

MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 1, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB0516-0027
1435 Bay Road and 1340 Flamingo Way

The applicants, TBD Buttonwood LLC and TBD Harbor 265 LLC, are requesting Design Review Approval for the construction of a new five-story residential building, including variances to reduce the required width for a drive aisle, to reduce the required setback from a structure to drive aisle, and to eliminate the residential use required facing a street for the ground floor containing parking spaces.

RECOMMENDATION:

Approval with conditions
Approval of the variances

LEGAL DESCRIPTION:

Lots 1 and 2, Block 79B of "Alton Beach Realty Cos. Bay Front Subdivision", 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
Overlay District: West Avenue Bay
Front Overlay

Residential Units: 8 units @1,345 SF
Provided Parking: 16 Parking Spaces

Lot Size: 10,952 SF
Permitted FAR: 13,690 SF/1.25
Proposed FAR: 13,583 SF/1.24*

*As represented by the applicant

ADJACENT LAND USES:

East: 1-story 1940 single-family home
North: 4-story 2015 duplex (DRB23188)
South: 1-story pre-42 single-family homes
West: 32-story 1960 apartment building

Permitted Height: 50'-0" / 5 stories
Proposed Height: 50'-0" / 5 stories
69'-8" / highest
projection

THE PROJECT:

The applicant has submitted plans entitled "Bay House" as prepared by **DN'A Design and Architecture**, dated, September 7, 2016.

The proposal consists of a new five-story, multifamily building with 8 residential units and 16 required parking spaces.

The applicant is requesting the following variance(s):

1. A variance to eliminate the residential use requirement facing a street for the first floor of a building containing parking spaces in order to provide landscaping facing Bay Road for a new residential building
 - Variance requested from:

Sec 142-156. – Setback requirements.

(b) In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following:

(1) Residential uses at the first level along every facade facing a street, sidewalk or waterway.

This variance pertains to the elimination of the requirement to incorporate residential uses at the first level along the street side façade on Bay Road. The applicant is providing the required residential liner along Flamingo Way in the form of two private covered porches for the second floor units. Along Bay Road, the applicant is seeking relief from the requirement in order to provide additional landscaping opportunities that would allow accommodation of the required parking on one level. The applicant had originally continued the covered porches around the Bay Road street side, but after meeting with staff, the applicant swapped out the liner with landscaping. The porch liner along Bay Road, in this configuration, seemed strained.

Staff would note that the residential use at the first floor would have a street side setback of 8'-10" and the applicant is proposing 12'-0" of setback for the parking. The landscape area along the parking would help mitigate the negative impact of the parking operation inclusive of light spillage outside the property. Requesting the variance allows the applicant to focus on more sustainable and water-conscious design solutions through expanded landscape opportunities. The corner location of the site requires that residential spaces be provided at the first level along with parking spaces. This condition along with the relatively small size of the lot create practical difficulties and design challenges when providing residential uses and required parking for the size of this development (8 residential units). Staff finds that the applicant's request satisfies the practical difficulties for the granting of this variance. As such, staff is supportive of the variance request.

2. A variance to reduce 10'-0" from the minimum required width of 22'-0" for a two-way driveway, in order to construct a driveway with a width of 12'-0".
 - Variance requested from:

Sec. 130-64. Drives.

Drives shall have a minimum width of 22'-0" for two-way traffic and 11'-0" for one-way traffic.

In order to provide the required 16 parking spaces and residential use at the front, only one vehicular access is provided off of Bay Road. The parking area is substantially contained within the site a minimally visible from the street. The reduction of the driveway entrance and

and the additional landscape provided would mitigate any disturbance to the neighborhood from the parking operation. In fact, a 12' wide driveway entrance would benefit the pedestrian circulation in the area, rather than a 22 foot wide driveway. Because the parking spaces are for the use of the residents only, no detriment is expected from this condition. Staff finds that the corner location of the lot, the relatively small size of the property, the existing mature tree on site to be retained and the constraints to place the required parking and residential use at the ground level create the practical difficulties for the variance requested.

