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VIA HAND DELIVERY AND ELECTRONIC SUBMITTAL

April 5, 2021

Michael Belush, Planning and Zoning Manager
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **DRB21-0645** – Letter of Intent – Design Review and Phased
Development of Proposed New Tower in RM-2 Portion of
1420 and 1508 Bay Road, Miami Beach, Florida

Dear Michael:

This law firm represents MCZ/Centrum Flamingo II, LLC and MCZ/Centrum Flamingo III, LLC (collectively the “Applicant”) in its application for design review of a new residential tower at the northern end of the Flamingo Point development (“Flamingo Point”) located at 1420 and 1508 Bay Road (collectively the “Property”). This application adds a sixth phase to the previously approved phasing and design approved pursuant to DRB17-0160 and DRB17-0216, and last modified by DRB20-0577 (collectively the “Prior DRB Approvals”). See Exhibit A, Prior DRB Approvals, attached.

Property Description. The Property is a waterfront parcel approximately 16 acres in size located between 14th and 16th Streets on the west side of Bay Road. The Property can be further identified by Miami-Dade County Folio Nos. 02-3233-007-0030 and 02-3233-007-0032. The Property is improved with a multi-family development that consists of a Central Tower, North Tower, and South Tower, as well as a five (5) story mixed-use parking garage adjacent to the North Tower (the “North Garage”). The North Garage is currently lined with townhouses on its east facade along Bay Road, as well as garden apartments on all floors facing Biscayne Bay to the west.

A section of the northern end of the Property is within the RM-2 (Residential Multifamily, Medium Intensity) Zoning District

(the "RM-2 Parcel"). The RM-2 Parcel is approximately 126,319 square feet (2.90 acres) in size. Currently, the northern half of the North Garage, with townhouses fronting Bay Road and garden apartments lining the Bay side, is located on the RM-2 Parcel, as well as surface parking, landscaped areas, and driveways for access to the North Garage. The proposed new tower (the "New Tower") will be located towards the western end of the RM-2 Parcel.

Prior DRB Approvals and Current Status. In 2017 the Design Review Board ("DRB") approved phased development for Flamingo Point, pursuant to Section 118-259 of the Miami Beach City Code (the "Code"), to complete a four-phased renovation that would create a less-dense and more family-friendly community, establish a large pedestrian plaza open to the public fronting Bay Road and improve traffic flow and overall safety. Many of these renovations have been completed, and others are currently permitted and under construction. Completed portions include replacement of the central guard gate and Bay Road fencing with the spacious pedestrian plaza, creation of a new entrance by the North Garage that leads to newly-internalized valet and ride sharing drop-off and pick-up that has substantially improved traffic circulation and pedestrian safety in the neighborhood.

On November 3, 2020, the DRB approved File No. DRB20-0577, which consists of the following modifications:

- (1) Revisions to the exterior of the wings of the North Tower facing the Bay to address existing structural conditions;
- (2) Conversion of the gym in the western tower portion of the North Garage to add eight (8) new garden apartments, which are above existing garden apartments, as new Phase V; and
- (3) Modification and clarification of the overall seating count for the existing café and a new neighborhood friendly restaurant fronting the pedestrian plaza.

Proposed Development Program. Flamingo Point is currently entitled to an approximately additional 100,000 square feet of floor area on the RM-2 Parcel. The Applicant proposes an elegantly designed fourteen (14) story residential building with 34 units. The New Tower is proposed towards the western end of the RM-2 Parcel with abundant glazing on the west and east facing facades to provide views of Biscayne Bay and the Miami Beach cityscape. The fenestration on the north façade is designed to

preserve privacy for the adjacent residential building to the north while still providing points of relief and architectural interest to break up the massing of the building.

In conjunction with the development of the new residential building, the Applicant proposes landscaping improvements throughout the RM-2 Parcel. Such landscaping improvements include the addition of Florida-friendly landscaping throughout the RM-2 Parcel, including the bay front areas west of the existing North Garage, which substantially increases the permeable areas on the RM-2 Parcel. The increase in permeable area from 48% to 76% of the open space of the RM-2 Parcel greatly improves stormwater management and resilience of the Property.

For vehicular access other than deliveries, the design utilizes the recently constructed main entrance on Bay Road that leads to the existing North Garage. Once inside the North Garage, internal ramps lead residents to the parking areas on the third-floor where a sky bridge serves as the primary pedestrian access to the New Tower's main lobby. For egress, vehicles exit through internal garage ramps that lead to the ground floor exit from the North Garage adjacent to the New Tower and utilize the resiliently-designed permeable driveway on the RM-2 Parcel that leads to Bay Road. The only ingress that will occur at the northernmost driveway will be for deliveries to Flamingo Point, and there will also be thirteen (13) short-term parking spaces located towards the front of the RM-2 Parcel. A secondary entrance lobby is located on the ground level for pedestrian access, with back of house, and elevator access to the main lobby and upper residential floors also located on that level.

The New Tower will contain 34 luxurious 2, 3, and 4-bedroom residences, one on the ground level on the west side and the rest on Levels 3 – 14. The rooftop contains an amenity pool deck that features sweeping vistas of Biscayne Bay and greater Miami, as well as resilient landscaping intended to reduce heat island effects and capture stormwater before it reaches ground level. It should be noted that the Applicant's proposed design does not require any variances or otherwise deviate from the requirements of the Code.

