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VIA ELECTRONIC SUBMITTAL

March 10, 2024

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

Re: **DRB24-1006**: Modification of Design Review Approval for the Property Located at 6360 North Bay Road, Miami Beach, Florida

Dear Mr. Belush:

This law firm represents North Bay Palms Trust (the "Applicant"), the owner of the property located at 6360 North Bay Road (the "Property") in the City of Miami Beach (the "City"). Please allow this letter to serve as the Applicant's letter of intent in support of a modification to an existing design review approval from the Design Review Board ("DRB"). To address the important safety and security needs of the family, the Applicant seeks two (2) variances to increase the height of the residence's perimeter wall at the front property line.

Property Description. The waterfront Property is comprised of two unified platted lots located on the west side of North Bay Road, just north of W 63rd Street. The Miami-Dade County Property Appraiser identifies the Property with Folio No. 02-3215-003-0080. See Exhibit A, Property Appraiser Summary Report. The Property is approximately 52,316 square feet in size. It is located within the RS-2, Single Family Residential Zoning District, and surrounded by varying sized single-family homes.

Approved Development. On May 4, 2021, pursuant to File no. DRB20-0614, the DRB approved the aggregation of the two platted lots, retention of the home on the north portion of the Property, and replacement of the home on the south portion of the Property with amenity courts, a new cabana, and children's playground, along with associated variances for the tennis court (the "DRB Approval"). See Exhibit B, DRB Order.

Wall and Fence Height Issue and Proposal. The residence has an existing 5'-0" high perimeter wall measured from current grade, which is the Crown of Road Elevation, located on the front and side yards. However, due to the rising elevation of the swale the effective height of the wall is only 3.81'. This is exacerbated by the higher ground level height inside the Property, which is the normal case and serves resiliency purposes, such as to aid stormwater drainage. However, this combination of heights fails to deter anyone from accessing the Property. Recently, the two robberies at the Property have shattered the family's sense of safety and security. As such, the Applicant proposes an 8'-0" perimeter wall/fence combination with 9'-0" columns and gates measured from grade to be located on the front and the side yards at the front corners of the Property. This will result in an effective height of 6.81', which is a much better deterrent.

The proposed design of the wall/fence combination features new sleek open black pickets adorning the upper section of the existing crisp white wall. The columns will feature a stone finish and the gates will retain the composite wood material. These varied and thoughtful design elements reduce the scale and massing of the wall/fence and ensure a pleasant street frontage for the surrounding properties. Similar wall designs can be found in the surrounding community. The proposed front yard wall also includes wooden gates and decorative columns at 9'-0" in height to maintain the original design intent and increase security. Notably, the gates and columns represent only a small percentage of the perimeter wall and the Applicant could otherwise add ornamental fixtures or lamps on top of the wall up to 2' higher than maximum allowed height. The estimated cost of the proposed project is $25,000.

Variance Requests. To address safety and security concerns, the Applicant seeks variances of the front setback and side yard height standards for walls/fences/gates (the "Variances") from the City of Miami Beach Resiliency Code (the "Code"). Specifically, the Applicant requests the following variances:

1. A variance of Code Section 7.2.2.3.b.12.H to permit a front setback of 0 feet for a wall/fence, where the Code requires a front setback of 4 feet for an overall height of 7 feet.

2. A variance of Code Section 7.2.2.3.b.12.H to permit a wall/fence height of 8 feet in the front including portions of the side yards and gate and column height of 9 feet, where the Code requires the wall/fence/gate/column height not exceed 7 feet.

Satisfaction of Hardship Criteria. The Variances requested satisfy the hardship criteria pursuant to Code Section 2.8.3.a, as follows:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

The Variances are essential due to unique site conditions inherent to the Property. Specifically the ground level at the perimeter wall at 4.96' NGVD is significantly elevated compared to the Crown of Road of 3.77' NGVD. This elevation discrepancy results in a wall height at the maximum 5'-0" permitted only being 3.81' above ground, which can easily be mounted and scaled by the average person. Further, the City plans to raise the street in the future for better resiliency, which will result in a higher swale at the front of the wall, thus diminishing the overall height of the wall and reducing its already limited security function. The City's future crown of road values are 5.96' NGVD for 2025 and 7.06' NGVD for 2040.

