

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 2, 2021

PROPERTY/FOLIO: 120 MacArthur Causeway 02-4204-000-0060

FILE NO: DRB20-0530

IN RE: An application has been filed requesting Design Review Approval for the construction of a new multistory office building. This application requires a Conditional Use Permit to be reviewed and approved by the Planning Board.

LEGAL: See Exhibit "A"

APPLICANT: Miami Beach Port, LLC

ORDER

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 4, 9 and 19 in Section 118-251 of the Miami Beach Code.
- C. 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 Sea Level Rise Criteria 1, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 - 1. The project shall comply with the conditions imposed by the Planning Board Order No. PB20-0352.
 - 2. Revised elevation, site plan, and floor plan drawings for the proposed new commercial building at 120 MacArthur Causeway shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. URBAN HEAT ISLAND ORDINANCE Sec. 130- 69. - Commercial and noncommercial parking lots. 3) Open- air parking lots, open to the sky, shall be constructed with (i) a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or ii) porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.
- b. All mechanical equipment above the roof deck shall be enclosed or screened from public view, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. Vessels or marine equipment shall comply with maximum projection into the waterway. There are limitations based on the width of the canal. See section of the City Code 66-113.
- d. The proposed signage on the entrance gate house shall comply with Section 138-16 of the City Code.
- e. The ground floor frontage shall comply with Section 133-62. – Long Frontage Standards.
- f. The architect shall further explore the design of the rooftop levels wall finishes, 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 further incorporate texture and interest on the garage ground floor level elevations, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The architect shall further refine the design of the garage screening, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. The architect shall further refine the ground floor elevations of the office buildings, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
- j. The final design details of the garage trellis structure 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. The final design details of the office buildings' rooftop trellises 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.
- l. The final design details of the exterior materials and finishes 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.

- m. 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.
 - n. 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.
 - o. 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.
 - p. 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 plans 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 plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. The pedestrian circulation zone along the waterfront shall comply with the City of Miami Beach and Miami-Dade County Baywalk Design Guidelines that include landscaping with tree and palm plantings, passive zones with seating, lighting and safety zones with textural changes in the paving immediately adjacent to the seawall.
 - b. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - c. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - d. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such

report shall continue for a period of 18 months unless determined otherwise by staff.

- e. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- f. The architect shall substantially increase the amount of native canopy shade trees within 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.
- g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- h. 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.
- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. 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.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, 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.
- m. 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.
- n. 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. No variance(s) were filed as part of this application.

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. 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.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled “One Island Park“, as prepared by **Arquitectonica**, dated December 07, 2020, 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 _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

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

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

Exhibit "A"

Commencing at a point 1580 feet north and 2015 feet west from the southeast corner of section 4, township 54 south, range 42 east, said point being at the intersection of the centerline of the roadway of the original Miami County Causeway viaduct and the face of the west bridge abutment, run south 67 degrees 05 minutes 00 seconds west, along the centerline of said roadway produced, a distance of 58.70 feet to a point; thence run south 31 degrees 43 minutes 00 seconds east a distance of 64.75 feet to a point, said being the point of beginning (1); thence run south 67 degrees 05 minutes 00 seconds west, along the southerly line of the Miami County Causeway, a distance of 117.78 feet to the point of beginning of cut-out parcel of land herein described,

From said point of beginning; thence run south 67 degrees 05 minutes 00 seconds west, along the said southerly line of the Miami County Causeway, a distance of 40.43 feet; thence run along the arc of a circular curve deflecting to the right, having for its elements a central angle of 06 degrees 15 minutes 30 seconds and a radius of 243.86 feet, a distance of 26.64 feet to a point; said point being the point of compound curvature of a circular curve; thence run along the arc of a circular curve deflecting to the right, and having for its elements a central angle of 01 degrees 25 minutes 44 seconds and a radius of 1,566.95 feet, a distance of 39.08 feet to a point; thence run south 31 degrees 43 minutes 00 seconds east a distance of 403.80 feet to a point; thence run south 25 degrees 29 minutes 00 seconds west a distance of 97.46 feet to a point; thence run north 64 degrees 31 minutes 00 seconds west a distance of 120.00 feet to a point; thence run south 25 degrees 29 minutes 00 seconds west a distance of 100.00 feet to a point; thence run south 64 degrees 31 minutes 00 seconds east, along a line parallel to the municipal channel a distance of 832.55 feet (record and legal description) 832.55 feet (calculate) to a point; thence run north 31 degrees 43 minutes 00 seconds west a distance of 583.57 feet; thence south 58 degrees 17 minutes 00 seconds west for a distance of 175.85 feet; hence north 32 degrees 27 minutes 12 seconds west for a distance of 59.61 feet; thence north 32 degrees 00 minutes 10 seconds west for a distance of 61.22 feet; thence north 31 degrees 57 minutes 07 seconds west for a distance of 59.87 feet; thence north 31 degrees 45 minutes 47 seconds west for a distance of 99.47 feet; thence north 32 degrees 00 minutes 04 seconds west for a distance of 109.79 feet; thence north 58 degrees 01 minutes 56 seconds east for a distance of 19.00 feet to the point of curve of a non tangent curve to the right, of which the radius point lies north 87 degrees 07 minutes 46 seconds east, a radial distance of 71.65 feet; thence northerly along the arc, through a central angle of 43 degrees 56 minutes 24 seconds, a distance of 54.95 feet; thence north 31 degrees 06 minutes 33 seconds west for a distance of 10.00 feet, to the southeasterly corner of an existing one-story c.b.s. building; thence continue north 31 degrees 06 minutes 33 seconds west, northwesterly along the face of the said existing c.b.s. building line, a distance of 39.60 feet, to the northeasterly corner of said existing one-story c.b.s. building; thence continue northwesterly, north 31 degrees 06 minutes 33 seconds west, for a distance of 30.28 feet, to the point of beginning of the cut out parcel of land.

Containing 161,716 square feet or 3.71 acres, more or less.

Lying and being in section 4, township 54 south, range 42 east, City of Miami Beach, Miami-Dade County, Florida.