Residential Liner for Bayfront Façade. In accordance with Section 142-219 of the Code, the Applicant's proposed design includes a residential liner on the ground floor at the west end of the RM-2 Parcel. The residential liner features one spacious two-bedroom unit west of the drive aisle that connects to the existing North Garage. The residential liner completely screens the drive aisle and entrance/egress to the North Garage and creates a cohesive modern bayfront façade that features substantial glazing from the ground floor to the roof. While no liner is required facing Bay Road, to soften the visibility of the short-

term parking spaces, they are setback approximately 60 feet from the front property line and will have dense landscaping planted in front to provide a beautiful screen. The rest of the RM-2 portion will also contain increased landscaping than present today.

Density Reduction. Despite the addition of the new units to Flamingo Point within the New Tower, the combination of the on-going renovations to the existing North Tower and the changes through permitting of the Prior DRB Approvals and recent DRB modification (DRB20-0577) substantially reduce the overall unit count within Flamingo Point. The reduction in unit count allows for larger, more family-friendly unit sizes, which creates less impact on the surrounding neighborhood and City infrastructure. All told from the existing conditions in 2017, the Applicant is reducing the overall unit count by 206 units.

Phased Development. Due to the size of the Property and the expansive nature of the Prior DRB Approvals, the Applicant obtained phased development approval to complete the renovations in four (4) Phases. The Applicant added fifth phase through DRB20-0577, approved by the DRB on November 3, 2020. The description, approved schedule and current status for each phase is as follows:

Phase Number	Description	Timeframe	Status
I	Pedestrian Plaza, North and south drop off, and ground and 3rd level Central Tower renovation	Building permit within 18 months of DRB Order DRB17-0160	Completed
II	North Garage & Courtyard	Building permit within six (6) months of Phase I building permit	Permitted and in construction
III	North Pool & Outdoor Area	Building permit within twelve (12) months of Phase II building permit	Permitted and in construction
IV	North Tower Renovation	Building permit within twelve (12) months of Phase III building permit	Permitted and in construction

V	New Garden Apartments	Building permit within 18 months of Certificate of Occupancy (CO) for Phase III (North Tower)	Approved by DRB on November 3, 2020.
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New Phase VI. The Applicant now seeks to add a sixth phase to the approved phased development for the New Tower. Development of the New Tower would begin soon after completion of the proposed Phase V for New Garden Apartments.

Phase Number	Description	Timeframe	Status
VI	New Tower	Building permit within 18 months of Certificate of Occupancy (CO) for Phase V (New Garden Apartments)	DRB Application Submitted

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

The Applicant will provide a recycling or salvage plan during permitting.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Hurricane proof impact windows are proposed for the entirety of the New Tower.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

The Applicant proposes to include operable windows where appropriate. In addition, the abundant landscaping and permeable materials contribute to passive

cooling, which represents a significant improvement from the existing paved surface parking lot.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

The Applicant has worked with a landscape architect to provide landscaping that is appropriate for the Property, with plant species that are native, salt-tolerant, and Florida-friendly. The proposed plantings are appropriate for the area and specifically selected to increase flood resilience and improve stormwater drainage on the Property. In addition to landscaping, the design of the New Tower substitutes impervious surfaces for permeable features throughout the RM-2 Parcel to improve resilience.

(5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

The New Tower features no residentially habitable space below base flood elevation. Only one unit on the ground floor will be at 9' NGVD. All other residences between floors 3 and 14 will be significantly elevated. Further, the New Tower's amenity deck is located on the rooftop, which is located well-above base flood elevation plus freeboard.

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.

Exterior improvements on the Property along Bay Road will take into consideration the raising of the public right-of-way and the proposed design details will be coordinated with the City. The Applicant has worked with the City and its consultants in this regard for the prior approvals and building permits.

(7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment

projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

(8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

It is not reasonably feasible to elevate the existing buildings.

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Proper precautions will be taken to protect the Property from potential floods. Through separate prior approvals, existing habitable spaces that are below flood elevation will be converted to non-habitable spaces and the proposed improvements will introduce wet or dry flood proofing systems in the design.

(10) As applicable to all new construction, water retention systems shall be provided.

The existing on-site drainage system consists of interconnected catch basins, exfiltration trenches, and fifteen (15) drainage wells installed around the year 2000. The proposed improvements have been designed to avoid the existing drainage system as much as possible and additional drainage improvements and landscaped areas are proposed.

(11) Cool pavement material or porous pavement materials shall be utilized.

The Applicant proposes a substantial increase in cool and/or porous pavement materials. Currently, only 48% of the open space of the RM-2 Parcel consists of permeable materials. Redevelopment of the RM-2 Parcel with the New Tower will result in 76% permeable area within the RM-2 Parcel.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The Applicant proposes cool pavement, a light-colored roof and extensive landscaping that will minimize the potential for heat island effects.

