

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 05, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0131
5775 Collins Avenue

The applicant, Miami Beach Associates, LLC, is requesting Design Review Approval for the construction of a new eighteen (18) story residential building, along with two levels of subterranean parking, to replace an existing oceanfront twelve (12) story residential structure.

RECOMMENDATION:

Continue to a future meeting date for further design development.

HISTORY:

On June 06, 2017 the applicant requested the application to be continued to the July 07, 2017 Design Review Board (DRB) meeting; the Board instead continued the item to the September 05, 2017 in order for the applicant to meet with concerned neighbors and address issues raised by the Board.

On September 05, 2017 the application was presented to the DRB and continued to the December 05, 2017 meeting in order for the applicant to have adequate time to redesign and address issues discussed by the Board.

LEGAL DESCRIPTION:

Lots 10-12 of Block 1 of Amended Plat of Second Ocean Front Subdivision according to Plat thereof as recorded in Plat Book 28, Page 28 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RM-3
Future Land Use: RM-3
Lot Size: 63,638 SF (1.46 a.)
Lot Width: 225'-0"±
Lot Depth: 282'-0" ±
Proposed FAR: 190,763 SF (2.99)*
Permitted FAR: 190,914 SF (3)
*As represented by the applicant
Height:
Proposed: **200'-0" / 17-Story**
Maximum: 200'-0" / 22-Story
Highest Projection: 220'-0"
Residential Units: 89 Units
Required Parking: 196 Spaces

Provided Parking: 196 Spaces
2@89 space
+10%guest:18 spaces
Bicycle Parking: 9
Loading: 2 loading berths

Grade: +5.6' NGVD*
Base Flood Elevation: +8.00' NGVD
Difference: 2.4' NGVD
Adjusted Grade: +6.8' NGVD
Finished First Floor Elevation: 13.137' NGVD

Surrounding Properties:

West: Royal Embassy Condominium, 14-story Residential Building (1968)
FPL Substation

North: Villa Di Mare Condominium 12-story residential building (2002) South: L'Excellence Condominium, 24-story Residential Building (1991)
East: Atlantic Ocean

EXISTING STRUCTURE:

Marlborough House - 1962 Giller, Payne & Waxman | 12-story (111'-0") residential building | 107 units

THE PROJECT:

The applicant has submitted revised plans entitled "5775 Collins Avenue DRB Submittal: October 03, 2017", as designed by **Arquitectonica Architecture and Interior Design**, dated, signed, and sealed October 03, 2017.

The applicant is proposing to construct an eighty-nine unit, 17-story residential building over two levels of semi-subterranean parking on an oceanfront site. The new residential tower will replace the existing 12-story Marlborough House condominium built in 1962. The design is oriented parallel to Collins Avenue and is massed in a rectangular manner, surrounded by expansive balconies and a double loaded, center corridor, and units facing from the north and south sides of the structure.

Access to the proposed structure will be directly from right turns only on Collins Avenue, which is a six-lane divided arterial roadway with a one-lane frontage road on the east side. The entrance driveways are on the south of the site along with the valet parking garage egress ramp, while the ingress ramp and driveway is located in the north. The main entrance is at the center of the building, along with a covered porte-cochere drop off area. A central beach connection has been provided from the pool deck at the rear of the property that will connect to a future City Beachwalk.

Further, revised plans indicate a 15'-0" wide public pedestrian access passage has been configured along the southern portion of the site that will allow the public direct beach access from the sidewalk along Collins Avenue. The Middle Beach Recreation Corridor, which is part of the City's master plan for a continuous pedestrian public Beachwalk is currently under coastal permit review and construction, pursuant to DA-659 and is scheduled for completion by July 2018.

A breakdown of the floor plan is delineated hereto:

Garage Level One: 102 (82 tandem parking spaces) (3 accessible)
Garage Level Two: 94 (76 tandem parking spaces) (4 accessible)
Level One @13' NGVD: Lobby entrance, spa, mail, lounge, and party room and pool deck
Level 3: 3 dwelling units ranging in size 1,742SF-2,125 SF
Level 4-18: 84 dwelling units (3 per level) ranging in size 1,274SF-2,125SF
Penthouse: 2 dwelling units 3,625 SF | 3,724 SF

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. 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.
2. Retaining walls for vehicular access appear to exceed the maximum height permitted within the front yard.
3. Tandem parking spaces may be utilized for self-parking in multi-family residential buildings and shall have a restrictive covenant, approved as to form by the City Attorney's office and recorded in the public records of the County as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner.
4. The height of all allowable items identified within Section 142-1161 for 'Height regulation exceptions' shall not exceed 25 feet above the height of the roofline of the main structure.

