

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members
FROM: Thomas R. Mooney, AICP
Planning Director
SUBJECT: Design Review File No. 23207
6930 Collins Avenue

DATE: November 03, 2015

The applicant, Golden Miles Shoppe Inc. is requesting Design Review Approval for the construction of a new three-story addition to an existing one-story commercial building.

RECOMMENDATION:
Approval with conditions

LEGAL DESCRIPTION:

Lots 11-12 of Block D, of "Corrected Plat of Atlantic Heights", according to Plat thereof as recorded in Plat Book 9, Page 14, of the Public Records of Miami-Dade County, Florida.

HISTORY:

An application was approved on February 08, 2000, for Design Review approval for the demolition of an existing one-story commercial structure and the new construction of a one-story retail building, inclusive of parking on the rear of the property, accessed from the Municipal parking lot facing Harding Avenue, pursuant to DRB File No. 12652.

SITE DATA:

Zoning: Town Center Core
District TC-1
Future Land Use: TC-1
Parking District: 4
Lot Size: 12,500 SF
Existing FAR: 4,452 / 0.36
Proposed FAR: 17,905 SF (1.43)*
Permitted FAR: 28,125 SF (2.25)

*As represented by the applicant

Height:
Existing: 16'-6" / 1-Story
Proposed: 51'-6" / **4-Story**
Maximum: 75'-0" / 7-Story

Required Parking: 0 Spaces
Provided Parking: 9
Bicycle Parking: 8 spaces

Grade: +5.76' NGVD
Flood: +8.00' NGVD
Difference: 2.24' NGVD
Adjusted Grade: +6.88' NGVD

Surrounding Properties:

East: Fifteen-story residential building
North: Two-story mixed use
South: One-story restaurant
West: GU P83 City Parking Lot

Existing Use: One-story commercial
Proposed Use: Four-story commercial/office

THE PROJECT:

The applicant has submitted plans entitled "New Addition of Golden Mile Shoppes", as prepared by **Isaac Sklar Architecture** dated, signed, and sealed 09/11/2015.

The applicant is proposing to construct a new three-story detached addition above an existing retail building and vacant portion of the site.

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:

1. The FPL Vault must be setback a minimum of 10'-0" from the rear property line. This area must be allocated for a future alley and must be maintained clear. Only planters or easily removable or temporary structures are permitted in this setback.
2. Per Section 142-736 of the City of Miami Beach Code of Ordinance: The prohibited uses in the TC-1 district are pawnshops, and alcoholic beverage establishments located in any open area above the ground floor—any area that is not included in the FAR calculations, except as provided in this division. However, outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues may be permitted in any open area above the ground floor until 8:00 PM with no background music—amplified or non-amplified.
3. Comprehensive Floor Area Ratio (FAR) drawings and calculations will be required prior to a building permit.
4. The accessory uses in the TC-1 district are those uses permitted in article IV, division 2 of this chapter and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, accessory outdoor bar counters located within 100'-0" of an apartment unit may not be operated or utilized between 8:00 p.m. and 8:00 a.m.

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.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **commercial use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

ACCESSIBILITY COMPLIANCE

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management

Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the FPL vault is encroaching into the required alley easement.
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 FPL vault is encroaching into the required alley easement.
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 FPL vault is encroaching into the required alley easement.
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 exterior finish and material selection has not been identified and appears to be limited in variety.
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 FPL vault is encroaching into the required alley easement.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the outdoor rooftop terrace in the rear of the property is not a compatible or permissible use.

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.
Not Satisfied; the FPL vault is encroaching into the required alley easement.
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.
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 FPL vault is encroaching into the required alley easement.
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.

Not Satisfied; the mechanical equipment shall be configured to be as close to the center of the roof as possible and screened from view on all sides.

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; a fully enclosed, air-conditioned trash room is not provided, and will be required and sufficiently sized to handle the maximum uses intended for the proposed structure. External dumpsters are not permitted.

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is proposing to construct a new three-story detached addition to a property containing an existing one-story commercial building, located midblock on Collins Avenue. The subject property is not located within a local or national register historic district, but it is across the street from the North Beach Resort Local Historic District. The existing building was constructed in 2001 designed by Isaac Sklar—the same architect designing the proposed addition. Currently, the one-story retail building contains four restaurants and cafés. The existing structure is located at the front property line of the property, with pedestrian access bisecting the building directly from the sidewalk along Collins Avenue to the parking area in the rear of the property. The existing one-story building will remain intact; the applicant is proposing the mixed-use building with retail at the ground level, offices on the second and third floor and a bar/lounge on the fourth floor.

The architect has designed the addition to be consistent with the massing and immediate context for the area. The new detached addition is substantially setback from Collins Avenue (nearly 50'-0") with the majority of the massing configured toward the surface parking lot located in the rear of the property. Vehicular access will be maintained via an existing City parking lot adjacent to the rear (west) of the site. The GU-zoned City parking lot, P83, was recently remodeled with new surfacing, striping and landscaping.

