

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: October 03, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB17-0160  
**1420 Bay Road—The Grand Flamingo**

The applicants, MCZ/Centrum Flamingo II, LLC and MCZ/Centrum Flamingo III, LLC, are requesting Design Review Approval for design modifications and renovations to exterior and interior portions of the existing North and Central Towers of Flamingo Apartments, a multi-tower residential development, including extensive landscaping, changes to vehicular circulation and pick-up/drop-off locations, and entrance features.

#### **RECOMMENDATION:**

Continue to a future meeting date for further design development.

#### **HISTORY:**

On November 04, 1997 the DRB approved a 35-story addition on the eastern side of a 16 acre Bayfront lot configured above and joining two existing 15-story apartment buildings, as part of a comprehensive renovation for the existing Morton Towers apartment complex, pursuant to DRB File No. 9191.

On October 02, 2007 the DRB approved a revised front entry design configuration with the drive and landscaping, including the removal of the existing parking spaces, entrance drive, and gatehouse, and installation of new drop-off lanes and landscaping, pursuant to DRB File No. 20925. This configuration did not come to fruition.

#### **LEGAL DESCRIPTION:**

See attached 'Exhibit A'

#### **SITE DATA:**

Zoning: RM-3 and RM-2  
Future Land Use: RM-3 and RM-2  
Lot Size:  
695, 933 SF (applicant)  
589,873 SF (MD property appraiser)

**FAR: 4 (NO INCREASE IN FAR)**

**Height: (NO INCREASE IN HEIGHT)**

Existing North Tower: 15-story  
Existing Central Tower: 35-story

Total Flamingo Units: 1,689 Units  
Existing North Tower Units: 614 Units  
Proposed North Tower Units: 446 Units  
Existing Central Tower Units: No change  
Existing South Tower Units: No change

Existing Green Space: 185,000 SF  
Proposed Green Space: 175,000 SF

Existing Parking: 1,978 Spaces  
Proposed Parking: 1,725 Spaces  
Parking Credits: 260

Existing Retail: 5,100 SF  
Proposed Retail: 4,100 SF  
Proposed Restaurant: **SEE ANALYSIS**  
Bicycle Parking: 80 long term  
12 short term

Grade: +7.00' NGVD  
Base Flood Elevation: +8.00' NGVD  
Difference: 1.0' NGVD  
Adjusted Grade: +7.5' NGVD

**SURROUNDING PROPERTIES:**

West: Biscayne Bay  
North: RM2 residential  
Gilbert Fein Conservation District

South: The Waverly, 29- and 35-story  
residential building  
East: RM1 residential

**ORIGINAL STRUCTURE:**

Morton Towers South - 1960 Melvin Grossman| 15-story residential building  
Morton Towers North - 1961 Melvin Grossman| 15-story residential building  
Central Tower – 1997 Zyscovich | 35-story residential building

**THE PROJECT:**

The applicant has submitted revised plans entitled "FLAMINGO DRB Final Submission", as designed by **Stantec Architecture Inc**, dated, signed, and sealed August 03, 2017.

The applicant is proposing substantial design modifications and renovations to the exterior and interior portions of the existing North and Central Towers of Flamingo Apartments. Also extensive site-wide landscaping improvements are proposed, as well as changes to the vehicular circulation and pick-up/drop-off locations, and entrance features.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

1. Projections: In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25% of the required yard up to a maximum projection of six feet (6'-0"), unless otherwise noted: Porches, platforms and terraces (up to 30" above the elevation of the lot, as defined in subsection 142-105(a)(1)e.). Depending on the final grade elevation the steps leading to the front and side yards may or may not be in compliance.
2. Walkways: Maximum 44". May be increased to a maximum of five feet (5'-0") for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the **Design Review** procedures.
3. **Sec. 142-902(2)(e)** Apartment buildings may have accessory uses based upon the below criteria The location of the proposed restaurant use is **not permitted**. Apartment buildings may have accessory uses based upon the below criteria: Buildings in the RM-3 and R-PS4 districts may have: (2) A retail store and / or a café with less than 30 seats (either or both of which could only be open to residents and their guests) may occupy space on the amenity level of an apartment building located within an RM-3 district.

