

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: June 7, 2016
FILE NO: 23270
PROPERTY: **770 West 41st Street**
APPLICANT: 245 EAST EIGHTH LLC
LEGAL: North 100 feet of Lot 19 lying west of Chase Avenue of Block 8 in the "Mid Golf Subdivision 1st Addition" according to Plat thereof as recorded in Plat Book 7, Page 161 of the Public Records of Miami-Dade County, Florida.
IN RE: The Application for Design Review Approval for the installation of an artistic super graphic on the west elevation of an existing building.

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 consistent with the Design Review Criteria 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 elevations prior to the installation of the proposed supergraphic; at a minimum, such drawings shall incorporate the following:
 - a. The artist shall proceed with the 'Welcome to Miami Beach' option mural for the super graphic. Any minor change to incorporate such imagery may be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Any substantial alterations or deviations from the artistic imagery approved herein either now or in the future shall be reviewed by the Design Review Board as a new application.



- b. The artistic mural shall be maintained 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.
- c. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
- 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

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

III. General Terms and Conditions applying to both 'I. Design Review Approval and II. Variances' noted above.

- A. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- B. 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.
- C. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- D. Nothing in this order authorizes a violation of City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in



Paragraph I,II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Lebo Roosevelt Theatre-Welcome to Miami Beach", as prepared by Lebo, undated, 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 10th day of June, 20 16

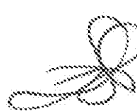
DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY 

DEBORAH TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

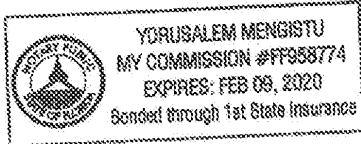
STATE OF FLORIDA

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COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 10th day of June, 2016, by Deborah 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.

Yorusalem Mengistu
NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 2-9-20

Approved As To Form:

City Attorney's Office: Frederick A. Banks (6/10/16)Filed with the Clerk of the Design Review Board on Yorusalem Mengistu (6-10-16)