3. A variance to reduce 4'-0" from the minimum required width of 22'-0" interior drive aisle in order to provide an interior drive aisle of 18'-0" for a limited portion of the drive.

- Variance requested from:

Sec. 130-63. Interior aisles.

Interior aisles shall meet or exceed the following minimum dimensions permitted:
90° parking—22'-0".

The project contains 16 parking spaces provided on site. The applicant is providing the required 22'-0" of width for almost the entirety of the aisle. Within the center of the site, near the main entrance into the building from the parking, a small portion of the air conditioned trash room enclosure encroaches 4'-0" into the drive aisle for approximately 7'-0". Because the reduction of the drive is minimal and parking is for 16 spaces and 8 residential units, staff is supportive of the variance request. Staff finds that again, the corner location, the limited size of the property, the existing mature tree on site to be retained and the challenges to combine required parking area, driveway access and residential uses with the constraints of the site, create the practical difficulties that justify this variance request. 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.

COMPLIANCE WITH ZONING CODE:

The application, as submitted, appears to be consistent with the applicable requirements of the City Code, with the exception of the variance(s) requests herein. This 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.) The above noted comments shall not be considered final accessibility review or approval. These and all accessibility matters shall require final review and verification by the Building Department 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.

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 applicant is requesting 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 applicant is requesting 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.
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 applicant is requesting 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.
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.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been provided.
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
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 Satisfied; the applicant is seeking a variance for relief of supplying the residential liner.
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 a corner parcel located within the boundaries of the West Avenue Bay Front Overlay District. The applicant is proposing to demolish two existing single-story structures and develop the site with a contemporary five-story eight-unit residential building with a roof deck. Two units have been designed with their own individual entrance private outdoor front porches facing Flamingo Way, lining the ground floor parking. Vehicular access to the site is from Bay Road.

The plan is fairly straightforward. A central “core” contains living units and a large expansive balcony surrounds each floor. The edges of the balconies have been designed with decorative panels, which are fixed, but the playful way the architect has interspersed and alternated their orientations the architectural objects appear to have movement and pivot. In summary, staff commends the applicant for proposing a noteworthy design solution for this corner building. Staff recommends approval of the design.

VARIANCE REVIEW

As identified under the ‘Project’ description of the analysis, the variances being requested pertain to the parking area and the residential liner along Bay Road. The proposal consists of a new contemporary residential building on the corner site. Staff is fully supportive of the application, inclusive of the requested variances, as the building is proposed with increased setbacks on most of the required yards. The corner location, limited size of the property and the retention of a mature tree on site result in the need for these variances that staff find are the minimum necessary to make a reasonable use of the land. In summary, staff recommends that the Board approve all variances as requested.

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: November 1, 2016

FILE NO: DRB0516-0027

PROPERTY: **1435 Bay Road and 1340 Flamingo Way**

APPLICANT: TBD Buttonwood LLC and TBD Harbor 265 LLC

LEGAL: Lots 1 and 2, Block 79B of "Alton Beach Realty Cos. Bay Front Subdivision", 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 five-story residential building, including variances to reduce the required width for a drive aisle, to reduce the required setback from a structure to drive aisle, and to eliminate the residential use required facing a street for the ground floor containing parking spaces.

ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 8, 9, and 17 in Section 118-251 of the Miami Beach Code.
- C. The project would remain 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 new development at 1435 Bay Road and 1340 Flamingo Way shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The final design and details including samples of the proposed vertical balcony elements 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. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
 - g. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
1. 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 eliminate the residential use requirement facing a street for the first floor of a building containing parking spaces in order to provide landscaping facing Bay Road for a new residential building
 2. A variance to reduce 10'-0" from the minimum required width of 22'-0" for a two-way driveway, in order to construct a driveway with a width of 12'-0".

3. A variance to reduce 4'-0" from the minimum required width of 22'-0" interior drive aisle in order to provide an interior drive aisle of 18'-0" for a limited portion of the 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 **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. 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.
- 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. 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.
- 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 "Bay House" as prepared by **DN'A Design and Architecture**, dated, September 7, 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)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ())

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