Conclusion. The Applicant continues to improve the Flamingo Point development with high-standard living conditions, both in the New Tower and on the grounds of the Property that will benefit the surrounding area. The proposed New Tower design responds appropriately to site conditions by maximizing views to the east and west, while respecting the privacy of neighboring residential buildings to the north. The New Tower substantially improves the resilience of the Property by significantly increasing the permeable area on the RM-2 Parcel. The proposed New Tower is a complimentary capstone for Flamingo Point that is consistent with the requirements of the Code and the context of existing development on the west side of the City.

In light of the foregoing, we look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6231.

Sincerely,



Michael W. Larkin

Attachments

cc: Lee Hodges
Matthew Amster, Esq.
Nicholas Rodriguez, Esq.

EXHIBIT "A"

CFN: 20170681602 BOOK 30780 PAGE 289
DATE: 12/05/2017 08:43:35 AM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

DESIGN REVIEW BOARD City of Miami Beach, Florida

MEETING DATE: November 07, 2017

FILE NO: DRB17-0160

PROPERTY: **1420 Bay Road—the Grand Flamingo**

APPLICANTS: MCZ/Centrum Flamingo II, LLC and MCZ/Centrum Flamingo III, LLC

LEGAL: See attached 'Exhibit A'

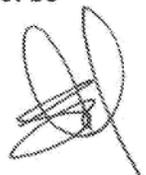
IN RE: The Application for Design Review Approval for design modifications and renovations to exterior and interior portions of the existing North and Central Towers of Flamingo Apartments, a multi-tower residential development, including extensive landscaping, changes to vehicular circulation and pick-up/drop-off locations, and entrance features.

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 8, 11, 17 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 6, 9, and 10 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. 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. The changes to the elevated central bridge within the central view corridor shall not be permitted as proposed. The existing central bridge shall not be



permitted to expand in width or in height, whether with enclosed or unenclosed areas, and any landscaping below this area shall be used to promote views of the water as seen by a person standing beside or on the public roadway and to enhance the view of the land as seen from the water.

- b. The architect shall revise the circulation plan in order to architecturally enhance the path of travel from the North tower drop off / pick up area to the central and north tower retail and amenity points of interest, 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 architect shall revise the circulation plan in order to architecturally enhance the waiting area and path of travel from the South tower drop off / pick up area to the central and north tower retail and amenity points of interest, 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 architect shall revise the pedestrian access plan in order to architecturally enhance the path of travel from the sidewalk to the central and north tower retail and amenity points of 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. The architect shall prepare and submit revised site plan, including enlargement of south drop-off/pick-up area, and supplemental traffic assessment to resolve the comments from the Transportation Department, subject to review and approval by staff of Transportation and Planning Departments.
- f. The final design and details of the proposed pergola/shade structures located in north pool deck 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.
- g. The final design and details of the proposed new planters, pavers, and materials and finishes proposed in the public plaza 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.
- h. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
- i. An adequate number of bike racks, at a minimum of 50, shall be required on site and, at the discretion of the Public Works Department, within the adjacent rights-of-way and in the public plaza. The quantity, locations, design and dimensions of all bike racks shall be subject to the review and approval of staff, in coordination with the Public Works Department



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- j. No sooner than nine (9) months and no later than eighteen (18) months after of the issuance of the TCO or CO for the project, the Operator shall make a revised traffic progress report to the Design Review Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
 - k. The applicant shall submit a complete signage plan showing all ride-sharing, delivery, taxi and other signage sitewide, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - l. Any fence or gate at the front and street side of the property shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - m. 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.
 - n. 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.
 - o. 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. The final landscape selection, which shall include increasing the overall installed size for portions of the landscaping, location, quantity, and specifications of all existing and proposed new landscaping shall be required, 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 applicant shall submit an updated tree survey and tree report at the time of building permit for staff review and approval. 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 development, 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.

- c. The applicant shall work with the City of Miami Beach Urban Forester and Planning Staff to identify healthy canopy shade trees for retention and/or relocation on site. Staff maintains the right to retain existing trees in their current location which may result in the redesign of certain areas of proposed hardscape areas in order to protect trees, subject to the review and approval of staff
 - d. Any landscaping within the central view corridor, from street edge to Bayside, shall be used to promote views of the water as seen by a person standing beside or on the public roadway and to enhance the view of the land as seen from the water.
 - 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. 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.
3. The Applicant agrees to the following operational conditions for any and all permitted commercial restaurant or café (hereinafter described as "restaurant") located in the ground floor commercial area of the Center Tower as depicted in the Plans entitled "Flamingo DRB Final Submission," as designed by Stantec Architecture Inc., dated, signed and sealed revised 10/06/17, and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational requirements and/or limitations.

a. RESTAURANT CONDITIONS

- i. The hours of operation for the restaurant shall be limited to the following:

Sundays through Thursdays: 7:00 AM to 10:30 PM

Fridays, Saturdays, and eve of holidays: 7:00 AM to 12:00 AM



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- ii. Outdoor seating shall be limited to 40 seats and total restaurant seating shall be limited to 120 seats.
 - iii. Security staff shall monitor the outdoor area of the restaurant from 10:00 PM until closing.
 - iv. Music played at the restaurant shall be limited to ambient, background music only.
 - v. Entertainment at the restaurant, inclusive of live music and DJs, is prohibited.
 - vi. Double-door vestibules shall be required for all patron access points to the restaurant, with the exception of the emergency-only egress doors.
 - vii. In order to minimize noise within the restaurant, acoustic absorbing materials shall be installed on all walls.
 - viii. Ice machines and trash receptacles for the restaurant shall not be permitted on the exterior of the premises.
 - ix. No patron shall be allowed to queue outside of the restaurant.
 - x. No Special Event Permits shall be permitted at the restaurant.
 - xi. Owner agrees not to seek an entertainment or dancehall license for the restaurant space.
 - xii. No outdoor bar counter shall be permitted at the restaurant.
 - xiii. No food or alcohol beverage service shall be permitted on any rooftop or balcony.
 - xiv. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the restaurant and the associated outdoor seating area.
 - xv. No garage doors, nana doors, or open windows shall be allowed along the Bay Road street frontage of the restaurant.
4. Excess vehicular parking spaces in the north garage shall be converted to provide a minimum of 200 overall scooter parking spaces, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

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



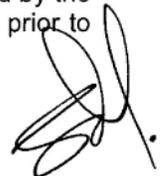
commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

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 that the proposed site plan for any reason fails to sufficiently resolve traffic congestions and vehicle queuing onto Bay Road, the applicant shall return to the Design Review Board with an alternate vehicular circulation plan, which may include substantial changes to the herein approved site plan. The City Parking Department may report periodically to the Planning Department any right-of-way issues arising from the Applicant's compliance with conditions of this Final Order.
- B. In the event that the provided short term parking overflows onto the public right-of-way, thus impeding vehicular circulation or pedestrian circulation, the applicant shall perform additional parking analysis and immediately provide the appropriate short term parking capacity within the Applicant's private property, and shall return to the Design Review Board with a revised plan. The City Parking Department may report periodically to the Planning Department any right-of-way issues arising from the Applicant's compliance with conditions of this Final Order.
- C. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- D. The Applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the driveway to the adjacent neighboring properties.
- E. The Applicant shall submit a restrictive covenant, running with the land, to the Department, approved as to form by the City Attorney, agreeing that the property owner has entered into agreements with the ride-sharing companies, verifying that the pickup / drop-off locations have been coordinated with the Applicant/property, and coded into the downloadable ride-sharing apps.
- F. In the event of a failure to comply with the conditions of this Order, including queuing by vehicles onto Bay Road or West Avenue, the applicant shall be subject to the continuing jurisdiction and review of the Board, and further conditions may be imposed on the property. The Board shall retain the right to call the applicant/owner or operator back before the Board, and make modifications to this Order should there be valid complaints relating to violations of the conditions of this Order.
- G. 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.

- H. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- J. 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.
- K. 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.
- L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- M. 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 "FLAMINGO DRB Final Submission", as designed by **Stantec Architecture Inc**, dated, signed, and sealed revised 10/06/17, and supplemental sheets G7B, G7C, G7D and G8 revised 10/27/17, 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.



EXHIBIT 'A'**PARCEL I:**

Lot 7 and the South 1.00 feet of Lot 6, in Block 43, of ALTON BEACH BAYFRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 4, at Page 125, of the Public Records of Dade County, Florida.

PARCEL II:

Lot 6, less the South 1.0 feet, in Block 43, of ALTON BEACH BAYFRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 4, at Page 125, of the Public Records of Dade County, Florida.

Parcel III:

Together with any and all right, title and interest of the insured as a lessee under that certain Sovereignty Submerged Land Lease No. 130004286 by and between The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as Lessor, and Morton Towers Apartments, a Florida general partnership, as Lessee, filed August 20, 1990, at Official Records Book 14671, at Page 573, as modified and renewed by Sovereignty Submerged Land Lease Renewal No. 130004286 by and between The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as Lessor, and Morton Towers Apartments, a Florida general partnership, as Lessee, filed June 14, 1994, at Official Records Book 16401, at Page 2756, of the Public Records of Dade County, Florida; as further modified by Modified Sovereignty Submerged Land Lease No. 130004286 by and between the Board of Trustees of the Internal Improvement Fund of the State of Florida, as Lessor and Morton Towers Apartments, L.P., a Delaware limited partnership, as Lessee, filed September 19, 1997 in Official Records Book 17797, at Page 4825, which Lease demises the following described property:

ALSO DESCRIBED AS FOLLOWS:

ALSO MARINA AREA "A", a parcel of land in Biscayne Bay contiguous to the Westerly line of parcel 1 of the above described property and described as follows:

Commence (P.O.C.) at the Southeasterly corner of Lot 7 referenced above, said Southeasterly corner of Lot 7 being the Northwest corner of Bay Road and 14th Street in the City of Miami Beach, Florida; thence run N 1°33'30" W along the Westerly line of Bay Road, along the Easterly line of said Lot 7, a distance of 780.91 feet; thence run S 48°37'57" W across Lot 7, a distance of 678.89 feet to a point on the Westerly face of a concrete bulkhead cap on the Westerly line of Lot 7 on the Easterly shore of Biscayne Bay, said point being the POINT OF BEGINNING (P.O.B.) of Marina Area "A"; thence run Northwesterly meandering the face of said bulkhead cap along the Easterly shore of Biscayne Bay, along the Westerly line of said Lot 7, a distance of 184.00 feet; thence run S 62°57'00" W in Biscayne Bay, a distance of 135.00 feet; thence run

S 27°03'00" E in Biscayne Bay, a distance of 184.00 feet; thence run N 62°57'00" E in Biscayne Bay a distance of 135.00 feet, more or less to the POINT OF BEGINNING (P.O.B.). Marina Area "A" contains 24,840 square feet more or less or 0.570 acres, more or less.