The above noted comments shall not be considered final zoning review or approval. These

and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**CONSISTENCY WITH COMPREHENSIVE PLAN:** A preliminary review of the project indicates that the proposed **residential use** is **consistent** with the Future Land Use map designation of the 2025 Comprehensive Plan.

**ACCESSIBILITY COMPLIANCE**

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

**CONCURRENCY DETERMINATION:**

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Satisfied**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Satisfied**

5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Not Satisfied; The proposed blocking of the view corridor does not create or maintain important view corridors established by the 1997 DRB approval.**
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Not Satisfied; The proposed blocking of the view corridor does not create or maintain important view corridors established by the 1997 DRB approval.**
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.  
**Not Satisfied; The proposed blocking of the view corridor does not create or maintain important view corridors established by the 1997 DRB approval.**
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.  
**Satisfied**
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.  
**Not Satisfied; a lighting plan has not been submitted.**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Satisfied**
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Satisfied**
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Not Satisfied; The proposed blocking of the view corridor does not create or maintain important view corridors established by the 1997 DRB approval.**

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Not Satisfied; The proposed blocking of the view corridor does not create or maintain important view corridors established by the 1997 DRB approval.**
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.  
**Satisfied**
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Satisfied**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.  
**Not Applicable**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied; see below**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

#### **Not Satisfied**

**A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.**

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**
- (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.  
**Not Satisfied**  
**Sea Level Rise projections were not taken into account.**
- (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.  
**Not Satisfied**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Satisfied**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Not Applicable**
- (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.  
**Not Satisfied**
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Not Satisfied**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing substantial sitewide improvements to the Grand Flamingo residential development, including architectural modifications to the North and Central Tower. The subject property is a 16-acre site that occupies the Bayfront land between 14<sup>th</sup> Street to just south of 16<sup>th</sup> Street. The Grand Flamingo consists of two towers, built in 1960 but renovated multiple times, situated to the north and the south of the site. The towers, designed by the same notable architect, act independently from one another and contain their own entrances, garage facilities, and recreational pooldecks. A central 35-floor addition was approved in 1997, pursuant to DRB File No. 9191. This addition is elevated four stories in the air, and connects the two towers. A common skybridge elevated over 24'-0" above the main entrance links the two towers.

The design modifications and renovations include changes to the exterior and interior portions of the existing North and Central Towers of Flamingo Apartments. Also extensive site-wide landscaping improvements are proposed, as well as changes to the vehicular circulation and pick-up/drop-off locations, and entrance features. A notable portion of the application is the proposed elimination of the central driveway and guardhouse access control center at the base of the central tower. As originally designed in 1960, and further enhanced in 1997, the central oval vehicular drive served as the primary vehicular drive through the site that offered direct access to both towers lobbies, as well as offered areas for vehicle idling in order to accommodate drop-offs, pick-ups and deliveries of goods and services. The South Tower is not part of the proposed renovation.

