

MIAMI BEACH

PLANNING DEPARTMENT

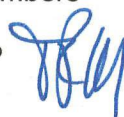
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 10, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB16-0049
1344 15th Terrace

The applicant, 1344 15th Terrace Townhomes LLC, is requesting Design Review Approval for the construction of a new four-story residential building including variances to reduce the required side setback for a driveway and to reduce the required width for a driveway.

RECOMMENDATION:

Approval with conditions

Approval of the variances

LEGAL DESCRIPTION:

Lot 1, Block 67 B, "Alton Beach Bay Front", according to the Plat thereof, as recorded in Plat Book 16, at Page 1 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RM-1
Future Land Use: RM-1
Lot Size: 5,951 SF
Existing FAR: 2,974 SF (Multi-Family Residence)
Proposed FAR: 7,418 SF (1.24 FAR) as represented by the applicant
Maximum FAR: 7,438.75 SF (1.25 FAR)
Maximum Height: 50'-0" / 5 stories
Proposed Height: 42'-10" / 4 stories measured from BFE + 5'
Residential Units: 3 Townhouses
Parking spaces provided: 6 spaces
Parking spaces required: 5 spaces
Grade: + 3.47' NGVD
Base Flood Elevation (BFE): +8.00' NGVD
Difference: Varies 2.26' NGVD
Adjusted Grade: 5.74' NGVD
First Floor Elevation: +8.00' NGVD Lobby | +20.00' NGVD residential units

SURROUNDING PROPERTIES:

East: 2-story 1959 residential building
North: 1-story 1923 residential building
South: 2-story 1949 residential building
West: 32-story residential building "Flamingo South Beach Towers"

THE PROJECT

The applicant has submitted plans entitled "Residential Townhouse Project", as prepared by

NVL Architecture, dated, signed and sealed August 12, 2016.

The proposal consists of a new 4-story, multifamily building consisting of 3 townhouse units and 6 parking spaces.

The applicant is requesting the following variance(s):

1. A variance to reduce all minimum required at-grade parking setback of 5'-0" from a side property line, in order to permit the construction of a driveway up to the east property line.

- Variance requested from:

Sec. 142-156. - Setback requirements.

- (a) *The setback requirements for the RM-1 residential multifamily, low density district are as follows:*

At-grade parking lot on the same lot except where (c) below is applicable, Side Interior: 5 feet, or 5% of lot width, whichever is greater.

The property is a corner lot that limits the location of parking access away from the corner to comply with required triangular visibility for traffic. The parking is proposed along the longest side line to best accommodate required residential uses, driveway and clearances. The size of the lot and its corner location result in the access driveway to be located at the northeast side of the property, where a large, specimen-sized, mature tree exists. In order to preserve the existing tree resource, a one-way circular driveway is proposed which requires a side setback variance to be up to the property line. Staff would note that there is a currently an existing functional driveway and parking area at this location where the new driveway is proposed. Staff finds that the corner location of the lot, the limited lot size and existing tree to be retained, create practical difficulties that justify the variance requested. Therefore, staff is supportive of the applicant's request.

2. A variance to reduce 2'-0" from the minimum required width of 11'-0" for a one-way driveway, in order to construct a driveway with a width of 9'-0".

- Variance requested from:

Sec. 130-64. Drives.

Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic.

The circular driveway is 9'-0" in width instead of the required 11'-0" at the east side due to the restriction in area between the tree and the side property line. There should be a minimal impact for the reduction of the driveway width, as there is an existing driveway in use at the same location and the driveway will be used by only 6 vehicles. Staff finds that the corner location of the lot, its size and the retention of the existing tree with its vast root system again create the practical difficulties for the variance requested.

3. A variance to reduce 3'-9" from the minimum required width of 22'-0" interior drive aisle in order to provide five (6) parking spaces at 90° with an interior drive aisle of 18'-3".

- Variance requested from:

Sec. 130-63. Interior aisles.

**Interior aisles shall meet or exceed the following minimum dimensions permitted:
90° parking—22 feet.**

The project requires 6 parking spaces provided on site. Due to the limited width and area of the lot, the applicant is proposing a drive of 18'-3", where 22'-0" is required. The project, complies with the required sides and rear setbacks for the building, and exceeds the front setback from 20'-0" to 22'-0" to minimize any impact on the tree. It also provides the minimal residential liner along the street side. The existing lot area imposes difficulties when designing parking for a lot with 60' in width. In other similar properties, variances to eliminate the residential component along the street, or a side setback variance for the parking have been requested. It has been recognized before by the Board that the lot width of 60'-0" creates practical difficulties to provide the required parking. This type of variance has been previously approved in several properties in the RM-1 district with similar lot width and corner location. Staff finds that this request is the minimum required for the project in order to reduce to a minimum the number of variances and make a reasonable use of the land. Staff finds that again, the corner location, restriction on access driveway location, lot size and existing mature tree on site to be retained, create the practical difficulties for the variance requested. Staff finds that the applicant's request meets the criteria for the granting of the variance.

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.

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.

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.

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 variances:

- 1- The proposed breezeways on the ground floor need to read as open porches in order to not count towards FAR.

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 is 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 for the parking garage.
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 for the parking garage.
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 project requires several variances for the parking garage.
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
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 Satisfied; the proposed project requires several variances for the parking garage.