ALSO MARINA AREA "B", a parcel of land in Biscayne Bay contiguous to the Westerly line of parcel 1 of the above described property and described as follows:

Commence (P.O.C.) at the Southeasterly corner of Lot 7, referenced above, said Southeasterly corner also being the Northwesterly corner of Bay Road and 14th Street in the City of Miami Beach, Florida; thence run N 1°33'30" W along the Westerly line of Bay Road, along the Easterly line of Lot 7, a distance of 780.91 feet; thence run S 48°37'57" W across Lot 7, a distance of 678.89 feet to a point on the Westerly face of a concrete bulkhead cap on the Westerly line of said Lot 7 on the Easterly shore of Biscayne Bay; thence meandering the Westerly face of said bulkhead cap along the Westerly line of said Lot 7, run Southerly a distance of 96.60 feet to a POINT OF BEGINNING (P.O.B.) of Marina Area "B" described as

follows; thence run S 57°46'30" W into Biscayne Bay, a distance of 135.00 feet to a point; thence run S 32°13'30" E in Biscayne Bay, a distance of 115.00 feet to a point, thence run N 57°46'30" E in Biscayne Bay, a distance of 135.00 feet, more or less to the face of the said concrete bulkhead cap on the westerly line of said Lot 7; thence meandering the Westerly face of said bulkhead cap along the Westerly line of said Lot 7, run Northerly, a distance of 115.00 feet, more or less to the POINT OF BEGINNING (P.O.B.) Marina Area "B" contains 15,525 square feet, more or less or 0.356 acres, more or less.

A handwritten signature in black ink, consisting of several overlapping loops and a final horizontal stroke, located in the bottom right corner of the page.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 06, 2018

FILE NO: DRB17-0216 (akaDRB17-0160)

PROPERTY: **1420 Bay Road—the Grand Flamingo**

APPLICANTS: MCZ/Centrum Flamingo II, LLC and MCZ/Centrum Flamingo III, LLC

LEGAL: See attached 'Exhibit A'

IN RE: The Application for Design Review Approval requesting modifications to a previously issued Design Review Approval, specifically to allow the approved project to take place in four (4) phases as a phased development project

S U P P L E M E N T A L O R D E R

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 consistent with Design Review Criteria 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 not subject to the Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code.
 - D. The project would remain consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 1. All of the original conditions of approval by this Board, as reflected in the Final Order dated November 07, 2017 pursuant to DRB File No. DRB17-0160, shall remain in effect except as modified herein.
2. The description and approximate schedule for each phase is as follows:



Phase I - Pedestrian Plaza, North and south drop off, and ground and 3rd level Central Tower renovation.

Phase I – shall consist of all proposed development along Bay Road, including the pedestrian plaza, the north and south drop off, and the ground and 3rd level Central Tower renovation, as defined and depicted on the submitted plans. A building permit for the Phase I improvements shall be issued within eighteen (18) months of the Board's original approval.

Phase II Permit Set – North Garage & Courtyard

Phase II – shall consist of all proposed development within the courtyard located at the center of the property and all improvements to the north garage, as defined and depicted on the submitted plans. A building permit for the Phase II improvements shall be issued within six (6) months following the issuance of the Phase I building permit.

Phase III Permit Set - North Pool

Phase III – shall consist of all proposed development along the northwestern portion of the property, including the north pool, except that it will exclude the North Tower, as further defined and depicted on the submitted plans. A building permit for the Phase III improvements shall be issued within twelve (12) months following the issuance of the Phase II building permit.

Phase IV Permit Set - North Tower

Phase IV – shall consist of all proposed development to the North Tower as further defined and depicted on the submitted plans. A building permit for the Phase IV improvements shall be issued within twelve (12) months following the issuance of the Phase III building permit.

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

II. Variance(s)

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

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

- A. In the event that the proposed site plan for any reason fails to sufficiently resolve traffic congestions and vehicle cueing onto Bay Road, the applicant shall return to the Design Review Board with an alternate vehicular circulation plan, which may include substantial changes to the herein approved site plan. The City Parking Department may report back periodically to the Planning Department any r-o-w issues with conditions of this Final Order.
- B. In the event that the provided short term parking overflows onto the public right-of-way, thus impeding vehicular circulation or pedestrian circulation, the applicant shall perform additional parking analysis and provide the appropriate short term parking capacity

within private property and shall return to the Design Review Board with a revised plan. The City Parking Department may report back periodically to the Planning Department any r-o-w issues with conditions of this Final Order.

- C. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- D. The Applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the driveway to the adjacent neighboring properties.
- E. The Applicant shall submit a restrictive covenant, running with the land, to the Department, approved as to form by the City Attorney, that the property owner has entered into agreement with the ride-sharing companies verifying that the pickup / drop-off locations have been coordinated with the property and coded into the downloadable app.
- F. Failure to comply with the conditions of this Order, or should vehicles queue onto Bay Road or West Avenue, the applicant shall be subject to the continuing jurisdiction and review of the Board, and further conditions may be placed on the property. The Board shall retain the right to call the applicant/owner or operator back before them and make modifications to this Order should there be valid complaints relating to violations of the conditions of this Order.
- G. 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.
- H. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- J. 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.
- K. 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.
- L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.