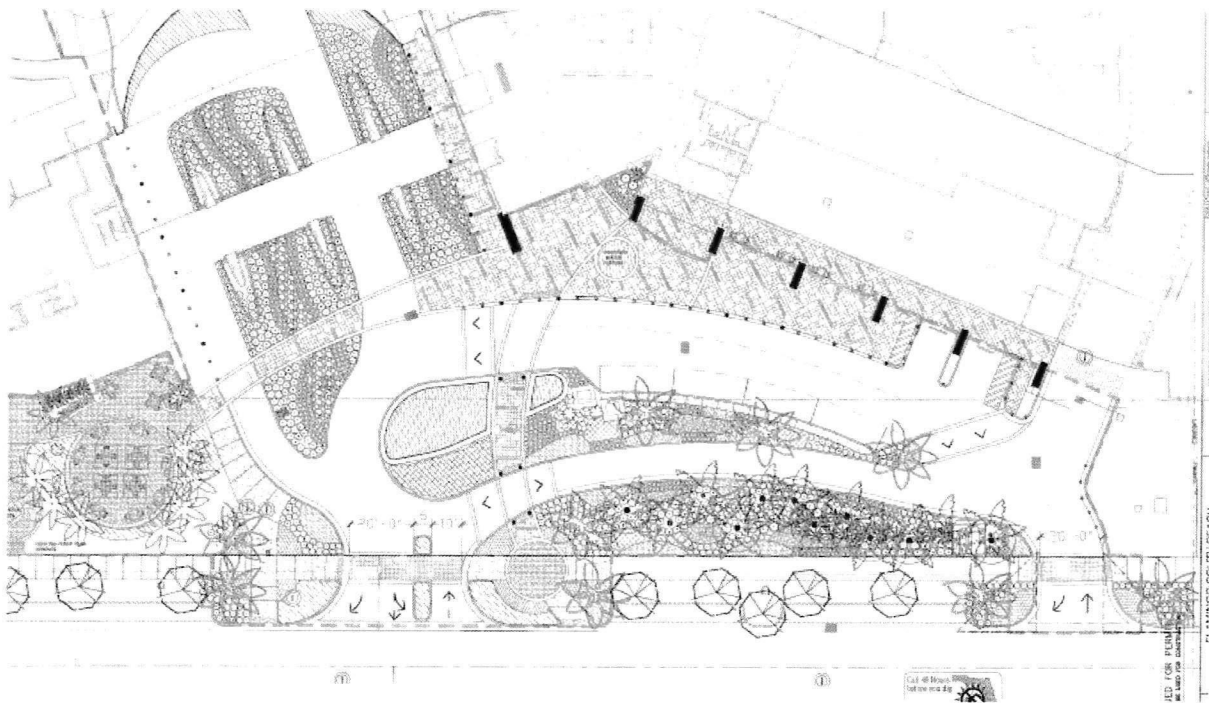
Traffic conflicts and circulation problems unquestionably exist at this development's front entrance location along Bay Road. Partially due to the built environment and prior building permits, and partially due to stringent access enforcement at the gatehouse at the direction of the Flamingo management. Concerns over security issues that has arisen from the residential development with over 1,680 apartment units with multiple points of entry and serious traffic flow disruption has led to an escalating enforcement of entry and access into what was once the primary, vehicular motorcourt to two, densely populated towers. The approval of the 35-story addition in 1997, also contemplated the vehicular flow "through and around" the central oval motorcourt. The traffic conflicts and circulation problems began after the completion of the central tower, and have only escalated with the advent of ride-sharing services and further dependency on instant delivery of goods. Ride-sharing and/or taxi waiting areas simply were not contemplated at the time of completion. After numerous meetings over the years with many City representatives from various departments including Planning, Parking, Public Works, Police and Transportation, as well as with concerned and affected neighbors, short term solutions have been tested, including on-street taxi cueing areas, onsite traffic police guards, and the introduction of pavement striping and bollards in an effort to resolve the fundamental issue of cueing and back-up onto Bay Road.

#### **NORTH GARAGE ENTRY VEHICULAR CIRCULATION**

In order to address changes in transportation created by modern ride-sharing programs and their impact on traffic issues when no designated arrival and departure areas are identified, the applicant is proposing two designated valet and ride sharing pick up/drop areas internal to the site. The first area is located within the existing shell of the north garage lined with the 3-story townhouses that front Bay Road. This will be accessed through the introduction of a new one-way curb cut from Bay Road. The second area is located behind the townhouses in the open air area in the front of the south tower, accessed off of an existing two-way curb cut from Bay Road. The applicant states that by configuring these designated areas entirely on site and by providing sufficient room to accommodate vehicle cue, the traffic congestion and cueing problems that plague this portion of Bay Road in front of the main entrance of the Grand Flamingo will be eradicated. In doing so, the applicant is proposing to eliminate the front (vehicular) entrance that currently consists of a large 50'-0" wide curb cut that leads to a guardhouse and security gate and accesses under the 35-story central tower. All of these circulation and security elements are proposed to be removed in an effort to overhaul the site and traffic circulation of the residential complex.