This property is within the TC-1 zoning district which is intended to promote high-intensity compact development that will support the town center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment in North Beach. The proposal is within the zoning thresholds for this district. Additionally the greater massing and building height is much better suited for a busy commercial corridor than the one-story structure.

However, the proposed rooftop restaurant use does raise some concerns. The top floor of the new building is proposed to contain an enclosed lounge area of approximately 2,700SF,

with an adjacent outdoor bar terrace of equal area. An operable bi-fold door and folding glass wall storefront system is proposed along the west elevation of the lounge, allowing an expansion of the indoor architectural space onto the outdoor terrace.

Further, staff has a concern with the location of the terrace at the west side of the property overlooking the City parking lot, whereupon if 'flipped' the terrace would offer vistas up and down Collins Avenue and perhaps obtain ocean breezes for the patrons. The property's adjacency (cater-cornered to the northwest) to an existing five-story residential building may create certain operating and noise concerns pertaining to compatibility. As such, if approved, staff would recommend that the operable door and glass system proposed be replaced with fixed glass and the minimum amount of swing doors to meet egress requirements. Additionally, incorporating operating conditions to safeguard against any potential nuisance or disturbance to the surrounding neighborhood to the west should be imposed.

Overall, the addition is designed in a manner that is consistent with the existing structure since it follows the same architectural language. Staff has no objections with regard to the design of the proposed addition since it's compatible to the immediate area and consistent with the playful "deco-inspired" design of the existing structure. Staff has some minor concerns relative to the exterior surface colors proposed, as well as the lack of sufficient detail and visual interest on the non-primary elevations. The architect has provided breaks in the massing of the structure which also helps alleviate the impact of this structure into the existing urban context of its surrounding area. Additionally staff would recommend the use of a differentiating exterior material—particularly the use of stone, perforated metal, and/or changes in plane—to assist in breaking up the massing and giving an improved quality and unique identity. The concerns, however, should be able to be addressed at the administrative level, as indicated in the recommendation. Additionally, the FPL vault needs to be relocated outside of the required 10'-0" clearance easement for the alley.

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/MB/JGM

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

MEETING DATE: November 03, 2015

FILE NO: 23207

PROPERTY: **6930 Collins Avenue**

APPLICANT: Golden Miles Shoppe Inc.

LEGAL: Lot 11-12 of Block D of the "Corrected Plat of Atlantic Height", According to the Plat Thereof, as Recorded in Plat Book 9, Page 14, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new three-story addition to an existing one-story commercial 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 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 1—7, 10, 14, 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 shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. Comprehensive Floor Area Ratio (FAR) diagrams and calculations will be required at time of building permit.
 - b. The use of the exterior terrace shall be reviewed and approved by staff and be consistent with the TC-1 Zoning District permitted uses.
 - c. The FPL Vault shall be setback at minimum distance of 15'-0" from the rear property line. The final location and details for the FPL Vault, including materials, dimensions and finishes, 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.
 - d. The north and south elevations shall incorporate additional architectural detail and visual interest, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. A minimum of two (2) high quality contrasting finishes in addition to the smooth stucco finish, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
 - f. The proposed operable bifold door and folding glass wall storefront shall not be permitted. All access doors shall consist of single, swing doors, and the number of doors shall be limited to that necessary to meet minimum egress requirements. All exterior glass will be fixed and non-operable. All window frames shall be composed of an aluminum finish. All windows shall consist of clear glass and incorporate the minimum tint required by the energy code, 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 architect shall explore reconfiguring the top floor and orienting the terrace eastward, 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 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 reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - i. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.

- j. 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.
 - k. 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.
 - l. 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 in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. At a minimum, such plan shall incorporate the following:
- a. All proposed planters shall be built-in planters with irrigation systems 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 architect shall incorporate canopy shade trees into the landscaping plan within the front sidewalk spaced 20'-0" on center for the entirety of the property width, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. 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.
 - d. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
 - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The

be employed as necessary to minimize or dissipate smoke, fumes and odors.

- vi. No outdoor bar counters shall be permitted on the premises.
- vii. the Design Review Board (DRB) or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- viii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- ix. No outdoor speakers shall be permitted.
- x. Outdoor restaurant seating, not exceeding 40 seats, associated with indoor venues shall be permitted in any open area above the ground floor until 8:00 PM with no background music—amplified or non-amplified.
- xi. No outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, or vocal.
- xii. No DJ shall be permitted inside or outside the establishment.

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. 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. 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.
- 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 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 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 "New Addition of Golden Mile Shoppes" as prepared by **Isaac Sklar Architecture** dated signed and sealed September 11, 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 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 _____ ()

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