M. 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 "FLAMINGO Phased Development", by **Stantec Architecture Inc**, dated, signed, and sealed 01/05/2018, 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 Phase I of the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, and/or if phased building permits are not issued pursuant to the schedule in Section I.D.2 of this Order, 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.

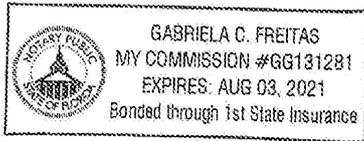
Dated this 9th day of March, 2018.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: *James G. Murphy*
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 9th day of March 2018 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Gabriela C. Freitas
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 8-3-21

Approved As To Form: *Dick Kalberg's* (3/9/2018)
City Attorney's Office:

Filed with the Clerk of the Design Review Board on *Jessica G. Jurek* (3/9/18)

[Handwritten signature]

EXHIBIT 'A'**PARCEL I:**

Lot 7 and the South 1.00 feet of Lot 6, in Block 43, of ALTON BEACH BAYFRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 4, at Page 125, of the Public Records of Dade County, Florida.

PARCEL II:

Lot 6, less the South 1.0 feet, in Block 43, of ALTON BEACH BAYFRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 4, at Page 125, of the Public Records of Dade County, Florida.

Parcel III:

Together with any and all right, title and interest of the insured as a lessee under that certain Sovereignty Submerged Land Lease No. 130004286 by and between The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as Lessor, and Morton Towers Apartments, a Florida general partnership, as Lessee, filed August 20, 1990, at Official Records Book 14671, at Page 573, as modified and renewed by Sovereignty Submerged Land Lease Renewal No. 130004286 by and between The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as Lessor, and Morton Towers Apartments, a Florida general partnership, as Lessee, filed June 14, 1994, at Official Records Book 16401, at Page 2756, of the Public Records of Dade County, Florida; as further modified by Modified Sovereignty Submerged Land Lease No. 130004286 by and between the Board of Trustees of the Internal Improvement Fund of the State of Florida, as Lessor and Morton Towers Apartments, L.P., a Delaware limited partnership, as Lessee, filed September 19, 1997 in Official Records Book 17797, at Page 4825, which Lease demises the following described property:

ALSO DESCRIBED AS FOLLOWS:

ALSO MARINA AREA "A", a parcel of land in Biscayne Bay contiguous to the Westerly line of parcel 1 of the above described property and described as follows:

Commence (P.O.C.) at the Southeasterly corner of Lot 7 referenced above, said Southeasterly corner of Lot 7 being the Northwest corner of Bay Road and 14th Street in the City of Miami Beach, Florida; thence run N 1°33'30" W along the Westerly line of Bay Road, along the Easterly line of said Lot 7, a distance of 780.91 feet; thence run S 48°37'57" W across Lot 7, a distance of 678.89 feet to a point on the Westerly face of a concrete bulkhead cap on the Westerly line of Lot 7 on the Easterly shore of Biscayne Bay, said point being the POINT OF BEGINNING (P.O.B.) of Marina Area "A"; thence run Northwesterly meandering the face of said bulkhead cap along the Easterly shore of Biscayne Bay, along the Westerly line of said Lot 7, a distance of 184.00 feet; thence run S 62°57'00" W in Biscayne Bay, a distance of 135.00 feet; thence run

S 27°03'00" E in Biscayne Bay, a distance of 184.00 feet; thence run N 62°57'00" E in Biscayne Bay a distance of 135.00 feet, more or less to the POINT OF BEGINNING (P.O.B.). Marina Area "A" contains 24,840 square feet more or less or 0.570 acres, more or less.

ALSO MARINA AREA "B", a parcel of land in Biscayne Bay contiguous to the Westerly line of parcel 1 of the above described property and described as follows:

Commence (P.O.C.) at the Southeasterly corner of Lot 7, referenced above, said Southeasterly corner also being the Northwesterly corner of Bay Road and 14th Street in the City of Miami Beach, Florida; thence run N 1°33'30" W along the Westerly line of Bay Road, along the Easterly line of Lot 7, a distance of 780.91 feet; thence run S 48°37'57" W across Lot 7, a distance of 678.89 feet to a point on the Westerly face of a concrete bulkhead cap on the Westerly line of said Lot 7 on the Easterly shore of Biscayne Bay; thence meandering the Westerly face of said bulkhead cap along the Westerly line of said Lot 7, run Southerly a

distance of 96.60 feet to a POINT OF BEGINNING (P.O.B.) of Marina Area "B" described as follows; thence run S 57°46'30" W into Biscayne Bay, a distance of 135.00 feet to a point; thence run S 32°13'30" E in Biscayne Bay, a distance of 115.00 feet to a point, thence run N 57°46'30" E in Biscayne Bay, a distance of 135.00 feet, more or less to the face of the said concrete bulkhead cap on the westerly line of said Lot 7; thence meandering the Westerly face of said bulkhead cap along the Westerly line of said Lot 7, run Northerly, a distance of 115.00 feet, more or less to the POINT OF BEGINNING (P.O.B.) Marina Area "B" contains 15,525 square feet, more or less or 0.356 acres, more or less.



DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: November 03, 2020

PROPERTY/FOLIO: **1420 Bay Road**—the Grand Flamingo **02-3233-007-0030**
1508 Bay Road—the Grand Flamingo **02-3233-007-0032**

FILE NO: DRB20-0577 (aka DRB17-0216, DRB17-0160)

IN RE: An application has been filed requesting Design Review Approval for modifications to a previously issued Design Review Approval for exterior design and site plan modifications and to allow the approved project to take place in five (5) phases as a phased development project (aka DRB17-0216, DRB17-0160) and including the modifications of conditions of the original Final Order.

LEGAL: See attached 'Exhibit A'

APPLICANTS: MCZ/Centrum Flamingo II, LLC and MCZ/Centrum Flamingo III, LLC

SUPPLEMENTAL 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 consistent with Design Review Criteria 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 not subject to the Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 1. Revised elevation, site plan, and floor plan drawings for 1420 Bay Road and 1508 Bay Road shall be submitted, at a minimum, such drawings shall incorporate the following:



- a. The final outdoor seating plan shall be submitted to Planning staff for review in order to ensure that the final plan for the outdoor café seating provides adequate circulation for non-patrons/residents, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
2. All of the original conditions of approval by this Board, as reflected in the Final Order dated November 07, 2017 pursuant to DRB File No. DRB17-0160, and dated March 06, 2018 pursuant to DRB File No. DRB17-0216, shall remain in effect except as modified herein:

Condition I.D.3.a.ii. ~~Outdoor seating shall be limited to 40 seats and the total restaurant seating shall be limited to 120 seats.~~

Condition I.D.3.a.ii. Combined total of any restaurant and café seating shall be limited to 215 seats, with combined total of outdoor seating for any individual restaurant or café limited to 60 seats.

3. The proposed exterior design changes and site plan modifications shall be approved as proposed.
4. The proposed phasing schedule shall be approved as proposed. The description and approximate schedule for each phase is as follows:

Phase I - Pedestrian Plaza, North and south drop off, and ground and 3rd level Central Tower renovation.

Phase I – shall consist of all proposed development along Bay Road, including the pedestrian plaza, the north and south drop off, and the ground and 3rd level Central Tower renovation, as defined and depicted on the submitted plans. A building permit for the Phase I improvements shall be issued within eighteen (18) months of the Board’s original approval.

Phase II Permit Set – North Garage & Courtyard

Phase II – shall consist of all proposed development within the courtyard located at the center of the property and all improvements to the north garage, as defined and depicted on the submitted plans. A building permit for the Phase II improvements shall be issued within six (6) months following the issuance of the Phase I building permit.

Phase III Permit Set - North Pool

Phase III – shall consist of all proposed development along the northwestern portion of the property, including the north pool, except that it will exclude the North Tower, as further defined and depicted on the submitted plans. A building permit for the Phase III improvements shall be issued within twelve (12) months following the issuance of the Phase II building permit.

Phase IV Permit Set - North Tower

Phase IV – shall consist of all proposed development to the North Tower as further defined and depicted on the submitted plans. A building permit for the



Phase IV improvements shall be issued within twelve (12) months following the issuance of the Phase III building permit.

Phase V Permit Set – Garden Apartments

Phase V – shall consist of all proposed development to the new garden apartments and other alterations as further defined and depicted on the submitted plans. A building permit for the Phase V improvements shall be issued within 18 months of the issuance of the CO for Phase IV for North Tower permit.

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

II. Variance(s)

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

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

- A. In the event that the proposed site plan for any reason fails to sufficiently resolve traffic congestion and vehicle queuing onto Bay Road, the applicant shall return to the Design Review Board with an alternate vehicular circulation plan, which may include substantial changes to the herein approved site plan. The City Parking Department may report back periodically to the Planning Department any right-of-way or compliance issues with regard to the conditions of this Final Order.
- B. In the event that the provided short term parking overflows onto the public right-of-way, thus impeding vehicular circulation or pedestrian circulation, the applicant shall perform additional parking analysis and provide the appropriate short term parking capacity within private property and shall return to the Design Review Board with a revised plan. The City Parking Department may report back periodically to the Planning Department any right-of-way or compliance issues with conditions of this Final Order.
- C. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- D. The Applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the driveway to the adjacent neighboring properties.
- E. The Applicant shall submit a restrictive covenant, running with the land, to the Department, approved as to form by the City Attorney, that the property owner has entered into agreement with the ride-sharing companies verifying that the pickup / drop-off locations have been coordinated with the property and coded into the downloadable app.



- F. Failure to comply with the conditions of this Order, or should vehicles queue onto Bay Road or West Avenue, the applicant shall be subject to the continuing jurisdiction and review of the Board, and further conditions may be placed on the property. The Board shall retain the right to call the applicant/owner or operator back before them and make modifications to this Order should there be valid complaints relating to violations of the conditions of this Order.
- G. 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.
- H. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- J. 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.
- K. 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.
- L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- M. 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 revised plans entitled "DRB20-0577 FLAMINGO 1420 Bay Road", by **Stantec Architecture Inc**, dated, signed, and sealed 10/12/20 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 Phase I of the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, and/or if phased building permits are not issued pursuant to the schedule in Section I.D.2 of this Order, 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 15th day of November, 2020.