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not Satisfied

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Not Satisfied; the proposed project requires several variances for the parking garage.

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

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; the ground floor breezeways satisfy this requirement.

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 Satisfied; trash areas have not been identified.

STAFF ANALYSIS:
DESIGN REVIEW

The subject site is a corner lot in the 'West Avenue Overlay District' containing an existing two-story structure constructed in 1934 and designed by Robert M. Little originally as a single family home. The applicant is proposing to develop a 4-story, 3-unit residential building.

Overall, staff is very supportive of the modern design vocabulary of the residential development. The architect has designed an attractive modern three-unit townhouse building facing Bay Road. The style and massing are proportionate in scale and architectural language with the abutting properties. The architecture blends in with the more contemporary structure that occupies the west Bayfront lot and by keeping the height and number of stories to lower than the maximum permitted, the proposed project is comparable with the scale of the north, south, and east abutting properties.

Staff's primary design concern pertains to the private ground level identified as breezeways. As designed, the proposed open breezeways along the ground floor for the northernmost and southernmost townhouses do not constitute as "open porches" or "breezeways" and therefore those areas must be included towards the FAR calculations. In order for the "breezeway" to be discounted from FAR calculations it needs to be substantially more open. Further, staff will also recommend that with the exception of the rounded driveway along 15th Terrace, all hardscape be eliminated from within the required front yard.

In summary, staff is confident that with further study and refinement the ground floor elevation along Bay Road will establish a more successful architectural relationship to the immediate streetscape as well as allow those end areas to be exempt from FAR inclusion. The changes to the exterior of the project suggested herein can be easily addressed administratively, as indicated in the recommendation.

VARIANCE REVIEW

The corner property is 60 feet in width and features a large mature tree at the northeast corner. The applicant is proposing the retention of the tree. Parking on site requires that residential space be provided as a buffer along the street sides and that the access driveway is set back from the corner for required visibility. The radius of the tree also has set back the front of the building 22 feet from the front, instead of the required 20 feet front yard setback. The available area to design the parking is very limited resulting in the request for variances. Staff is supportive of all three variances, and finds that the site conditions and retention of the tree create the practical difficulties that justify the granting of the variances.

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: October 10, 2016

FILE NO: DRB16-0049

PROPERTY: **1344 15th Terrace**

APPLICANT: 1344 15th Terrace Townhomes LLC

LEGAL: Lot 1, Block 67 B, "Alton Beach Bay Front", according to the Plat thereof, as recorded in Plat Book 16, at Page 1 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 residential building including variances to reduce the required side setback for a driveway and to reduce the required width for a driveway.

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, 5, 8, 9, and 17 in Section 118-251 of the Miami Beach Code.
 - 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. The northernmost and southernmost counters/sinks proposed on the roof level (sheet A10) shall be relocated away from the glass parapet and be internalized within the outdoor rooftop deck area, 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 proposed northernmost and southernmost ground floor "breezeway" shall be substantially more open in order for the "breezeway" to be discounted from FAR calculations, in a manner to be reviewed and approved by staff

- consistent with the Design Review Criteria and/or the directions from the Board.
- c. No other permanent rooftop elements shall be proposed along the rooftop deck glass railings.
 - d. All roof top lighting shall be located below the parapet level, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.
 - f. With the exception of the rounded driveway along 15th Terrace, all hardscape shall be eliminated from the required front yard. A 44" wide walkway shall also be permitted, if desired by the applicant, 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 final design and details including samples of the proposed exterior ground floor screening 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.
 - h. 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.
 - i. 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.
 - j. 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. Trees identified on the 'Existing Tree Survey' and 'Tree Disposition Plan' as "Existing Banyan tree to remain" shall be designated to remain in their existing location and be protected. No construction or excavation shall be permitted within the dripline of these trees, and the hardscape plans shall be modified subject to staff review and approval.
- c. All landscape areas abutting driveways and parking areas shall be defined by raised curb, 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 fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required 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.
- e. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- f. The applicants 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.
- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
- h. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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 to reduce all minimum required at-grade parking setback of 5'-0" from a side property line, in order to permit the construction of a driveway up to the east property line.
2. A variance to reduce 2'-0" from the minimum required width of 11'-0" for a one-way driveway, in order to construct a driveway with a width of 9'-0".
3. A variance to reduce 3'-9" from the minimum required width of 22'-0" interior drive aisle in order to provide five (6) parking spaces at 90° with an interior drive aisle of 18'-3".

B. The applicant has 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.

The applicant has submitted plans and documents with the application that the Board has concluded 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), 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. 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.
- B. If required, the applicant shall obtain a revocable permit from the Public Works Department for the proposed street improvements and paving within the public right-of-way, subject to approval of the City Commission, prior to the issuance of a building permit. Prior to the issuance of a building permit for any work approved by the Design Review Board, as it relates to the subject development project, the applicant shall enter into and record a restrictive Maintenance Agreement and Covenant running with the land, form approved by the Miami Beach City Attorney and Planning Director and Public Works Director, which runs with the land, confirming the applicant's agreement to design, permit, construct and maintain the proposed sidewalk and paving, in perpetuity, and confirming public access to such sidewalk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
- C. The applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the driveway to the adjacent property to the east.
- D. 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.

- E. 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.
- F. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 "Residential Townhouse Project", as prepared by **NVL Architecture**, dated, signed and sealed August 12, 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.

