

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: January 2, 2024

PROPERTY/FOLIO: **10 Venetian Way 02-3233-068-0001**

FILE NO: DRB23-0937

IN RE: An application for Design Review Approval for modifications to the landscape plans and fencing for the property.

LEGAL: Tract E, Less Southeasterly 238 Feet, AKA The Grand Venetian Condominium, Belle Isle Southeast, according to the Plat Thereof, as Recorded in Plat Book 53, Page 24, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Grand Venetian Condominium Association, Inc.

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 2.1.3.1 of the Land Development Regulations. 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 in Section 2.5.3.1 of the Land Development Regulations.
- 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 in Section 7.1.2.4(a)(i) of the Land Development Regulations.
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:
 - 1. A revised site plan and corresponding sections shall be submitted to and approved by staff. At a minimum, such plans shall incorporate the following:

-
- a. The proposed "Grand Venetian Private Property Residents Only" sign shall be removed or relocated away from the proposed bay walk public access sign, in a manner to be reviewed and approved by staff.
 - b. The bay walk public access sign header shall be revised to read "Public Access Daily From 6:00 A.M. to 9:00 P.M. Only, Private Property of Grand Venetian Condominium Association, Inc., Video surveillance is in use on this property 24/7, No fishing; no access to boats or other watercraft, All pets must be leashed and curbed" with large and legible letters, and shall be installed in a location highly visible to the public which could be on the fence or immediately adjacent to the fence in a manner to be reviewed and approved by staff.
 - c. The proposed bay walk public access sign shall be mounted on the gate or immediately adjacent to the gate, subject to the review and approval of staff.
 - d. The proposed fence and gate shall consist of aluminum pickets and shall not exceed five (5') feet in height, as measured from the ground level of the location of the gate. The final design, dimensions, details and materials of the proposed fence and gate shall be subject to the review and approval of staff.
2. The applicant has voluntarily offered, proffered and agreed to provide a public bay walk ("Public Bay walk") along the eastern portion of the subject site, as more specifically noted in the submitted plans and in accord with the following conditions. This proffer and its acceptance are based on a particularized evaluation and assessment of the subject project, the rational nexus between such project and impacts to the local transportation network, and the rational nexus and rough proportionality between the project and impacts to the transportation network and the bay walk proffered. The following conditions pertain to the Public Bay walk and are subject to change upon further review by the City Attorney's Office and other departments:
 - a. Prior to the issuance of a building permit for any work approved by the Design Review Board, as it relates to the subject project, the applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to maintain a Public Bay walk including any required easements, in perpetuity, and confirming public access to such Public Bay walk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
 - b. The Public Bay walk shall commence at the northeast corner of the property, via a direct connection to the public sidewalk on the south side of Venetian Way. The Public Bay walk shall continue southward along the entire portion of the property fronting the bay.
 - c. The Public Bay walk shall connect directly to any future Public Bay walk to the south and west of the property.

-
- d. The Public Bay walk may be secured and segregated from the upland portions of the site, in a manner to be reviewed and approved by staff.
 - e. The Public Bay walk shall be open to the public from 6:00 a.m. to 9:00 p.m., 7 days a week, or as otherwise determined by the City Commission, upon the City Commission's future adoption of uniform rules relating to public bay walks.
 - f. The applicant may install an operable gate and fence to restrict public access to the Public Bay walk, in accordance with the plans approved herein and subject to the review and approval of staff. Such operable gate shall include an automatic timing device, in order to ensure that the Public Bay walk is open between the hours of 6:00 a.m. and 9:00 p.m. Access by the public to the Public Bay walk shall only be restricted between the hours of 9:00 p.m. and 6:00 a.m., unless determined otherwise by the City in the event of an emergency, dangerous condition or other circumstance that would render usage of the Public Bay walk a safety risk.
 - g. The applicant shall be responsible for the maintenance, repair and, if necessary, the replacement, if destroyed in whole or part, of the full Public Bay walk, including the seawall.
 - h. The installation of fences, gates or other barriers, which permanently block public access to the Public Bay walk shall be prohibited, unless determined otherwise by the City in the event of an emergency, dangerous condition or other circumstance that would render usage of the Public Bay walk a safety risk.
 - i. If the applicant sells, leases or otherwise conveys the property, these conditions shall run with the land, and the applicant's successors shall be obligated to comply with these conditions.
 - j. Any violation of these conditions shall be subject to a notice of violation and enforcement by the Special Master or any alternative remedy available to the City.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
 - a. The applicant shall introduce additional landscape including shade canopy trees along the northern perimeter of the property to the greatest extent possible subject to the review and approval of all applicable departments including Public Works, Urban Forestry and Planning.

- b. The landscape plan shall be installed and maintained in accordance with plans approved herein, and all applicable conditions of this order.
- c. All landscape areas that are approved to utilize FIGI, *Ficus macrocarpa* "Green Island Ficus" shall not exceed 24" inches in overall height at any time.
- d. The existing *Ligustrum* tree at the northeast portion of the property shall be limbed up to enhance views to the waterfront.
- e. The plans shall comply with applicable line-of-sight visibility triangle requirements, subject to the review and approval of staff.
- f. Any 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.
- g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- h. 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.
- i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to 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. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the

plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

- B. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- C. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- D. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 "Grand Venetian", as prepared by **Gardener + Semler Landscape Architecture**, signed, sealed and dated 05/10/23, 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated 1/8/2024 | 9:12 AM EST.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:

Deborah Tackett
Historic Preservation & Architecture Officer
For Chairman

DocuSigned by:

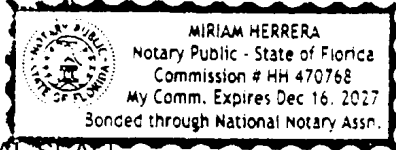
Deborah Tackett

8B291D441E5943C

Page 7 of 7
DRB23-0937- 10 Venetian Way
January 2, 2024

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

The foregoing instrument was acknowledged before me this 10 day of January 2024 by Michael Belush, Planning & Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



{NOTARIAL SEAL}

Notary: Miriam Herrera
Print Name Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-27
Commission Number: HH470768

Approved As To Form: Farooq Andashewa
City Attorney's Office: A243D72D-5F455 ()

Filed with the Clerk of the Design Review Board on: Jessica Gonzalez (1/8/2024 | 2:25 PM EST)