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, and the incorporation of a proposed pedestrian pathway access connection from Collins Avenue to the Beachwalk and the oceanfront is **consistent** with **Policy 1.5** of the 'RECREATION AND OPEN SPACE ELEMENT' of the City's Comprehensive Plan.

***Policy 1.5. Waterfront access in residential development.** Public pedestrian access to Biscayne Bay, all shorelines, and the oceanfront shall be required, in compliance with applicable law, in the review of proposed residential developments.*

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 orientation of the structure has a negative impact on maintaining important view corridors and the overall site plan and design.
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 orientation of the structure has a negative impact on maintaining important view corridors and the overall site plan and design.

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 orientation of the structure has a negative impact on maintaining important view corridors and the overall site plan and design. Staff recommends rotating the building orientation to allow for more expansive view corridors and increasing the interior side setbacks, in order to creates or maintains important view corridor(s).
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; a pedestrian access connecting Collins Avenue to the Beachwalk, is consistent with Policy 1.5 of the Comprehensive Plan.
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 that demonstrates the control of light spillage 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 orientation of the structure has a negative impact on maintaining important view corridors and the overall site plan and design.. Staff recommends rotating the building orientation and increasing the interior side setbacks to allow for more expansive view corridors in order to create or maintain important view corridor(s).
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 orientation of the structure has a negative impact on maintaining important view corridors and the overall site plan and design.. Staff recommends rotating the building orientation and increasing the interior side setbacks to allow for more expansive view corridors in order to create or maintain important view corridor(s).

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; subterranean parking conflicts with the City's support of new building standards to mitigate the impact of sea level rise; 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.
Satisfied; Sea Level Rise projections were 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.
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

On June 06, 2017 the applicant requested to be continued to the July 07, 2017 Design Review Board (DRB) meeting; the Board instead continued the item to the September 05, 2017 in order for the applicant to have adequate time to meet with concerned neighbors. The applicant presented at the September 05, 2017 DRB meeting where the Board and the public expressed concerns regarding a public beach access connecting the sidewalk along Collins Avenue to the ocean and beach, as well as the orientation of the building mass. After a lengthy presentation and discussion, the Board continued the item to the December 05, 2017 DRB meeting to allow the architect ample time to further address design concerns.

The applicant is proposing to construct a new seventeen-story, eighty-nine unit residential building over two levels of semi-subterranean parking on an a 63,638 SF oceanfront site. The site is nearly square in shape and is located four blocks north of the Morris Lapidus / Mid 20th Century Local Historic District.

The portion of Collins Avenue north of the Morris Lapidus / Mid 20th Century Local Historic District, inclusive of the subject site, from the 5300 block through to the 6300 block, was originally reviewed for consideration and inclusion within the district. However, it was subsequently not included in the historic district due to the dramatic shift of the neighborhood's defining "urban character". At this point along Collins Avenue, the development tracks flank both sides of the roadway and large scale buildings extend linearly from north to south, creating a "Condo Canyon" effect. This area was consequently excluded from the designation process, and according to the report due to *"developments tracts to each side of Collins Avenue [that] become narrow and elongated, and the resulting large scale architecture was stretch out linearly from south to north, creating an almost continuous "canyon" wall effect on both sides"*. The visual relationship between buildings, street and water (Indian Creek Waterway and the Atlantic Ocean) is lost along this section of Collins Avenue.

The existing Marlborough House falls within this northern portion of Collins Avenue. Built in 1962, the multi-family tower was designed by Giller, Payne & Waxman Architects in a simplistic Miami Modern style. Unlike many of the buildings that negatively impact the urban fabric of this neighborhood, the existing 107-unit twelve-story rectangular building is oriented east to west. The 75'x140' footprint is sited with generous side setbacks of nearly 79'-0" to the south and 73'-0" to the north, the front and rear setbacks are also well above the current minimum requirement. In each side yard two levels of parking, one of which is subterranean, flank the Marlborough house. The existing landscaping conditions are minimal.

