

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

MEETING DATE: July 5, 2022

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

FILE NO: DRB21-0706, aka DRB20-0530

IN RE: An application for modifications to a previously approved Design Review Approval for the construction of a new multi-story office building. Specifically, the application includes a substantial increase to the height of the garage structure as well as exterior design modifications.

LEGAL: See Exhibit "A"

APPLICANT: Miami Beach Port, LLC

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 inconsistent with Design Review Criteria 9 and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 - 1. The project shall comply with the conditions imposed by the Planning Board Order No. PB20-0352.
 - 2. The property shall comply with all of the conditions of the original approval enumerated in the Final Order for DRB20-0530, dated February 2, 2021, except as modified herein.

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3. Revised elevation, site plan, and floor plan drawings for the proposed new commercial building at 120 MacArthur Causeway shall be submitted, at a minimum, such drawings shall incorporate the following:
- a. The proposed signage on the entrance gate house shall comply with Section 138-16 of the City Code.
 - b. The ground floor frontage shall comply with Section 133-61. – Short Frontage Standards.
 - c. The final design and details for the garage screening shall be submitted for the review and approval of staff.
 - d. A stronger vertical design element shall be provided on the elevation where the garage and office structure intersect, in order to transition between the differing floor slabs and corresponding horizontal design elements, in a manner to be reviewed and approved by staff, consistent with the directions from the Board.
 - e. Garage light fixtures shall be baffled/screened and or located in such a manner to ensure that no light bulb is visible through the proposed mesh garage screening, subject to the review and approval of staff.
 - f. A solid wall as proposed, or solid screening device, shall be required surrounding the perimeter of the garage levels, in order to ensure the headlights from vehicles are not visible from any point along the exterior of the building, in a manner to be reviewed and approved by staff.
 - g. The final design details of the garage trellis structure shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - h. The final design details of the garage louvers 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.
 - i. The final design details of the garage trellis structure shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - j. The final design details and material finish of the wood/wood-like rooftop level exterior cladding shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - k. The final design details of the 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.

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- i. 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.
 - m. 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.
 - n. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

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

II. Variance(s)

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

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- D. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.



F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "One Island Park – DRB Final Submittal", as prepared by **Arquitectonica**, dated 6-13-2022, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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

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

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

Dated 8/15/2022 | 3:58 PM EDT.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

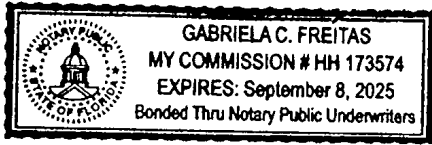
Michael A. Belush

BY: DEC3ECF2EB68404...

Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

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

The foregoing instrument was acknowledged before me this 15th day of August 2022 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.



Gabriela C. Freitas

Notary:
Print Name Gabriela C. Freitas
Notary Public, State of Florida
My Commission Expires: Sept. 8, 2025
Commission Number: HH173574

{NOTARIAL SEAL}

Approved As To Form: Steven Rothstein (8/15/2022 | 3:58 PM EDT)
City Attorney's Office: E8854D688D7D409

Filed with the Clerk of the Jessica Gonzalez (8/15/2022 | 4:12 PM EDT)
Design Review Board on: 10FC3F3E9D654A5

DS
MB

Exhibit "A"

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

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

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

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

