

# MIAMI BEACH

## PLANNING DEPARTMENT

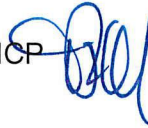
### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: December 04, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **DRB17-0198, 1733-1759 Purdy Avenue and 1724-1752 Bay Road**

**DRB17-0198, 1733-1759 Purdy Avenue and 1724-1752 Bay Road.** The applicant is requesting Design Review Approval for the construction of a new five-story multifamily building with ground floor retail uses with one or more waivers, to replace six vacant lots and two buildings. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

#### **RECOMMENDATION:**

Approval with conditions

#### **HISTORY:**

This item was continued at the November 06, 2018 DRB meeting.

#### **LEGAL DESCRIPTION:**

The West ½ of Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 16, ISLAND VIEW SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6 at Page 115 of the Public Records of Miami-Dade County, Florida..

#### **SITE DATA:**

Zoning: CD-2  
Future Land Use: CD-2  
Parking District: No. 5  
Lot Size: 33,750 SF  
Proposed FAR: 2.0 – 67,500 SF  
Permitted FAR: 2.0 – 67,500 SF  
Height:

Proposed: **55'-0" from BFE +5'\***  
(68' NGVD)

Maximum: **55'-0"\***

Highest Projection: +18'-0"  
(86'-0" NGVD)

**\*DRB WAIVER**

Proposed Uses:

Residential: 12 units  
Restaurant: 296 seats

Retail: 8,630 SF

Parking: 82 spaces

Grade: +5.42' NGVD

Base Flood Elevation: +8.00' NGVD

Difference: 2.58'

Adjusted Grade: +6.71' NGVD

30" (+2.5') Above Grade: +7.92' NGVD

First Floor Elevation: +6' NGVD |  
+34' NGVD

#### **SURROUNDING PROPERTIES:**

North: Commercial retail and industrial uses

South: "Lofts" residential mixed use

West: Maurice Gibb Park | Biscayne Bay  
City park and government use

East: Industrial uses

#### **THE PROJECT:**

The applicant has submitted plans entitled "Sunset Park", as prepared by **Domo Architecture + Design**, dated August 22, 2018.

The proposal consists of a new five (5) story, mixed-use building with 12 residential units, and 8,630 SF of ground floor retail use including 296 seats divided between four (4) food and beverage establishments and 82 parking spaces.

As a point of clarification, two (2) of the proposed food and beverage venues require a Conditional Use permit (CUP) due to the number of seats and proposed occupancy content exceeding the thresholds that require a CUP in the Sunset Harbour area. The thresholds that require CUP approval in the Sunset Harbour area are alcohol beverage establishments with more than 100 seats or an occupancy content of more than 125 persons as determined by the Fire Marshal. An application for Conditional Use approval is scheduled to be considered by the Planning Board on November 27, 2018, pursuant to PB 17-0168 aka PB18-0168.

The applicant is requesting the following waiver(s):

1. The height of the proposed structure is 55'-0" in accordance with Section 142-306 Maximum Building Height (Feet).

**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. Maximum Building Height (Feet): 50' (except as provided in Section 142-1161). Notwithstanding the above, the Design Review Board in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.
2. In accordance with section 142-303 of the City Code, new construction of structures 50,000 square feet and over in the CD-2 zoning district must receive a Conditional Use approval from the Planning Board, whose review shall be the first step in the approval process prior to the review of the Design Review Board. The item is scheduled to be reviewed by the Planning Board at the November 27, 2018 Planning Board meeting.

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.

**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.  
**Not Satisfied; the applicant is requesting a design waiver from the Board.**

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.  
**Not Satisfied; the applicant is requesting a design waiver from the Board.**
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.  
**Not Satisfied; the applicant is requesting a design waiver from the Board.**
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.  
**Not Satisfied; the applicant is requesting a design waiver from the Board.**
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 applicant is requesting a design waiver from the Board.**
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 applicant is requesting a design waiver from the Board.**
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.  
**Satisfied**
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).  
**Partially Satisfied; the scale of the proposed project is compatible with nearby buildings and CD-2 zoning district allowable development, but in order to become more compatible with the abutting seven-story residential building, staff recommends an additional setback above the ground floor containing parking along the south property line.**
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.  
**Partially Satisfied; a minimum ten (10') foot setback should be provided above the ground floor containing parking along the south property line.**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied; Staff recommends a minimum 50% of the combined multilevel roof / deck surfaces which are opened to the sky, shall be designed to accommodate a green roof.**
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 Applicable**
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.  
**Partially Satisfied; Kitchens to be relocated away from glass storefront systems of interior breezeway, the location of which may be inconsistent with the City of Miami Beach Design Guidelines.**

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.  
**Not Applicable**
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.  
**Not 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**
- (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.

