

# 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. 23230  
**7615 Harding Avenue – Multi-Family**

DATE: January 15, 2016

The applicant, 608 Investments LLC, is requesting Design Review Approval for the construction of a new detached five-story addition to an existing two-story multifamily building including variances to reduce the required rear setback for building and to reduce the required rear and side setback for parking.

#### **RECOMMENDATION:**

Approval with conditions

Approval of the variances with conditions.

#### **LEGAL DESCRIPTION:**

Lot 4 less West 2'-6" of Block 2, of "Altos Del Mar No. 3", according to Plat thereof as recorded in Plat Book 8, Page 41, of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning: RM-1  
Future Land Use: RM-1  
Lot Size: 5,500 SF  
Existing FAR: 2, 445 SF / 0.45  
Proposed FAR: 6,875 SF / 1.25\*  
Permitted FAR: 6,875 SF / 1.25

\*As represented by the applicant

Height:  
Proposed: **48'-8" / 5-Story**  
Maximum: 50'-0" / 5-Story  
Highest Projection: 57'-8"

Existing Use: Residential Building  
Proposed Use: Residential Building  
Existing Residential Units: 4 Units  
Proposed Residential Units: 8 Units  
Required Parking: 6 Spaces  
Provided Parking: 6 Spaces

Grade: +5.05' NGVD  
Base Flood Elevation (BFE): +8.00' NGVD  
Difference: 1.47'  
Adjusted Grade: +6.53' NGVD  
Finished Floor Elevation: +8.00' NGVD

#### **EXISTING STRUCTURE:**

Two-story four-unit residential building  
Architect: Harry O. Nelson  
Year of Construction: 1940  
Demolition: None

#### **Surrounding Properties:**

East: 11-story 2004 Multi-Family Building  
North: 2-story 1956 Multi-Family Building  
South: 2-story 1940 Multi-Family Building  
West: 1-story 1952 Multi-Family Building

#### **THE PROJECT:**

The applicant has submitted plans entitled "Harding Avenue Suites", as prepared by **Ramos Martinez architects, Inc.**, dated, signed, and sealed 11/13/2015.

The applicant is proposing to construct a new five-story (48'-8" high) four-unit detached addition in the rear of the property.

The following variances are requested for the project:

1. A variance to reduce by one foot, one inch (1'-1") the minimum required interior side setback of five feet (5'-0") for at grade parking in order to construct parking spaces at three feet, eleven inches (3'-11") from the north property line.

- Variance requested from:

**Sec. 142-156. Setback requirements.**

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

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

A five-story, four-unit residential addition is proposed at the rear of the site including ground level parking spaces with access from Collins Court. The Code requires at-grade parking spaces to be setback five feet (5'-0") from the side property line. As proposed, one space does not comply with this requirement as it is located at three feet eleven inches (3'-11") from the north property line. The applicant is retaining the existing contributing 1940 two-story Harry Nelson building. Because the new addition is setback 10'-0" from the existing contributing building the available area for parking is limited. This variance request is the minimum variance required in order to construct parking spaces for the new residential units, increase the buildable square footage onsite and satisfy the design review criteria while preserving the existing structure. The subject property contains 5,500 SF of lot area which is below the minimum developable lot area for RM-1 zoned parcels. It is an interior lot on a block historically platted with undersized lots along Harding Avenue. Staff maintains that the substandard size of the property and the retention and preservation of the existing contributing building on site creates a practical difficulty, thus requiring the variance.

2. A variance to reduce by 1'-5" the minimum required rear setback of 5'-0" for at grade parking in order to construct parking spaces at 3'-7" from the rear property line.

- Variance requested from:

**Sec. 142-156. Setback requirements.**

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

*At-grade parking lot on the same lot except where (b) below is applicable, Rear: Non-oceanfront lots—5'-0"*

Four parking spaces are configured perpendicular to the rear property line with a rear setback of three feet seven inches (3'-7") where five feet (5'-0") is required. Again, due to the retention of the existing contributing building on site and the substandard nature of the property, the residential addition is sited closer to the rear in order to satisfy the design review criteria. In this specific instance, the property does not have an immediately abutting

property to the east and the alley mitigates any impact on the adjacent neighbors. Other adjacent properties in the same block also access parking from the alley with similar, if not lesser, setbacks. Staff finds that the existing contributing building on site constructed in 1940 creates the practical difficulty requiring this variance.

3. A variance to reduce by two feet four inches (2'-4") the minimum required rear pedestal setback of 11'-0" in order to construct a five-story residential building at eight feet eight inches (8'-8") from the rear property line.

- Variance requested from:

**Sec. 142-156 Setback requirements.**

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

*Pedestal, rear, Non-oceanfront lots — 10% of lot depth.*

The requested variance is necessary in order to accommodate the additional space and reasonably setback the new structure from the existing building. Staff also finds that the contributing structure creates the practical difficulties that require this variance in order to accommodate the proposed project, preserve the contributing building and make a reasonable use of the land.

**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. The balconies and slab projections appear to exceed the maximum allowed 25% projection into required yards.
2. The stairs at the first level shall be included in the FAR calculations.
3. The existing mechanical equipment on the roof of the original building is visible from the street. As per building permit B0803791 for the renovation of the building, these units shall be setback 10'-0" from the building walls and screened from view.