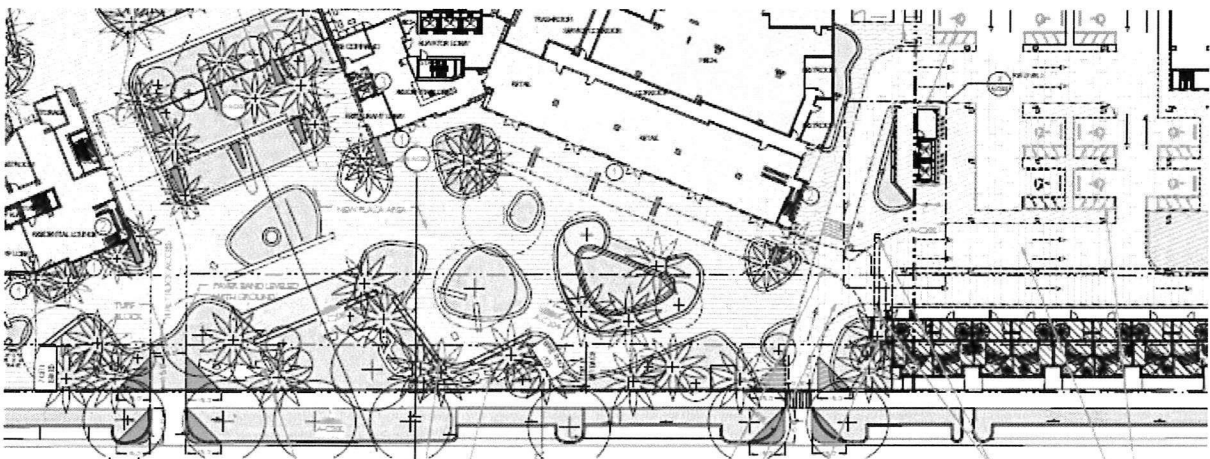
This is not the first time that the DRB has reviewed a revised front entry design configuration with the drive and landscaping, including the removal of the existing parking spaces, entrance drive, and gatehouse, and installation of new drop-off lanes and landscaping for the Grand Flamingo. On October 02, 2007 the DRB approved, pursuant to DRB File No.20925, a configuration that featured a dual inbound and outbound traffic configuration for each entry/exit drive directly off of Bay Road. This scheme also enhanced the area as a pedestrian plaza with the opportunity for retail and outdoor seating.





Approved site plan October 2007 DRB File No. 20925

While the 2017 site pan is the scheme preferred by the Planning Department, the applicant does not wish to revisit a plan that, according to them, fundamentally does not work to improve pedestrian safety, eliminate traffic cue and work in tandem with the concept for site improvements. The applicant has stated on numerous occasions that this scheme does not work from a transportation and traffic standpoint. Further, the submitted traffic report states that “as a result of the documented deficiencies of the 2007 site plan, it is not recommended to implement the circulation plan presented in the 2007 site plan”. Staff would note the the same traffic engineer company that cites the deficiencies of the plan is the same engineer that designed the 2007 plan. Regardless, the proposed application herein features a stacking capacity for 19 vehicles in the North Tower and 6 vehicles in the South open air area and removes the curb cut gape that prevails along Bay Road and currently negatively impacts the pedestrian experience along Bay Road.



While staff continues to have some reservations with the impact the proposed new curb cut and overall elimination of the central vehicular entry drive, the applicant maintains that the proposed dual inbound and outbound traffic configurations for each new entry/exit drive and ride sharing valet operations has some tangible benefits with regard to internal and external



traffic flow. The new urban public plaza will improve the existing 'pedestrian unfriendly' environment with an overall increase of 3,200SF of green space and will be open to the public and promote outdoor active open space. For security, fencing and landscaping will be further back under the bridge of the Central tower to ensure territorial boundaries between public and private space. Two lobbies will flank either side of the view corridor created by the 35-story addition.

