the back of the sign and open 'U' layout of the courtyard building would be an eyesore for hotel guests passing by on the adjacent second floor corridor. The space may become filled with dirt or unwanted refuse or organic materials in the future. As such, staff finds that the supporting elements for the highest letters shall be further studied, including some covering of these elements to mitigate any negative impact of the structure as seen from the interior of the building.

2. A variance to relocate an allowable wall sign from the ground floor to the 2nd level of a two-story building, facing Harding Avenue.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.

RM-1 – Flat signs: shall not be located above the ground floor, except in hotels and apartment buildings within the RM-3 district.

The location of the main sign from the planter up, for zoning purposes, is considered to be at the second floor, due to the extent of projection of the letters that constitute the “WATERSIDE” sign. Staff has no objection to the location since the building’s architectural style and courtyard configuration does not provide enough flat surfaces to locate a more traditional 30 SF allowable sign at the first floor. Staff finds that the building’s MIMO architecture creates the practical difficulties for the location of a sign that would provide reasonable visibility for the hotel.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, 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.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, aside from the requested variances. 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.

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 signage requires several variances to be granted by the Design Review 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 signage requires several variances to be granted by the Design Review 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.
Not Satisfied; the proposed signage requires several variances to be granted by the Design Review 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 signage requires several variances to be granted by the Design Review 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.
Not applicable
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.
Not applicable

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 applicable
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.
Not applicable
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not applicable
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.
Not applicable
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not applicable

STAFF ANALYSIS:

DESIGN REVIEW

The subject building is a contributing structure located within the North Shore Register Historic District. Among the other improvements being made to the property, the applicant is changing the use of the building that contains 48 residential units to a hotel. While commercial hotels are permitted uses for those RM-1 properties fronting Harding Avenue or, from the City Line (on the north) to 73rd Street (on the south), the signage limitations do not expand for this localized use.

The 1957 MiMo multifamily building was designed by Robert M. Nordin and is a traditional Mimo courtyard building containing two separate buildings facing inwards towards one another and connected by an architectural feature. Prosceniums are a design feature that visually (and physically) connects two small structures so they read and function as a single, grander structure with an enclosed garden/courtyard. Many prosceniums employ open grillwork known as brise-soleil, block work or open gables. This building contains both a standard proscenium, second floor brick-worked planter that crosses the second level, brise-

soleil detailing along both north and south sides of the structure(s), eight expansive window openings facing the street and two separate pitched roofs. While this building is an outstanding example of a contributing structure within the North Shore Register Historic District, several of the existing architectural elements that contribute towards its uniqueness do pose some design challenges for an applicant to capably install a commercial sign that comports with the zoning regulations and also satisfies the design review criteria. If the applicant were to modify the sign and install it according to the regulations “as of right”, many of these character defining elements would be demolished. Further the subject property is in a national register district and there is currently a moratorium on demolition of contributing structures in the North Beach area.

VARIANCE REVIEW

The applicant is renovating the existing buildings and converting the residential-hotel building to a hotel with 36 units. Two signs reading “WATERSIDE HOTEL” are proposed, over the existing planter at the front of the building for which the two variances are required.

As previously analyzed under the ‘Project’ section of the recommendation, staff is supportive of the design concept and location of the signs; however, the size of the main sign is excessive with respect to the proportions of the building and is not in keeping with the pedestrian character of the neighborhood. Staff would note that the building is located in the RM-1 residential low intensity district and although hotels are allowed as an exception in this particular area fronting Harding Avenue, still is mostly surrounded by residential uses with low scale buildings. Another concern is the insufficient details provided for the supporting structure, and finish of the planter as noted in the project section part of this report.

Staff maintains that the size of the main sign is not in keeping with the pedestrian character of the neighborhood and would recommend a reduction in size, in order to be more in keeping with the Code requirements. With this modification, staff is supportive of the two variance requests, as the architecture of the building with limited flat areas creates practical difficulties for the applicant to install a sign with the allowable size and minimize the impact on the existing building.

However, should the Board find merit in the applicant’s request and agrees to approve the sign with the size proposed, staff would recommend that the application be continued in order to review additional details of the structural supports for the higher letters and provide a design solution or covering material to mitigate the impact of the structure as seen from the interior of the building.

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

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 6, 2016

FILE NO: DRB0716-0042

PROPERTY: **7310 Harding Avenue**

APPLICANT: Harding Hotel LLC.

LEGAL: Lots 5 and 6 of Block 8 of 'TOWNSITE OF HARDING', according to the plat thereof, recorded in Plat Book 34 Page 4, of the Public Records of Miami-Dade County, Florida.

IN RE: The applicant, Harding Hotel LLC., is requesting Design Review Approval for the installation of a sign on an existing two-story structure, including variances to relocate a flat sign above the ground floor and to exceed the maximum allowable sign area.

ORDER

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval and for one or more variances.

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, 5, 6, and 9 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 shall be submitted to and reviewed by staff, at a minimum, such drawings shall incorporate the following:
 - a. Any fence or gate at the front of the property and within the required front yard shall be designed in a manner consistent with the architecture of the existing building, be highly transparent in nature, 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.

- b. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of 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. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, or in conflict with ADA requirements, in a manner to be reviewed and approved by the Public Works Department.
- e. 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.
- f. The utilization of Silva Cells shall be used along both street frontages for all plantings and clearly delineated on a revised landscape plan.
- g. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- h. 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.
- i. 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.
- j. 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), which were either approved by the Board with modifications, or denied (Underlying denotes new language and ~~strikethrough~~ denotes stricken language):
 - 1. A variance to exceed by 10.6 ~~39.2~~ SF the maximum allowed sign area of 30 SF for flat signs in order to construct two signs with a total aggregate area of 40.6 ~~69.2~~ SF. (Modified variance).

2. A variance to relocate an allowable wall sign from the ground floor to the 2nd level of a two-story building, facing Harding Avenue.
- B. The applicants have submitted plans and documents with the application that satisfies 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.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, 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 **Approves** the Variance request(s), as noted on II.A.1 and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. Revised drawings of the signs shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. Elevation drawings and section details of the sign including finish material of the planter and supporting structure for the letters located at the highest elevation.
- b. The existing fence at the front of the property shall be removed.

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. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney. If there is a roadway or right-of-way between parcels, that parcel separated from the remaining development shall not be considered a unified development site and shall not be joined into the covenant in lieu of unity of title or unity of title for the actual unified development site.
- B. 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.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 adopted 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 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 "HARDING HOTEL" as prepared by **jd ENGINEERING & Construction Corp.** dated, July 15, 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 void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)

NOTARY PUBLIC

My commission expires: _____

City Attorney's Office: _____ ()

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