

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 10, 2020

PROPERTY/FOLIO: **1420 Bay Road** **02-3233-007-0030**
1508 Bay Road **02-3233-007-0032**

FILE NO: DRB21-0645

IN RE: An application has been filed requesting Design Review Approval for the construction of a new residential tower and to add as a sixth phase to an approved five-phased development project (aka DRB17-0216, DRB17-0160, DRB20-0577).

LEGAL: See attached 'Exhibit A'

APPLICANTS: MCZ/Centrum Flamingo II, LLC and MCZ/Centrum Flamingo III, 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 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 inconsistent with Sea Level Rise Criteria 1 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 26'-0" width of northmost curb cut / driveway into the RS-2 portion of the lot shall be approved as proposed.

- b. The final design details and color selection of the “coral rock cladding” proposed at both portions of the façades shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. All new exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The final design details of the “fluted white stucco” shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. The final design details and color selection of the “vertical tubes steel screens” 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.
 - f. The final design details and color selection of the mechanical screen 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
 - g. 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.
 - h. 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.
 - i. 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. All of the original conditions of approval by this Board, as reflected in the Final Order dated November 7, 2012 pursuant to DRB17-1060, March 8, 2018 pursuant to DRB17-0217, and November 3, 2020 pursuant to DRB20-0577 shall remain in effect except as modified and approved herein.

Condition I.D.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.

Phase VI Permit Set – New Tower

Phase VI – shall consist of all proposed development in RS-2 portion of site that includes a new residential tower and landscape improvements. A building permit for Phase VI improvement shall be issued within 12 months of Phase III building permit.

3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. 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.

- b. 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.
- c. 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 proposal, 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.
- d. A landscape plan for the entire site prepared by a licensed Landscape Architect registered in the State of Florida shall be submitted as part of the building permit for the project. The landscape plan shall further enhance current landscape conditions while reducing non-conformity related to landscape code requirements as prescribed by CMB Chapter 126, particularly as it relates to native tree and shrub requirements subject, to the review and approval of staff.
- e. Canopy shade trees as currently required by City code shall be provided in tree pits within the public sidewalk in conjunction with the City's standard tree grate system, and a suspended paving system (Silva Cells or approved equal) along the public right-of-way facing 20th Street. Streetscape furniture, bike racks and light poles may be subject to relocation in an attempt to maximize the number of street trees within the public ROW subject to the review and approval of the Public Works, Urban Forestry and Planning staff.
- f. The required canopy shade trees identified in Condition 2e may be relocated to the western green area along 20th Street and Bay Road, and along the green space and sidewalk area along Bay Road, subject to the review and approval of the Public Works, Urban Forestry and Planning staff.
- g. 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.
- h. 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.

- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

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

II. Variance(s)

- A. 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 "FLAMINGO 1420 Bay Road", by **Stantec Architecture Inc**, dated, signed, and sealed June 7, 2021, 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 _____.

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.