Unlike the existing Marlborough House, which is oriented perpendicular to Collins Avenue, the proposal herein is oriented parallel to the street and broadsides the beach. Staff has met with the applicant and the design team on multiple occasions and the applicant's architect has continued to make some progress in addressing many of the previous concerns expressed by staff. A design consensus was reached on the beach access and some minor modifications were made to the façades. Direction by the Board was to reorient the building. A straw poll by the board members clearly indicated, with a 5-2 non-binding vote, that the design orientation should be revisited. The orientation of the design has not changed, despite staff's recommendation and the general consensus of the Board.

Since the September 06, 2017 DRB presentation, the applicant has submitted revised plans. The following summarizes the proposed changes to the plans:

- Incorporated a 15'-0' public passageway from the sidewalk along Collins Avenue to the beach walk;
- Altered the balcony configuration along the front and rear façade;
- Added a landscape lanai area to the third level along the front of the building; and
- Increased the south (tower) setback from 38'-1½" to 43'-5".

As it pertains to the proposed beach connection, the applicant has revised the site plan and voluntarily incorporated a public beach access, which supports **Policy 1.5** of the 'RECREATION AND OPEN SPACE ELEMENT' of the City's Comprehensive Plan. The proposed 15'-0" wide passage has a central 5'-0" walkway that meanders through landscape features, with lighting and pedestrian furniture configured within. This passage falls in line with other recent developments north of the project site, 5937 Collins Avenue (The Bath Club) and 5875 Collins Avenue (Mei Condominium) that have been constructed with similar public beach access within their properties, specifically within the required side yards as part of their development projects. Overall, the landscape for the development is quite extensive and well-designed, comprised of predominately native species, and should inform the design of the beach walk.

The City recently unveiled a new guarded lifeguard station at the 5700 block of the beach, directly in front of the subject site (Marlborough House), towards the southern edge. As designed, the proposed public passage aligns directly with the new lifeguard station, which is also a new public safety element as it is the sole guarded tower within the 6,089 SF non-guarded beach front stretch between 53rd Street and 64th Street, where the next closest towers are located. The City's own recommended beach tips for general public safety instruct both tourists and locals to always "*Swim near an on-duty lifeguard*". In this regard, the location of the new guarded lifeguard tower with direct pedestrian street access from the sidewalk at Collins Avenue is a need that the applicant has addressed

As it relates to the design of the building, the architects have modified the building's façades, specifically the articulation of the balconies beginning at level 3 and continuing the expanse of the tower. The previous design emphasized the units along each floor with a strong continuous straight balcony edge with dividers and angled glass railings that together created movement along uniform façades. The balcony edges were defined by fritted glass rails providing some movement along the otherwise static façades. The revised balcony condition proposes a slight angle and zig zag to the projecting slab of the balcony, in an effort to add movement and more visual interest. The current design is more static; the balcony dividers withdraw behind homogenous glass railings that appear to wrap the entire floor plate without interruption. The expansive balconies are the defining feature of the building and staff recommends that the subtle whimsy of the previous railing's design be incorporated into the current design.

The incorporation of a landscaped lanai deck area to the third level along the front of the building is a good design addition. However, overall staff finds the revised layout of the balcony and the subsequent changes to the façade are still in need of further design development. Additionally, staff has concluded that the design revisions in totality still do not address the direction provided by the Board.

Finally, while the proposed building is sited with greater than minimum front and rear yard setbacks, the configuration still relies on minimal side yard setbacks. Combined with the proposed orientation, staff still has serious concerns with the overall design direction and massing of the subject proposal on the oceanfront site and the loss of the established northern and southern view corridors created by the generous setbacks of the existing building that has stood for nearly 55 years. The proposed plan is still set parallel to the beach, effectively cutting off Collins Avenue and blocking vistas to and breezes from the Atlantic Ocean. The proposed new structure, which is greater in height than the existing

Marlborough House, will effectively broadside the Ocean, reinforcing the “Condo Canyon” effect notably seen along portions of Collins Avenue by building the tower from side setback line to side setback line. The minimum side setback is 33'-0" while the applicant is providing 38'-6½" (north) and 43'-5" (south); respectively at the tower setback. For perspective, the proposal will diminish both side yards that serve as important view corridors by over half. Staff has concluded that the increased setback proposed on the south side does not address the direction provided by the Board.

The applicant has expressed a desire to provide water views for the residences; however in re-orienting the building, all units will still have full views to the Atlantic Ocean and beach. In the current configuration, the proposed western units have views of the 14-story Royal Embassy Condominium. In this regard, the Design Review Criteria addresses the issue of providing view corridors as seen from the street and the Atlantic Ocean as well as continue a street level urban form.

