MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 2, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB23-0961
2125 Bay Drive – Denbora Bay III

An application has been filed requesting Design Review Approval for a new four-story multi-family building with one or more waivers, to replace an existing residence on the site.

RECOMMENDATION:
Approval with conditions.

LEGAL DESCRIPTION:
Lot 14, Block 35, of "MIAMI VIEW SECTION PART 3, ISLE OF NORMANDY" according to the plat thereof as recorded in Plat Book 40, at Page 33 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	RM-1
Future Land Use:	RM-1
Lot Size:	7,789 SF
Proposed FAR:	9,732 SF/ 1.25
Maximum FAR:	9,736 SF/ 1.25
*As represented by the applicant	
Height:	
Proposed:	41'-5"/ 4-Story
Maximum:	50-0"
Highest Projection:	55'
Existing Use:	Multi-family residential
Proposed Use:	Multi-family residential
Residential Units:	10 Units
Required Parking:	NA
Provided Parking:	5 Spaces
Grade:	+4.44' NGVD
Base Flood Elevation:	+8.00' NGVD
Adjusted Grade:	+6.22' NGVD
Finished Floor Elevation:	+21.66' NGVD
Proposed Garage Elev. Clearance:	12'-0" from BFE + 1' freeboard
Required Garage Elev. Clearance:	12'-0" from BFE + 1' freeboard

Surrounding Properties:

East:	1-story 1954 multi-family building
North:	1-story 1940 multi-family building
South:	1-story 1940 multi-family buildings
West:	2-story 1956 hotel/motel building

THE PROJECT:
The applicant has submitted revised plans entitled "Denbora Bay III", as prepared by **Red Octopus LLC,** dated, signed and sealed May 6, 2024.

The applicant is proposing a new four-story multi-family building with a total of ten units and a rooftop amenity.

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. 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 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **multi-family residential** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied

b. 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

c. 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

d. 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 2.5.3.2.
Partially Satisfied; See Staff Analysis. Staff recommends full screening of the garage level.

e. 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.
Satisfied

f. 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.
Satisfied

g. 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

h. 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

i. 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.

j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied

k. 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.
Not Satisfied; Staff recommends the garage be fully screened from the exterior.

l. 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).
Satisfied

m. 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; See k. above.

n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied

o. 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

p. 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

q. 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

r. 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

s. The structure and site complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Not Satisfied; see below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations 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) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied

(5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied

(7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied

(8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
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 Applicable

(10) In all new projects, water retention systems shall be provided.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

(11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

(12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:

DESIGN REVIEW

The subject site is an interior parcel located on Normandy Isle. The applicant is proposing to construct a new (4) four story, (10) ten-unit residential multi-family building with ground floor parking and a shared roof top amenity with a pool. The immediate surrounding area consists of predominantly one-story multi-family buildings constructed in the 1940's and 1950s, as well as the historic, two-story International Inn, design by Melvin Grossman in 1956, which sits across the street from the subject property.

The project proposes 10 units that are a mix of six (6) 1-bedroom units and four (4) 2-bedroom units. The ground floor has five parking spaces, an entrance vestibule, an elevator, two sets of stairs and an enclosed trash room. The second and third levels are comprised of four units, while the last floor (level 4) has two units and an outdoor roof deck and pool. The units have been designed ranging from 600 square feet to 1,019 square feet of enclosed area.

The proposed residential building is sited on a standard RM-1 zoned, 7,789 square foot lot. Contemporary in style, the design of the building is highlighted by a screen composed of wood-siding panels that sheaths the front (west) elevation on the ground level and the stair tower. The same wood-siding panels wrap around to screen the stair towers on the side (south) elevation. Board-formed concrete alternates with floor to ceiling glass to clad the habitable walls, while glass railings accent the front and rear balconies, and the open corridors on the (side) south elevation. Additionally, the design incorporates landscaped planters, a landscape trellis and wood accents into its architecture, softening the dark color palette and concrete surfaces.

While generally supportive of the proposed design, staff finds that the wood-cladding screening overwhelms the front elevation and as such recommends that the architect explore alternative screening for the ground level that is more neutral in color and pattern, providing a subtle background for the elaborate pattern of the wood-siding panels that effectively enhance the stair towers. Furthermore, staff recommends the continuation of such screening along the ground floor of the garage level on both the sides (north and south) and the rear (east) elevation in an effort ensure that vehicular movement within the site does not negatively impact neighbors. Overall, staff is supportive of this application with the proposed modifications and recommends its approval with these and the conditions outlined in the attached draft order.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved with conditions**, including the requested waiver, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

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MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139, www.miamibeachfl.gov

TRANSPORTATION & MOBILITY DEPARTMENT
Tel: 305.673.7514

MEMORANDUM

TO: Thomas R. Mooney, AICP, Director, City of Miami Beach Planning Department

FROM: José R. González, P.E., Director, City of Miami Beach Transportation & Mobility Department

DS JRG

DATE: June 11, 2024

SUBJECT: 2125 Bay Drive – Traffic Impact Statement – DRB23-0961

The City of Miami Beach Transportation & Mobility Department has reviewed the subject Traffic Impact Statement submitted by the applicant as part of the Design Review Board application for the proposed 10-unit multifamily redevelopment project. The project is located at 2125 Bay Drive in Miami Beach, Florida and is currently occupied by one (1) single-family detached house. The proposed redevelopment will provide five (5) parking spaces on-site.

The project build-out year is anticipated by 2026. As the redevelopment is expected to generate three (3) net new A.M. peak hour trips and four (4) net new P.M peak hour trips, only a Traffic Impact Statement was required. The Traffic Impact Statement associated with this project was performed in accordance with the requirements of the City of Miami Beach and the approved methodology.

