

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

MEETING DATE: December 07, 2020

PROPERTY/FOLIO: Brittany Bay Park  
6444 Indian Creek Drive 02-3211-007-0750  
02-3211-007-0730  
02-3211-007-0720

FILE NO: DRB20-0599

IN RE: An application for Design Review Approval for site plan improvements to Brittany Bay Park and the rehabilitation of the Indian Creek/Brittany Bay seawall incorporating a living seawall and construction of a viewing platform.

LEGAL: See attached 'Exhibit A'

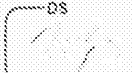
APPLICANT: City of Miami Beach

**ORDER**

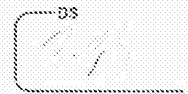
The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**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 consistent with 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 site plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. If possible, the number of parking spaces shall be reduced to the maximum practical extent, in a manner to be reviewed and approved by staff.

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- b. The final design and details of the proposed overlook deck, including materials and finishes, shall be provided, subject to the review and approval of staff.
  - c. The pier deck planks may alternatively be of a durable composite material designed for marine use, subject to the review and approval of staff.
  - d. The final design and details, including materials and finishes, of the proposed seating, trash receptacles and bike racks shall be provided, subject to the review and approval of staff.
  - e. The final design and details of all lighting fixtures shall be required, subject to the review and approval of staff.
  - f. 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. 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 proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
  - d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.

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- e. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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.
- f. Prior to any site work, the CIP Office shall coordinate and be responsible for making sure that the CMB Urban Forester has the opportunity to oversee and approve any tree work related to the project. An independent Certified Arborist should also be retained as part of the consulting team in order to assist the contractor during the construction in order to evaluate tree conditions and make recommendations periodically.

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. 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.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Office of Capital Improvements Brittany Bay Living Shoreline, Overlook and Park Renovation", as prepared by Brindley Pieters & Associates, Inc, dated October 12, 2020, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated 12/15/2020 | 8:56 AM EST

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12/15/2020

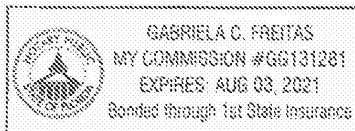
DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

BY:

Michael Belush, AICP  
Chief of Planning and Zoning DEC3ECF2EB68404...  
For ChairmanSTATE OF FLORIDA )  
 )SS  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of December 2020 by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Notary:

Print Name Gabriela Freitas

Notary Public, State of Florida

My Commission Expires: Aug. 3, 2021Commission Number: 99131281

{NOTARIAL SEAL}

Approved As To Form:

City Attorney's Office:

DocuSigned by:

( 12/13/2020 | 3:05 PM EST

Filed with the Clerk of the Design Review Board on Jan 14/21 ( 12/17/20 )

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DRB20-0599—6444 Indian Creek Drive  
December 07, 2020

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'Exhibit A'

LOTS 1-12, BLOCK 3, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION,  
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 28,  
PUBLIC RECORDS ON MIAMI-DADE COUNTY, FLORIDA.

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