**Satisfied**

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

**Not Satisfied; as part of the civil engineering design to be provided at time of permit.**

### **STAFF ANALYSIS:**

#### **DESIGN REVIEW**

The applicant is proposing a new 5-story residential building with ground floor retail, on-site parking, and an expansive rooftop amenity pool deck. As presently designed, the structure will contain 12 residential units on floors three through five. Configured with just four units per floor, the through-units are oriented in the east-west direction, each designed with expansive outdoor terraces to maximize vistas of Maurice Gibb Memorial Park and the waters of Biscayne Bay. The parking for the building is to be located on the second floor. The proposed design features a sleek futurist architectural style that evokes movement and trajectory in the wide, beveled lines of the cantilevered terraces along the façade levels. The dual frontage building contains long dynamic lines and curving forms, emphasizing the horizontality of the building and suggesting speed and motion within the massing that is reminiscent of the 'Streamline Moderne' architectural style.

The building features a dynamic breezeway element on the ground level that crosses in the east-west direction and links passage from Purdy Avenue to Bay Road for both pedestrians and residential vehicles. Lined on both sides with wide pedestrian pathways, the breezeway connects the dominant Purdy Avenue retail component to the additional retail slated along Bay Road. "Midblock" within the corridor, and nestled between future cafes and restaurants, are sited two (2) divided lobbies for the residential units. The proposed configuration has two (2) bays that accommodate trash and delivery trucks within the building envelope to service all the residential units and the commercial uses on the south side of the building. The proposed curb-cut is a 50'-0" wide gap in the sidewalk to accommodate access into the upper level parking and for the internalized loading and trash area for the building. Staff recommends that design attention be given at the entrance to these areas in terms of materiality, finish and screening methods in order to assure maximum safety and enhanced quality of public space for pedestrians. The applicant proposed an off-street loading space on the north east side of the building for the commercial uses on the north half of the building. The Planning Board is scheduled to review the application for Conditional Use Permit approval on November 27, 2018 under PB 17-0168 aka PB18-0168 with specific regard to important functional issues related to the operations of the project, including parking, traffic, deliveries, sanitation and security.

Staff's primary design concerns have consistently pertained to the overall design and detail of the proposed hybrid breezeway, as it is comprised of a central vehicular drive, exclusively

reserved for residents, that is flanked on both sides by pedestrian pathways. This design feature was initially designed as a paseo, or pedestrian-only walkway, that contained central retail spaces linking the two commercial street frontages. However, as the project developed in size and refinement, the dual nature of the breezeway aisle was introduced. The proposed breezeway is utilized for both residents' vehicles and pedestrians by incorporating the use of an automatic bollard system that converts the breezeway into a valet drop-off area for residents when the bollards are retracted. It is imperative, from a safety and functional viewpoint, that the design of the pedestrian pathway be executed in such a way that it clearly delineates the allowable movement of pedestrians and vehicles, as well as enhances the experience for outdoor café diners and retail users. Moreover, the proposed hybrid nature of the breezeway could result in an unpredictable shared-use operation, impacting pedestrian use. Staff's ideal scenario would have the pass through realized as a strictly pedestrian paseo, similar to the neighboring breezeway at the Sunset Harbour garage. If that option is not conceivable, staff recommends further refinement of the breezeway design including, but not limited to, the widening of the breezeway in order to contain a minimum 15'-0" wide pedestrianized area along both sides of a 10'-12'-0" wide drive aisle. Additionally, the central area that abuts the two lobbies may be extended for vehicular pull-off. As such, it is imperative from a safety, design and functional viewpoint that the design of the area be executed to create a clear pedestrian pathway that delineates the allowable movements of pedestrians and vehicles and enhances the experience for outdoor café diners and retail users.

Additionally, staff has some concerns regarding the interior configuration of the retail bays within the breezeway. The applicant is proposing two "exhibition kitchens" within the ground floor storefront windows of the retail components along both sides of the corridor. As configured, the interior build-out of the kitchens may program appliances and/or other culinary and storage equipment along window wall system, obstructing full transparency from the corridor and greatly reducing the appearance of the building. It is a Citywide design policy that commercial storefronts remain clutter-free and allow for maximum transparency within the retail establishment to enhance the pedestrian experience. The retail space appears to have ample square footage to creatively design a furniture / fixture layout that does not compromise the storefront transparency along both street frontages and opines that the same design awareness should be followed throughout the breezeway in order to create a truly well-designed space. Additionally, kitchen, or other use, intakes or exhaust vents should not be located along the primary facades fronting Purdy Avenue, Bay Road, or within the proposed breezeway.

Finally, the applicant has incorporated resilient methodology in the design of the ground floor plan. With ground floor volumes proposed at 26'-0" high, the retail spaces can adapt to future changes elevations by allowing for ground floor slabs to be "repoured" and spaces re-used. Staff is supportive of the additional 5'-0" of height for the ground floor retail. However, in order to ensure compatibility with the neighboring property to the south, staff recommends that the garage level parking (second floor), be setback a minimum of ten (10') feet from the south property line and improved with a green roof with a minimum soil depth of three (3') feet, inclusive of substantial landscaping to create a buffer between the garage and the residential units of the building to the south.