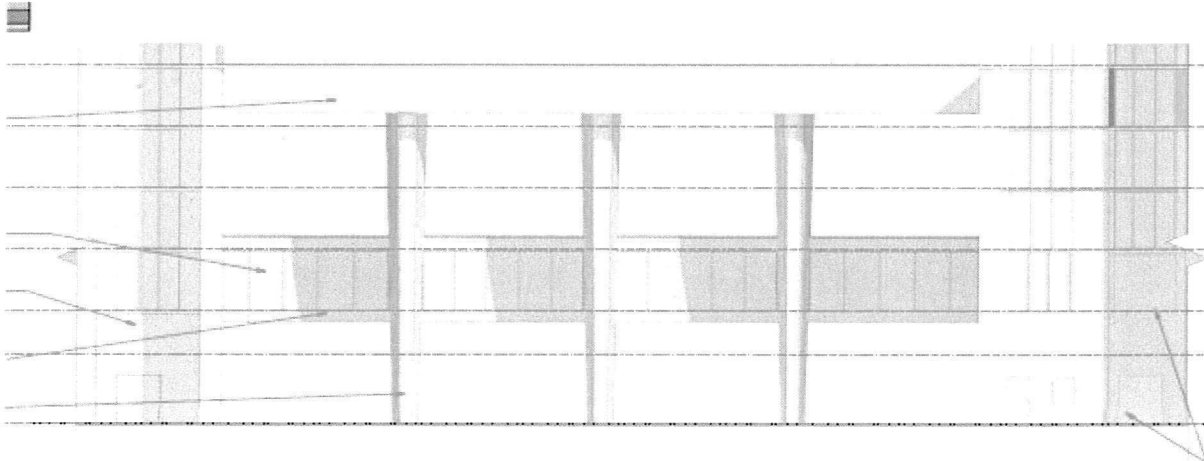
The two new pick locations will be hidden from the street and the applicant assures will eliminate stacking and cueing on Bay Road by providing adequate stacking for both valet and ride-sharing to avoid queuing issues. In an effort to reinforce this boundary, the applicant has designed the area along Bay Road with a "hard" landscape edge. By design, there are only two pedestrian access paths that transverse this area to the public plaza and the majority of the landscaping along the street frontage is purposely thick and dense. It is hoped that the landscape treatment will discourage undesired drop-off and pick-up. The applicant has stated that they will be partnering with the main ride-sharing company to ensure that the designated pick-up/drop off location are used. In Houston, there has been real estate partnering with Uber to place designated pickup and drop-off spots outside of 75 residential properties. Instead of trying to coordinate a pickup and drop-off spot between a rider and driver, the app will guide them to a parking spot with an Uber sign. The idea came up through feedback from drivers about the difficulties picking up and dropping off riders around apartment complexes with drivers often having to drive in loops searching for riders. According to an Uber spokesman, "the partnerships between Uber and apartment properties are complicated because the pickup spots have to be coordinated with each property before getting coded into the app." Developers are reimagining their exterior footprints to account for more Uber traffic, as well as implementing new ideas such as widening curbside drop-off areas resembling those found at airports. At the time of this writing, staff has not received further information on the applicant's alliance with the ride sharing company and no signage program has been identified for the site.

## **CENTRAL TOWER**

Aside from the significant landscape and site improvements planned for the front entrance area, the most visibly significant modification architecturally when viewed from Bay Road occurs to the central tower. At the base of the tower, the applicant is proposing the removal of the guardhouse and the removal and relocation of the security fence inwards. Also planned, is the renovation of the two existing lobby components of the tower, flanking the entrance view corridor to the north and to the south. As a new amenity to the residents of the Grand Flamingo, as well as to the neighborhood, the applicant is converting the existing 4,000SF leasing space located north of the view corridor at the ground floor into active commercial space with a modernized covered walkway that runs alongside the existing space. A retrofitted canopy and new retail signage is also planned. These new retail areas are proposed to be open to the public, and envisioned to engage the reconfigured vehicular entrance drive as a large public urban plaza, well-designed with landscaping, textured finishes and water features. Sec. 142-902(2) of the City allows for residential buildings in the RM-3 zoning district to contain accessory uses that include commercial, office, eating or drinking uses with access from the main lobby or from the street when located on the ground floor. As there is no expansion of enclosed square footage proposed, staff is supportive of this portion of the application.