These current and future shortfalls present a genuine safety concern, particularly for the Applicant's two young children, further underscored by recent security breaches involving two break-ins. These conditions are exclusive to this Property and are not applicable in others within the same zoning district, thereby warranting the Variances.

(2) The special conditions and circumstances do not result from the action of the applicant;

The special conditions and circumstances of the Property and adjacent swale do not result from the actions of the Applicant. The special conditions and circumstances stem from the pre-existing topographical features of the Property and future City actions. The Applicant's residence has been subject to two recent break-ins, which appear to be targeted actions, a situation beyond the Applicant's control.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

The Code allows other similarly situated property owners to seek variances to accommodate development and allow for the construction of taller perimeter walls. The existing home and proposed perimeter wall comply with the purpose and intent of the Code. The design also provides the Applicant with necessary security. Therefore, granting of the Variances will not confer any special privilege on the Applicant.

(4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

The slight deviation from the land development regulations is necessary to construct a viable wall/fence to protect the Applicant and the Applicant's young family. A literal interpretation of the Code would unjustly deprive the Applicant of the right to safety that is enjoyed by other properties and would work an unnecessary and undue hardship on the Applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The Variances represent the minimum necessary to enable the reasonable use of the land and provide adequate safety, particularly given the Applicant's vulnerability to break-ins. The topographical conditions, the effective height due to the high ground elevation by the perimeter wall compared with the Crown of Road Elevation, necessitate a modest increase in wall/fence height and are essential to mitigate security risks.

(6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

The Variances, allowing appropriate perimeter wall/fence height due to topographical constraints, align with the general intent and purpose of the land development regulations, ensuring the safety of the Applicant's residence. Given the recent and likely targeted break-ins, which have demonstrated a clear threat to the Applicant's family, the Variances are essential to safeguard the Property and uphold the public welfare.

With the Variances limited to reducing the front wall/fence setback by 4' and increasing the perimeter wall/fence height by 1' and the gates/decorative gate columns by 2' feet, their implementation is proportionate and non-injurious to the surrounding community. Notably, the Applicant could add ornamental fixtures and lamps up to 2' above allowed height pursuant to Code Section 7.2.2.3.b.12.M, which is the same scale proposed for the columns. The varied design elements reduce the scale and massing of the wall/fence and ensure harmony with the surrounding properties.

(7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.

The Variances are consistent with the City's Comprehensive Plan and do not reduce the levels of service as set forth in the plan.

Practical Difficulty. The topographical conditions of the swale at the perimeter wall, both now and in the future, result in a very short front wall height that poses an incredible challenge to provide safety and security of the family at the Property. The Applicant's proposal satisfies the intent and purposes of the Code in providing a safe and secure home that is compatible with the neighborhood. The slight deviations from the land development regulations are necessary to construct a viable and decorative wall/fence to protect the residents of the home.

Sea Level Rise and Resiliency Criteria. The development advances the sea level rise and resiliency criteria in Code Section 7.1.2.4.1, as follows:

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

There is no proposed demolition for this modification application.

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

There are no windows proposed with this modification application.

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

Through the DRB Approval, the Applicant provides, where feasible, passive cooling systems.

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

All landscaping will be Florida friendly and resilient.

5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

The elevation of the existing structure and amenity uses already consider the elevation of the surrounding properties.

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.

The raised yard elevations ensure that the existing home and amenities are adaptable to the raising of public rights-of-ways and adjacent land in the future.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems are located above base flood elevation.

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

The existing home is located above base flood elevation.

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.

No habitable space is located below base floor elevation.