Staff is supportive of the modern design proposed as it will be a noteworthy architectural addition to the Sunset Harbour neighborhood. The project will enhance the street frontages

along Purdy Avenue and Bay Road, as well as enhance the overall experience for residents and visitors to Sunset Harbour. The proposal is compatible with the immediate area, noting that there are several larger and denser residential buildings in the area, multiple food and beverage establishments, as well as a well-frequented neighborhood waterfront park and marina in the area. As it is expected that many patrons will arrive on foot, rideshare, taxi, or other transportation methods, staff recommends that the eight (8) proposed bicycle parking racks (four on the Bay Road side and four on the Purdy Avenue) be augmented to accommodate at least 12-24 racks in total along the ground floor level. Overall, staff recommends the approval of the design.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends **approval** of the design to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria.

TRM/JGM

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

MEETING DATE: December 04, 2018

FILE NO: DRB17-0198

PROPERTY: **1733-1759 Purdy Avenue and 1724-1752 Bay Road**

APPLICANT: Sunset Land Associates LLC

LEGAL: The West ½ of Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 16, ISLAND VIEW SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6 at Page 115 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new five-story multifamily building with ground floor retail uses with one or more waivers, to replace six vacant lots and two buildings. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

**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 a individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 16, and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 5, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
  1. The project shall comply with all the conditions imposed by the Planning Board Order No. PB 17-0168 aka PB18-0168.

2. Revised elevation, site plan and floor plan drawings for the proposed mixed-use development at 1733-1759 Purdy Avenue and 1724-1752 Bay Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The additional 5'-0" height at the ground level shall be permitted as proposed.
  - b. The central breezeway at the ground level of the project shall be further refined. The width of the corridor shall accommodate two, 15'-0" wide pedestrian zones flanking a central 10-12' wide vehicle aisle, 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 garage level parking (second floor), shall be setback a minimum of ten (10') feet from the south property line. The entirety of such setback area (the roof of the ground floor) shall be open to the sky from this level upwards, and shall be re-designed to incorporate a green roof with a minimum soil depth of three (3') feet, and include substantial landscaping in order to create a buffer between the garage and the residential units of the building to the south, in a manner to be reviewed and approved by staff.
  - d. At the garage level on the south side, a floor to ceiling wall that must be at least 75% solid shall be provided, in a manner to be reviewed and approved by staff.
  - e. The floor of the garage shall be designed and constructed to minimize tire noise, in a manner to be approved and certified by a qualified acoustic engineer, subject to the review and approval of staff.
  - f. All existing overhead utilities and poles abutting the subject site shall be placed underground at the sole expense of the applicant.
  - g. Additional material finishes shall be introduced along the front elevation at the underside and side walls of the breezeway as depicted on rendering sheet A-6.3, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - h. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - i. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of ten (10') feet from the exterior walls of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes; however, shelving, partitions, and checkout counters, or similar objects, shall not be permitted to be flush to the exterior walls of the building facing any right-of-way.

- j. The final design and details of all exterior and interior lighting for the ground floor commercial components 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. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
- k. Any future kitchen ventilation or mechanical venting shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
- l. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, as well as on the roof deck, 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 rooftop lighting shall consist of a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- n. 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.
- o. The interior walls of the first level of the parking garage entrance, ramps and loading areas, shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- p. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- q. The entire ground level exterior paving system, and its design and detailing, shall be clearly identified with all colors, textures and materials clearly differentiating the areas as identified as pedestrian-only regions from those portions accessible to vehicular traffic, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- r. The design and detailing of the proposed planters within the breezeway shall be further developed and detailed, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - s. The final design and details, including materials, colors, finishes, of any security fence, 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.
  - t. The final design and details, including materials, colors, finishes, of all roof top elements, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed and submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - u. 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.
  - v. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - w. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
  - x. 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.
  - y. 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.
3. 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.

- b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- d. A minimum of 50% of the combined total of all roof levels which are open to the sky, shall be designed in a "green manner" to accommodate a true green roof system. Portions of the green roof shall, have sufficient depth of soil planting beds to accommodate rooting depths for larger trees while satisfying minimum canopy shade tree requirements.
- e. 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.
- f. The backflow prevention device shall not be permitted within any area fronting a street or sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
- g. 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.
- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. 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.
- j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other

related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.

- I. 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.
- m. 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.

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

## **III. General Terms and Conditions applying to both ‘I. Design Review Approval and ‘II. Variances’ noted above.**

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record 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.
- B. 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.
- 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 new building to the public right-of way.

- D. 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.
- 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 "Sunset Park", as prepared by **Domo Architecture + Design**, dated August 22, 2018, and dated August 03, 2018, 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\_\_\_\_\_.

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 \_\_\_\_\_ ( )