As an added feature, the applicant is renovating the first level and "second" level of the central tower into a restaurant space and expanded lobby and lounge area. Currently programmed as an above ground lobby, residential storage area, and circulation means to crosses the towers, the applicant proposes a conversion of the central 16'-0" wide bridge that cross the view corridor into an elevated restaurant with potential vistas to the Bay. To

maximize the views and enhance the space, the applicant is also proposing a new glass storefront window system that will expand upwards approximately 25'-0" to the bottom of the central tower as well as changing the western fixed glass system with an operable 'nana' wall system that will provide access onto new elevated seating balconies. The 1997 DRB approval for the tower addition noted that: [the tower] is sited parallel to 15<sup>th</sup> Street and is slightly arced in plan concave fashion to work in conjunction with a semi-circular arrival plaza. [And] an approximately 4,800 SF (120'x40') hole will be located at the base of the proposed tower, at the first level, in order to provide a view corridor to the bay at the western terminus of 15<sup>th</sup> Street.

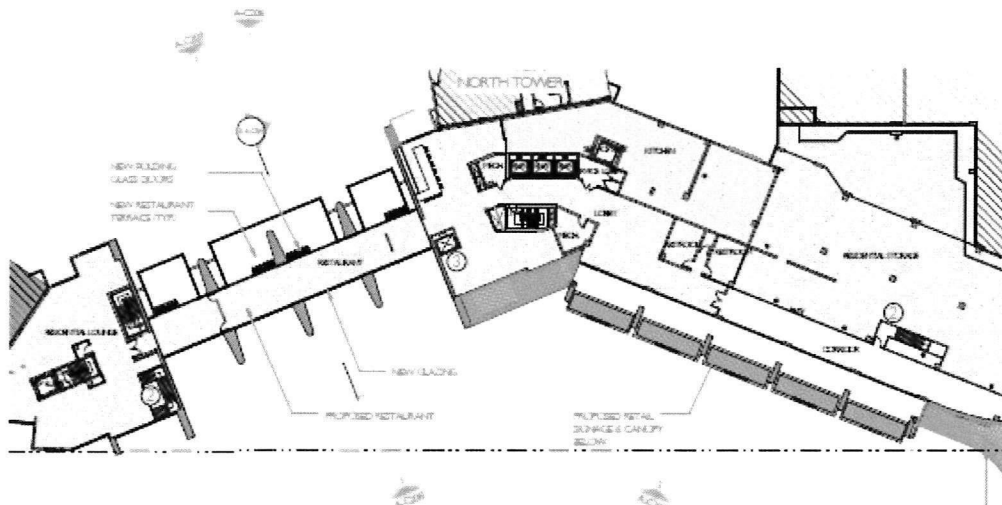


1 | Central Tower - West Elevation | Existing  
 SCALE 1/8" = 1'-0"



2 | Central Tower - West Elevation | Proposed  
 SCALE 1/8" = 1'-0"

Staff maintains the blocking of the view corridor violates that original approval. Further, plans submitted as part of this application depict an 180 seat restaurant above the ground floor. Sec. 142-902(2) of the City Code allows for residential buildings in the RM-3 zoning district to contain accessory uses that include retail or a 30 seat café on the amenity level and open to residents and their guests only.



As such, the proposed 180 seat restaurant on the higher floor that is open to the public is not a permitted use. Aside from this pressing zoning concern, the blocking of the view corridor is antithetical and contrary to the original approval of the 35-story addition of the central tower. Staff strongly recommends denial of this portion of the application and would require that the existing elevated skybridge remain unchanged in its dimensions and height.

#### **NORTH TOWER**

The applicant is proposing substantial exterior and interior modifications to the North Tower. A complete interior reconfiguration of the existing 15-story north tower includes a redistributed circulation corridor to allow for full view floor plans and new exterior architectural skin that is serrated in plan to offer angled views of the Bay. The density of the tower will be reduced in unit count from 614 to 446 units, 168 fewer units. Staff has no outstanding design concerns and recommends approval of this portion of the application as proposed.

#### **NORTH POOL DECK**

Staff is supportive of the redesign of the pool deck. The overall amount of green areas and lawn will be decreased by 10,450 SF. While additional design details of the outdoor trellises are needed for review, staff is confident this could occur at an administrative level. Staff has no outstanding design concerns and recommends approval of this portion of the application as proposed.