In order to be consistent with the scale, character and context of recent development along Collins Avenue near the project site, which is the intent of the Design Review criteria herein, staff would recommend that the applicant increase the side setbacks of the building to a minimum unimpeded width of 45'-0" on both sides of the building. This will allow for the reorientation of the building and substantially increase both interior side setbacks to a minimum of 45'-0" along each side when measured to balcony edge or 50'-0" when measure to building edge, in order to create and maintain important view corridor(s).

This modification will also help to refine the hard edge condition of the balcony design to soften the massing upon Collins Avenue. A more slender, modest profile for the building as seen from Collins Avenue is strongly recommended to allow for expansive views of the water and the allowance of sunlight and ocean breezes. The greater side setbacks would allow for an expanded light, air, and view corridor through this site in order to enhance the urban built environment and cease a proliferation of existing developments that extend from north to south. Staff further recommends that the area be maintained free of construction or landscape obstructions with the exception of the public passage to the beach walk. IN order to effectuate these substantial design changes, staff recommends the application be continued to a future date, with specific direction to address the issues and concerns raised herein.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be continued to a date certain of February 06, 2018, in order to address the concerns delineated herein. In the event that the Board should approve the application, staff recommends that such approval be subject to the conditions enumerated in the attached draft final order, which addresses the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

TRM:JGM

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 05, 2017

FILE NO: DRB17-0131

PROPERTY: **5775 Collins Avenue**

APPLICANT: Miami Beach Associates, LLC

LEGAL: Lots 10-12 of Block 1 of Amended Plat of Second Ocean Front Subdivision according to Plat thereof as recorded in Plat Book 28, Page 28 of the Public Records of Miami-Dade County, Florida

IN RE: The Application for Design Review Approval for the construction of a new eighteen (18) story residential building, along with two levels of subterranean parking, to replace an existing oceanfront twelve (12) story residential structure.

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 2, 5, 7, 8, 12, and 15 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, 2, 3, 5, 6, 9, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan, and floor plan drawings for the proposed new residential building at 5775 Collins Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- b. The architect shall rotate the building orientation 90° and increase each side setback to a minimum of 45'-0" along each side when measured to balcony edge or 50'-0" when measure to building edge.
- c. The architect shall further refine the front elevation of the building, specifically the balcony edges, in order to soften the hard edge presence of the architecture.
- d. The applicant shall explore incorporating a direct pedestrian access from the sidewalk along Collins Avenue to the Beachwalk, in a manner to be approved by the staff. If such access is provided, the following shall apply:
 - i. The hours of public beach access shall be from sunrise to sunset.
 - ii. Signs indicating public access and the hours of operation shall be posted at each of the public access points; such signs shall be clearly indicated on the building permit plans and shall be subject to the review and approval of staff.
 - iii. Continuous lighting shall be located along the public access walk, in a manner to be reviewed and approved by staff; such lighting shall consist of bollards.
 - iv. The manner in which the property is fenced and secured shall be subject to review and approval of staff. The beach access gates shall be located close to the sidewalk, with a four foot (4') setback, subject to the review and approval of staff.
- e. The width of the walkways in the required rear yard may be approved as proposed.
- f. The height of all allowable items identified within Section 142-1161 for 'Height regulation exceptions' shall not exceed 25 feet above the height of the roofline of the main structure.
- g. 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.
- h. Further details of the railings and handrails shall be provided for all balconies and terraces in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
- i. Material samples for all exterior paving areas shall be submitted in a

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

- j. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - k. The final design details of exterior lighting 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.
 - l. 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.
 - m. 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.
 - n. 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.
 - o. Further details of the railings and handrails shall be provided for all balconies and terraces in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
 - p. 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.
 - q. 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. A combination of canopy shade trees and palms shall be incorporated along the public beach access as part of the design.

- b. Material samples for all exterior paving areas 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.
- c. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
- d. The final design details of exterior lighting 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.
- e. ~~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.~~
- f. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- g. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- 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. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. 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.
- k. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, 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.

- m. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- n. 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)

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. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- B. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- C. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- D. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit

- 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. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "5775 Collins Avenue DRB Submittal: October 03, 2017", as designed by **Arquitectonica Architecture and Interior Design**, dated, signed, and sealed October 03, 2017, and as approved by the Design Review Board, as determined by staff.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

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

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

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

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

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires:_____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Design Review Board on _____ ()

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