10. Where feasible and appropriate, water retention systems shall be provided.

Where feasible, water retention systems are provided.

11. Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement materials or porous pavement materials are utilized where possible.

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

The design strategically minimizes the potential for heat island effects on site.

Conclusion. Based on the above reasons, granting the Variances will permit the development of a safer home and will add much more value to the surrounding neighborhood by deterring break-ins. The Variances are minimal and are intended to provide necessary security for the Applicant's young family. The decorative design ensures a pleasant street frontage for the neighbors.

We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6236.

Sincerely,

Matthew Amster

Attachments

cc: Michael W. Larkin, Esq.
Roberto A. Alvarez, Esq.

Exhibit A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 02/08/2024

PROPERTY INFORMATION

Folio	02-3215-003-0080
Property Address	6360 N BAY RD MIAMI BEACH, FL 33141-4514
Owner	GABRIEL PLOTKIN TRS , NORTH BAY PALMS TRUST
Mailing Address	6360 N BAY RD MIAMI BEACH, FL 33140
Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths /Half	9 / 12 / 4
Floors	3
Living Units	1
Actual Area	17,482 Sq.Ft
Living Area	12,651 Sq.Ft
Adjusted Area	14,001 Sq.Ft
Lot Size	52,015 Sq.Ft
Year Built	2018



ASSESSMENT INFORMATION

Year	2023	2022	2021
Land Value	$34,329,900	$22,405,150	$9,205,888
Building Value	$14,074,819	$15,119,513	$14,299,376
Extra Feature Value	$240,273	$291,481	$224,976
Market Value	$48,644,992	$37,816,144	$23,730,240
Assessed Value	$37,975,179	$37,816,144	$23,730,240

BENEFITS INFORMATION

Benefit	Type	2023	2022	2021
Save Our Homes Cap	Assessment Reduction	$10,669,813		
Homestead	Exemption		$25,000	$25,000
Second Homestead	Exemption		$25,000	$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION

LA GORCE GOLF SUB PB 14-43
LOT 7 & S1/2 OF LOT 6 BLK 1
& LOT 8 & NE25FT OF LOT 9 BLK 1
PER UNITY OF TITLE 32710-1232 &
32710-1254

TAXABLE VALUE INFORMATION

Year	2023	2022	2021
COUNTY			
Exemption Value	$50,000	$50,000	$0
Taxable Value	$37,925,179	$37,766,144	$23,730,240
SCHOOL BOARD			
Exemption Value	$25,000	$25,000	$0
Taxable Value	$37,950,179	$37,791,144	$23,730,240
CITY			
Exemption Value	$50,000	$50,000	$0
Taxable Value	$37,925,179	$37,766,144	$23,730,240
REGIONAL			
Exemption Value	$50,000	$50,000	$0
Taxable Value	$37,925,179	$37,766,144	$23,730,240

SALES INFORMATION

Previous Sale	Price	OR Book-Page	Qualification Description
12/29/2021	$100	32929-0415	Corrective, tax or QCD; min consideration
11/16/2020	$32,000,000	32210-3864	Qual by exam of deed
07/16/2019	$23,850,000	31565-1087	Qual by exam of deed
01/30/2015	$100	29504-3040	Corrective, tax or QCD; min consideration

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

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HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Exhibit B

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 4, 2021

PROPERTY/FOLIO: **6342-6360 North Bay Road**
6342 North Bay Road 02-3215-003-0090
6360 North Bay Road 02-3215-003-0080

FILE NO: DRB20-0614

IN RE: An application has been filed requesting Design Review Approval for the construction of additions to an existing two-story residence and a new tennis court requiring one or more variances from the setback requirements for the main structure and tennis court lighting in order to replace a two-story architecturally significant pre-1942 residence.