#### **COURTYARD**

The proposal consists of considerable demolition and sitework to the courtyard of the outdoor area between the two north and south tower buildings to allow for a contemporary landscape and site renovation overhaul of the area. Since the area will no longer be programmed as a vehicular circulation ring for drop-off, delivery and pick-up to the north towers, the architect is free to design the space as a communal area with more lush landscape that incorporates salvaged existing vegetation, new landscaping, new berms and terraced areas and pools, art pieces, bocce game areas, renovated hardscape and lighting, new gardens that include a hammock garden and a hanging garden with swings, as well as updates to seating areas.

The plans indicate that the overall amount of green areas and lawn will be decreased in this area by 5,000 SF through the introduction of additional hard scape. Staff would recommend a zero impact gain on loss of green space within this central courtyard space. Further, a passive tranquil park area that connects the two cruciform structures would be a great

outdoor amenity for the residents that seek open-air activities aside from the requisite pool deck areas. Staff recommends denial of this portion of the application and would require that the amount of square footage of drive aisle paving currently located within the oval remain unchanged in its amount of area and be improved with more pervious material to allow for improved on-site rain absorption.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be continued to the November 07, 2017 Design Review Board meeting in order to address the concerns noted herein.

TRM:JGM

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**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.

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

MEETING DATE: October 03, 2017

FILE NO: DRB17-0160

PROPERTY: **1420 Bay Road—the Grand Flamingo**

APPLICANTS: MCZ/Centrum Flamingo II, LLC and MCZ/Centrum Flamingo III, LLC

LEGAL: See attached 'Exhibit A'

IN RE: The Application for Design Review Approval for design modifications and renovations to exterior and interior portions of the existing North and Central Towers of Flamingo Apartments, a multi-tower residential development, including extensive landscaping, changes to vehicular circulation and pick-up/drop-off locations, and entrance features.

**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. 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 5, 6, 7, 9, 12, 15, and 19 in Section 118-251 of the Miami Beach Code.
- 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 Sea Level Rise Criteria 1, 5, 6, 9, and 10 in Section 133-50(a) of the Miami Beach Code.
- C. 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 shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The architect shall redesign the second floor central restaurant/lounge area to comply with Section 142-902(2)e.2. The proposed restaurant located on the amenity level of the Center Tower shall be restricted to patrons and seat count pursuant to Section 142-902(2)e.2., as may be amended from time to time.
    - b. The final design and details of the proposed pergola/shade structures located in north pool deck shall be provided, in a manner to be reviewed and



approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- c. The final design and details of the proposed new planters, pavers, and materials and finishes shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
- e. An adequate number of bike racks, at a minimum of 50, shall be required on site and, at the discretion of the Public Works Department, within the adjacent rights-of-way and in the public plaza. The quantity, locations, design and dimensions of all bike racks shall be subject to the review and approval of staff, in coordination with the Public Works Department
- f. No sooner than nine (9) months and no later than eighteen (18) months after of the issuance of the TCO or CO for the project, the Operator shall make a revised traffic progress report to the Design Review Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
- g. The applicant shall submit a complete signage plan showing all ride-sharing, delivery, taxi and other signage sitewide, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. Any fence or gate at the front and street side of the property shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. All 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.
- j. 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.
- k. 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. The architect shall redesign the central courtyard landscape area to be a net zero increase/decrease in the amount of hardscape and softscape ratio. The total amount of square footage of drive aisle paving currently located within the oval shall remain unchanged in its amount of area and shall be improved with more pervious material to allow for improved on-site rain absorption.
  - b. The final landscape selection, which shall include increasing the overall installed size for portions of the landscaping, location, quantity, and specifications of all existing and proposed new landscaping shall be required, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. The applicant shall submit an updated tree survey and tree report at the time of building permit for staff review and approval. 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 development, 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. The applicant shall work with the City of Miami Beach Urban Forester and Planning Staff to identify healthy canopy shade trees for retention and/or relocation on site. Staff maintains the right to retain existing trees in their current location which may result in the redesign of certain areas of proposed hardscape areas in order to protect trees, subject to the review and approval of staff
  - e. 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.
  - f. 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 congestions and vehicle cueing 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.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- C. 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.
- D. 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.
- E. 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.
- F. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 "FLAMINGO DRB Final Submission", as designed by **Stantec Architecture Inc.**, dated, signed, and sealed August 03, 2017, 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 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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**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.