

# MIAMIBEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: October 06, 2015

FROM: Thomas R. Mooney, AICP   
Planning Director

SUBJECT: Design Review File No. 23103  
**1111 Lincoln Road and 1666 Lenox Avenue**

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The applicant, MBEACH1 LLLP, is requesting modifications to a previously issued Design Review Approval for a proposed new two-story mixed-use structure that included variances and the partial demolition of one floor of office space in the existing eight-story office building to accommodate additional parking and restaurant space. Specifically, the applicant is requesting façade and site plan modifications to the new two-story, mixed-use structure and an additional variance to reduce the width of a two-way drive aisle.

#### **RECOMMENDATION:**

Approval with conditions.

Approval of the variance with conditions.

#### **LEGAL DESCRIPTION:**

Lots 1, 2, 3, 4, 5 and 6 of Block 39, of Commercial Subdivision, according to Plat thereof as recorded in Plat Book 6, Page 5 of the Public Records of Miami-Dade County, Florida and Lots 7 and 8 of Block 39, of Palm View Subdivision, according to Plat thereof as recorded in Plat Book 6, Page 29 of the Public Records of Miami-Dade County, Florida, less and except a portion of Lot 7.

#### **HISTORY:**

February 7, 2006—The Design Review Board approved the renovation and alteration of the existing building at 1111 Lincoln Road, pursuant to DRB File No. 19018. The project included the addition of a roof-top restaurant and additional office space and ground level retail, as well as the construction of a new 2-story mixed-use building and a new 7-story mixed-use parking structure at the southwest corner of the site.

January 06, 2015—The Design Review Board approved a new two-story mixed-use structure to replace an existing surface parking lot and the partial demolition of one floor of office space in an existing eight-story office building to accommodate additional parking and restaurant space.

The overall site consists of three specific areas: the iconic 1111 parking garage, the eight-story SunTrust office building, and the surface parking lot (1666 Lenox Avenue).

#### **SITE DATA 1111 Lincoln Rd & 1666 Lenox Avenue:**

Zoning: CD-3 (Commercial, high Intensity)

Future Land Use Designation:	CD-3 (Commercial, high Intensity)
Lot Size:	59,709 SF
Maximum FAR:	164,200 SF (59,709 SF x 2.75)
Existing FAR:	164,195 SF
Proposed new FAR:	164,195 SF (2.749)
Remaining FAR:	5 SF
Existing Height (1111 Lincoln):	124'-11"/7 stories (~132' to non-habitable projection)
Proposed Height (1111 Lincoln):	No change
Existing Height (1666 Lenox):	0' / surface lot
Proposed Height (1666 Lenox):	32'-0"/2 stories
Existing Use:	Surface parking 20 spaces / 3 loading spaces
Proposed Use:	Commercial/Mixed-Use Residential
Proposed Building:	11,373 SF 6,353 SF ground floor retail 5,020 SF upper floor residential
Parking:	Relocate 20 spaces / 3 loading spaces New required parking 4 (2 each residential unit)

**THE PROJECT:**

The applicant has submitted plans entitled "1111 Lincoln Road", as prepared by **Charles H. Benson** and designed by design architects **Herzog & De Meuron** dated August 27, 2015.

The applicant is requesting façade and site plan modifications to the new two-story, mixed-use structure.

The applicant is requesting the following variance(s):

1. A variance to reduce 10'-0" of the minimum required width of 22'-0" for a two-way drive aisle in order to provide 25 valet-operated parking spaces and one loading space with an interior drive aisle of 12'-0".

- Variance requested from:

**Sec. 130-63. Interior aisles.**

*Interior aisles shall meet or exceed the following minimum dimensions permitted:  
90° parking—22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.*

The reduction of the driveway is proposed on the access ramp to connect the new parking spaces proposed with the existing parking area of the 1111 building at the third level only. The proposed parking spaces will be valet operated and a traffic signal on both sides of the ramp is proposed to facilitate the vehicular circulation. Because only a small portion of the driveway is affected, staff has no objections to the applicant's request.

**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 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 inconsistent with the following sections of the City Code, in addition to the requested variance(s):

1. A comprehensive and thorough FAR analysis of the existing permit drawings of all structures and the proposed FAR transfer onto the parking lot site will be required.
2. Relocate 20 spaces / 3 loading spaces formerly contained on surface lot.

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.

**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; a variance is required**
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; a variance is required**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Not Satisfied; the material palette chosen has not been fully identified and will need to be provided for review**
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; a variance is required**
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.  
**Satisfied; the ground floor has active retail programming**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Not Satisfied; all mechanical equipment located above the roof deck shall be enclosed or screened from public view.**
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).  
**Satisfied**

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.

**Not Satisfied; one additional loading space will need to be provided on site.**

### **STAFF ANALYSIS:**

In January 2015, the applicant obtained approval for a new two-story mixed-use building fronting Lenox Avenue, which would take the place of the existing parking lot, trash disposal area and FPL vault. The design had retail spaces as well as a restaurant with outdoor dining on the ground floor, and two large courtyard townhouses on the second floor. The proposed structure would significantly improve the urban context of the existing property. In this regard, the dead space associated with the surface parking lot will be removed and replaced with active retail programming.