LEGAL: Lot 7, and the southerly half of Lot 6, Block 1, of La Gorce-Golf Subdivision, Lot 8 and the NE 25 feet of Lot 9, Block 1, of La Gorce-Golf Subdivision according to the Plat thereof, as recorded in Plat Book 14, Page 43, of the Public Records of Miami-Dade County, Florida.

APPLICANT: North Bay Palms, 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 inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 9, 12 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. Revised elevation, site plan, and floor plan drawings for the proposed new home at 6342-6360 North Bay Road shall be submitted, at a minimum, such drawings shall incorporate the following:

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a. The unit size calculations shall be revised to include the profile of the stairs leading to roof area.

b. URBAN HEAT ISLAND ORDINANCE Sec. 142- 1132. g) Driveways. (4) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in section 114-1 of this Code. (5) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in section 114- 1 of this Code, shall be prohibited.

c. The proposed tennis court light poles **shall** be approved as proposed.

d. The architect shall incorporate a natural green roof on the proposed cabana's roof, 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 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.

f. The final design details and color selection of the cabana 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. 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.

h. 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 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 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:

   a. The proposed diversity of tree species shall be as increased, per Section 126-6.(b)(9), and shown on the plans entitled "6342-6360 North Bay Road," as designed by CFZ Design, dated 3-16-2021, and as approved by the Design Review Board, as determined by staff.

   b. 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

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limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.

c. 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.

d. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.

e. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.

f. 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.

g. 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.

h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.

i. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP

j. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.

k. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

l. 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.

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m. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

n. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, 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.

o. 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.

p. 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. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to reduce by 7'-4" the minimum required interior side setback of 22'-7" for a two-story structure in order to construct one-story additions to the existing home at 15'-3" from the northeast interior side property line.

2. A variance to reduce by 31'-3" the minimum required interior side setback of 41'-3" for a two-story structure in order to install light poles with approximately 18'-0" in height for a tennis court at 10'-0" from the southwest interior side property line.

3. A variance to reduce by 31'-3" the minimum required sum of the side setbacks of 56'-6" for a two-story structure in order to install light poles with approximately 18'-0" in height for a tennis court and provide a sum of the side setbacks of 25'-3".

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B. The applicant has submitted plans and documents with the application that the Board has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, the Board has concluded that the plans and documents with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

C. The Board hereby **Approves** the variance requests and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

2. The subject variance shall be for a standard tennis court. In the event that the tennis court is proposed to be changed to a different court game, the applicant shall return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board. The Board reserves the right to modify the Variance approval at this time in a non-substantive manner and/or, to impose additional conditions.

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3. The tennis court shall not be used between the hours of 10:30 PM and 7:30 AM, seven days a week. Additionally, all lighting fixtures associated with the tennis court shall be turned off between 10:30 PM and 7:30 AM, seven days a week.

4. Ball machines which operate on compressed air shall not be used between the hours of 7:00 PM and 8:00 AM, seven days a week.

   Silent running ball machines (i.e. running ball machines that operate at a noise level that is not plainly audible when measured at the property boundary shall not be used between the hours of 10:30 PM and 7:30 AM, seven days a week.

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. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.

B. 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.

C. During construction work, the applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

D. If applicable, 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.

E. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.

F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

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G. 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.

H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

I. 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.

J. 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.

K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

L. 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 "6342-6360 North Bay Road" as designed by **CLAD** and **CFZ Design**, dated 03-16-21, 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

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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 6/10/2021 | 3:41 PM EDT.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:
BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman
DEC3ECF2EB68404...

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

The foregoing instrument was acknowledged before me this 10th day of June 2021 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
MY COMMISSION #GG131281
EXPIRES: AUG 03, 2021
Bonded through 1st State Insurance

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires: Aug. 3, 2021
Commission Number: GG131281

{NOTARIAL SEAL}

Approved As To Form:
City Attorney's Office: DocuSigned by: _____ (6/10/2021 | 3:31 PM EDT)
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Filed with the Clerk of the Design Review Board on _____ (6/11/21)