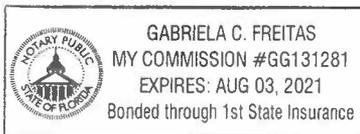
DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: *James G. Murphy*
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 15th day of November, 2020 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Julie Brown



[Handwritten mark]

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: Aug. 3, 2021

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

DocuSigned by:
Nick Collegio (11/14/2020 | 3:17 PM EST)
8D8CB88CCAB8460...

Filed with the Clerk of the Design Review Board on Jason J. Long (11/18/20)

~~Strike Thru~~ denotes deleted language
Underscore denotes new language



EXHIBIT 'A'

PARCEL I:

Lot 7 and the South 1.00 feet of Lot 6, in Block 43, of ALTON BEACH BAYFRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 4, at Page 125, of the Public Records of Dade County, Florida.

PARCEL II:

Lot 6, less the South 1.0 feet, in Block 43, of ALTON BEACH BAYFRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 4, at Page 125, of the Public Records of Dade County, Florida.

Parcel III:

Together with any and all right, title and interest of the insured as a lessee under that certain Sovereignty Submerged Land Lease No. 130004286 by and between The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as Lessor, and Morton Towers Apartments, a Florida general partnership, as Lessee, filed August 20, 1990, at Official Records Book 14671, at Page 573, as modified and renewed by Sovereignty Submerged Land Lease Renewal No. 130004286 by and between The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as Lessor, and Morton Towers Apartments, a Florida general partnership, as Lessee, filed June 14, 1994, at Official Records Book 16401, at Page 2756, of the Public Records of Dade County, Florida; as further modified by Modified Sovereignty Submerged Land Lease No. 130004286 by and between the Board of Trustees of the Internal Improvement Fund of the State of Florida, as Lessor and Morton Towers Apartments, L.P., a Delaware limited partnership, as Lessee, filed September 19, 1997 in Official Records Book 17797, at Page 4825, which Lease demises the following described property:

ALSO DESCRIBED AS FOLLOWS:

ALSO MARINA AREA "A", a parcel of land in Biscayne Bay contiguous to the Westerly line of parcel 1 of the above described property and described as follows:

Commence (P.O.C.) at the Southeasterly corner of Lot 7 referenced above, said Southeasterly corner of Lot 7 being the Northwest corner of Bay Road and 14th Street in the City of Miami Beach, Florida; thence run N 1°33'30" W along the Westerly line of Bay Road, along the Easterly line of said Lot 7, a distance of 780.91 feet; thence run S 48°37'57" W across Lot 7, a distance of 678.89 feet to a point on the Westerly face of a concrete bulkhead cap on the Westerly line of Lot 7 on the Easterly shore of Biscayne Bay, said point being the POINT OF BEGINNING (P.O.B.) of Marina Area "A"; thence run Northwesterly meandering the face of said bulkhead cap along the Easterly shore of Biscayne Bay, along the Westerly line of said Lot 7, a distance of 184.00 feet; thence run S 62°57'00" W in Biscayne Bay, a distance of 135.00 feet; thence run

S 27°03'00" E in Biscayne Bay, a distance of 184.00 feet; thence run N 62°57'00" E in Biscayne Bay a distance of 135.00 feet, more or less to the POINT OF BEGINNING (P.O.B.). Marina Area "A" contains 24,840 square feet more or less or 0.570 acres, more or less.

ALSO MARINA AREA "B", a parcel of land in Biscayne Bay contiguous to the Westerly line of parcel 1 of the above described property and described as follows:

Commence (P.O.C.) at the Southeasterly corner of Lot 7, referenced above, said Southeasterly corner also being the Northwesterly corner of Bay Road and 14th Street in the City of Miami Beach, Florida; thence run N 1°33'30" W along the Westerly line of Bay Road, along the Easterly line of Lot 7, a distance of 780.91 feet; thence run S 48°37'57" W across Lot 7, a distance of 678.89 feet to a point on the Westerly face of a concrete bulkhead cap on the Westerly line of said Lot 7 on the Easterly shore of Biscayne Bay; thence meandering the Westerly face of said bulkhead cap along the Westerly line of said Lot 7, run Southerly a

distance of 96.60 feet to a POINT OF BEGINNING (P.O.B.) of Marina Area "B" described as follows; thence run S 57°46'30" W into Biscayne Bay, a distance of 135.00 feet to a point; thence run S 32°13'30" E in Biscayne Bay, a distance of 115.00 feet to a point, thence run N 57°46'30" E in Biscayne Bay, a distance of 135.00 feet, more or less to the face of the said concrete bulkhead cap on the westerly line of said Lot 7; thence meandering the Westerly face of said bulkhead cap along the Westerly line of said Lot 7, run Northerly, a distance of 115.00 feet, more or less to the POINT OF BEGINNING (P.O.B.) Marina Area "B" contains 15,525 square feet, more or less or 0.356 acres, more or less.