None of this programming has changed; the applicant is now requesting façade and site plan modifications to the structure. The front façade of the building is proposed as four pivoting panels capable of raising and lowering to each tenants' preference. The custom metal gate/wall will be painted white to match the sleek exterior of the building. The potential for a dynamic retail and street experience is certain, as the pivoted walls, when raised, allow the viewer to gaze into traditional glass storefront systems. Staff commends the architectural team for, once again, raising the bar for high-quality and noteworthy architecture on Lincoln Road.

Staff has a concern with the potential effect of the lowered panels at night, in terms of visual transparency for pedestrians and motorists within the retail bays. In this regard, it is suggested that a limit be placed on how low the panels may go.

Additional changes to the site plan are minimal and refer to trash areas and venting operations of the kitchen.

### **VARIANCE REVIEW**

It should be noted that as part of the prior approval in January, an entire floor of the office building was carved out and the area was retrofitted as parking. A new parking ramp was proposed to be constructed in the southwest corner of the floor to provide vehicular access from the 1111 parking garage. The proposed ramp requires a variance that was not previously identified, to waive the width of a two-way drive aisle.

The project consists of a two-way drive that will access parking areas for 19 vehicles, but in order to provide access to all the parking, the applicant is requesting a variance that will allow the minimalist aesthetic and sculptural quality of the 1111 parking slabs to continue. Considering the existing site conditions, staff believes that the variance requested is the minimum necessary to make a reasonable use of a portion of the existing office building for parking while retaining the existing buildings. Additionally, the approval of the variance will

be self-contained within the site, and will not negatively affect any abutting properties.

In summary, staff has no objection to the request for the variance and recommends approval of same as proposed.

**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/or Practical Difficulty and Hardship criteria.

TRM/JGM

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

MEETING DATE: October 06, 2015

FILE NO: 23103

APPLICANT: MBEACH1, LLLP

PROPERTY: 1111 Lincoln Road and 1666 Lenox Avenue

LEGAL: Lots 1, 2, 3, 4, 5 and 6 of Block 39, of Commercial Subdivision, according to Plat thereof as recorded in Plat Book 6, Page 5 of the Public Records of Miami-Dade County, Florida and Lots 7 and 8 of Block 39, of Palm View Subdivision, according to Plat thereof as recorded in Plat Book 6, Page 29 of the Public Records of Miami-Dade County, Florida, less and except a portion of Lot 7.

IN RE: The Application for Design Review Approval for modifications to a previously issued Design Review Approval for a proposed new two-story mixed-use structure that included variances and the partial demolition of one floor of office space in the existing eight-story office building to accommodate additional parking and restaurant space. Specifically, the applicant is requesting façade and site plan modifications to the new two-story, mixed-use structure and an additional variance to reduce the width of a two-way drive aisle.

**MODIFIED 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 Approval**

- 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, 4, 5, 9, and 17 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. A modification of the original BOA Final Order File No. 3178 will be required to amend Condition 1 that reads: "The parking lot on the north side of the building shall remain open and be maintained as a surface parking lot or other open space area, subject to the review and approval of Planning Department staff."
  2. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. 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.
    - b. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - c. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - d. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
    - e. All kitchen ventilation shall be chased through the interior of the building to the roof, subject to staff approval. Alternatively, an exterior chase may be located on the west elevation, provided that it is encapsulated, or screened, in a manner consistent with the architecture of the structure, and subject to the review and approval of staff.
    - f. A fully enclosed, air-conditioned trash room shall be provided for on site dumpsters, which is sufficient to handle the maximum uses intended for the proposed structure. Alternatively, a self-contained trash compactor, open to the sky, may be permitted, provided that it is enclosed on all

sides in a manner consistent with the architecture of the structure, and subject to the review and approval of staff. Should the trash compactor be removed from the site, the fully enclosed, air-conditioned trash room shall be required. External dumpsters shall not be permitted.

- g. 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.
  - h. 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.
3. 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. The overall plant palette proposed for the project shall be diversified and increased throughout the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. Any existing canopy shade tree(s) on site with a caliper size of 4" of greater being impacted by the construction shall be carefully root pruned, protected and/or relocated. A Tree Disposition Plan shall be provided for Planning staff review and approval prior to the issuance of a Building Permit.
  - c. The applicant shall explore retaining the existing landscaping located along the northern property line to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, subject to the review and approval of staff.
  - 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 root barriers and/or Silva Cells as applicable shall be clearly delineated on the revised landscape plan.

- 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. 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.
- i. 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 10'-0" of the minimum required width of 22'-0" for a two-way drive aisle in order to provide 25 valet-operated parking spaces and one loading space with an interior drive aisle of 12'-0" ..
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

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

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

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

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board hereby grants the requested variance(s) and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

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

- A. 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. During Construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an eight foot (8'-0") high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- C. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- D. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1111 Lincoln Road", as prepared by **Charles H. Benson** and designed by design architects **Herzog & De Meuron** dated August 27, 2015, 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 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 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 shall 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 \_\_\_\_\_ ( )

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