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 **residential 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.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Not Satisfied; the proposed project requires several variances from the Design Review 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 proposed project requires several variances from the Design Review 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 proposed project requires several variances from the Design Review 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.  
**Not Satisfied; the proposed project requires several variances from the Design Review Board.**
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 Applicable**

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).

**Not Satisfied; the proposed project requires several variances from the Design Review Board.**

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 existing mechanical equipment shall be setback 10'-0" from the building walls and screened from 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.  
**Not applicable**
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; trash shall be serviced from Collins Court.**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing to construct a detached residential addition to an existing two-story residential building on an interior lot located within the North Shore National Historic District. The existing structure was constructed in 1940 and designed by Harry O. Nelson originally as the Ocean Breeze Apartments. The building was recently renovated and restored in 2014 (B1401484) to convert the existing 11 apartment units into a four-plex residential building.

The applicant is proposing to construct a five-story building towards the rear of a property containing a contributing structure to the North Shore National Historic District. While the existing structure is not located within a local historic district, the applicant is proposing to retain the existing structure as part of their development project. The original two story building is a wonderful example of deco architecture with a fabulous side accessed sweeping exterior Imperial stairwell, and many additional architectural features prevalent for the time. The addition will house four additional units with their associated parking on the ground floor accessible from the existing alley, Collins Court.

The addition is setback 10'-0" from the existing structure and located within the rear portion of the site. A non-original garage structure was demolished in 2014, pursuant to building permit BD140122. The positioning of the new building is more proximate to the 11-story building that fronts on Collins Avenue. The building is configured with covered parking along the ground floor with one unit per floor above and a shared roof terrace. Overall, staff is supportive of the project, particularly with the renovation to the existing 1940 structure; however, staff does have some concerns as it pertains to the open staircase located on the southwest corner of the building.

As designed, this is the tallest projection of the building and the most visible. Staff would recommend the elimination of the semicircular open trellis above the stair in order to minimize the scale of the projection and expanding the eyebrow in the front further south in order to introduce a horizontal element and provide some protection over the door. Staff

would also recommend the further refinement of this vertical element by changing the stucco finish for a high quality finish such as a natural stone, a tile or other contrasting material.

In summary, staff commends the applicant for proposing a noteworthy, compact, and well-planned design solution for this addition.

#### **VARIANCE REVIEW**

The existing contributing two-story building at the front of the property is being retained. The contributing historic structure is being retained, which creates practical difficulties that result in this variance request. Staff finds that this site condition meets the criteria for the granting of the variances to accommodate the existing structures. The City of Miami Beach has often found that the retention and preservation of a contributing structure within a historic districts as meeting the practical difficulties standard of the Charter.

The new residential addition is proposed at 10'-0" from the existing building, in order to satisfy the design review criteria which in addition reduce the available area for development. Staff finds that the applicant's requests #1, #2, #3 meet the hardship criteria for the granting of these variances as they are the minimum necessary to accommodate the residential addition while preserving the existing structure. The proposed setbacks are consistent with the setback for parking and rear setback of other buildings within the same block and no negative impact will adversely affect the adjacent properties. The propose height, five stories, will serve as suitable transition in scale from the abutting eleven-story building to the east. In summary, staff has no objection to the requests and recommends approval of the variances 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 Practical Difficulty and Hardship criteria.

TRM/JGM/IV/LC

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

MEETING DATE: January 15, 2016

FILE NO: 23230

PROPERTY: **7615 Harding Avenue**

APPLICANT: 608 Investments, LLC

LEGAL: Lot 4 less West 2'-6" of Block 2, of "Altos Del Mar No. 3", according to Plat thereof as recorded in Plat Book 8, Page 41, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new detached five-story addition to an existing two-story multifamily building including variances to reduce the required rear setback for building and to reduce the required rear and side setback for parking.

**ORDER**

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

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not a individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 6, and 12 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. Revised elevation, site plan and floor plan drawings for the proposed townhome project at 7615 Harding Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The exterior material and finish for the open staircase (south) which is currently identified as 'stucco' shall be replaced with a high quality stone, tile or other high quality contrasting material, 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 roof overhang over the open staircase (south) shall be eliminated and the eyebrow shall be expanded over the central portion in order to minimize the scale and massing for the projecting element, 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 mechanical equipment on the roof of the existing building shall be relocated 10'-0" from the building exterior walls and screened from view as per building permit B0803791.
  - d. 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.
  - e. All window frames shall be composed of brushed anodized aluminum frames. 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.
  - f. 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.
  - 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.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and

subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. Any fence or gate or security feature along the property facing the rights-of-way shall be designed with high level of transparency and in a manner consistent with the architecture, 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 exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- d. Any existing plant material within the public right-of-way may be required to be removed, at the discretion the Public Works Department.
- 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 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.
- h. 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.
- i. 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.
- j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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 by 1'-1" the minimum required interior side setback of 5'-0" for at grade parking in order to construct parking spaces at 3'-11" from the north property line.
  2. A variance to reduce by 1'-5" the minimum required rear setback of 5'-0" for at grade parking in order to construct parking spaces at 3'-7" from the rear property line.
  3. A variance to reduce by 2'-4" the minimum required rear pedestal setback of 11'-0" in order to construct a five-story residential building at 8'-8" from the rear property line.
- 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. 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.
- 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. 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 "Harding Avenue Suites" as prepared by **Ramos Martinez Architect, Inc.** dated 11/13/2015, 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.