Trip Generation

The results of the Trip Generation Analysis indicate that the proposed redevelopment is expected to generate three (3) net new A.M. peak hour trips and four (4) net new P.M peak hour trips. One (1), twelve (12) foot wide, two-way driveway will be provided on Bay Drive to access the site.

Circulation/Maneuverability Operations

Access to the proposed redevelopment will be provided via one (1), twelve (12) foot wide, two-way driveway on Bay Drive to access the five (5) on-site parking spaces provided. Per the City's Code of Ordinance Sec. 130-64, the proposed driveway meets the minimum requirement for at grade-level parking with fewer than ten (10) parking spaces, inclusive of those parking areas underneath a building or structure.

Note that trash collection will consist of trash bins for each unit located in the trash room on the ground level. All refuse bins will be rolled out to the street and picked up on the street when scheduled. A commercial dumpster will not be provided, and no accommodation will be needed for a garbage truck to enter the site.

Entry Gate Analysis & Queuing

The project driveway will be equipped with a magnetic auto control gate or barrier arm. The barrier

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arm will be located approximately 20 feet from the property line to provide queue length for one (1) vehicle. The applicant prepared a 95th percentile Entry Gate Queue Analysis. The calculated queue lengths are expected to be less than one (1) vehicle length. Therefore, the vehicle queues are not expected to extend onto or obstruct public right-of-way.

Multimodal Trips

Sidewalks are provided on both sides of Bay Drive near the project site. The approximate width of the sidewalk adjacent to the property is five (5) feet.

The nearest transit stop is located near the intersection of 71 Street and Biarritz Drive, which serves the City of Miami Beach Trolley North Beach Loop. A second, nearby transit stop is located near the intersection of Bay Drive and Normandy Drive that serves both the North Beach Loop and the Miami-Dade Country Metrobus Routes 79 and 279. The nearest Citi Bike station is located at the intersection of Normandy Drive and Trouville Esplanade E.

Transportation Demand Management (TDM)

The project's proposed Transportation Demand Management (TDM) strategies include short-term and long-term bicycle parking on-site. The project is providing five (5) short-term bicycle parking spaces in the front of the building and ten (10) long-term bicycle parking spaces within the parking area. All proposed bicycle parking spaces are located on private property.

Conditions of Approval

1. The applicant shall coordinate with the City's Parking Department for any modifications or elimination of existing on-street parking spaces, prior to the issuance of a building permit.

Conclusion

The City of Miami Beach Transportation & Mobility Department, including the Peer Review Consultant, has no further comments on the Traffic Impact Statement for the 2125 Bay Drive redevelopment project.

Please feel free to contact the City of Miami Beach Transportation & Mobility Department if you have any questions on the above.

CC: Otniel Rodríguez, E.I., Assistant Director, City of Miami Beach Transportation & Mobility Department

Ghassan Choueiry, P.E., Senior Transportation Engineer, City of Miami Beach Transportation & Mobility Department

Grant Webster, Transportation Planner, City of Miami Beach Transportation & Mobility Department

Enc. Kimley-Horn & Associates (Peer Reviewer), Traffic Review Memo dated 06/11/2024.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: July 2, 2024

PROPERTY / FOLIO: **704 84th Street - Denbora Bay III** 02-3202-011-0730

FILE NO: DRB23-0961

IN RE: An application has been filed requesting Design Review Approval for a new four-story multi-family building with one or more waivers, to replace an existing residence on the site.

LEGAL: Lot 8, Block 41, of "MIAMI VEIW SECTION PART 3 ISLE OF NORMANDY" according to the plat thereof as recorded in Plat Book 40, at Page 33, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Yanina Mauro

O R D E R

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria i, k, & s in Section 2.5.3.1 of the Land Development Regulations.

C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1 in Section 7.1.2.4(a)(i) of the Land Development Regulations

D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

DRAFT

2. Revised elevation, site plan and floor plan drawings for the proposed multi-family residential building shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

    a. The height of the trellis structure / stair screen shall be reduced by 4'-10, to not exceed the top of the mechanical roof.

    b. The architect shall revise the ground floor screening to be of a more neutral color and pattern. The design and material details 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 ground floor screening shall be continued into the sides (north and south) and rear (east) elevations of the ground / garage level. The design and material details 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.

    d. The final design and details of the green wall proposed on 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. The final color, design and details of the proposed wood-siding panels that screen the stair towers on the front (west) elevation and the side (south) elevation shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

    f. The final design and details, including samples and color selection, of the proposed board-formed concrete cladding 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.

    g. The final design and details, including samples and color selection, of the cast in place concrete proposed for the elevator tower 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.

    h. The final color, design and details of the teak wood accents proposed on the elevations 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. 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.

j. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and 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. 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.

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

   d. 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.

   e. 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.

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

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

   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 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.

l. 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

I. 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.

II. General Terms and Conditions applying to both 'I. *Design Review Approval* and 'II. *Variances'* noted above.

A. 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 comply with other options provided for in Section 7.1.3.2 of the Land Development

Regulations, including the payment of a sustainability fee or posting a sustainability fee bond.

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

C. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.

D. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.

E. All allowable construction signage shall be attached to or situated behind the construction fence, in accordance with Section 6.3.2 of the Land Development Regulations.

F. The applicant shall coordinate with the City's Parking Department for any modifications or elimination of existing on-street parking spaces, prior to the issuance of a building permit.

G. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.

H. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

I. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.

J. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.

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

L. 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.

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

N. 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.

O. 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.

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

Q. 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 for Design Review approval 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 "Denbora Bay III", as prepared by **Red Octopus LLC,** dated, signed and sealed May 6, 2024, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to

construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For the Chair

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Rogelio A. Madan, AICP, Development & Resiliency Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL]

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

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