

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: April 5, 2022

PROPERTY/FOLIO: **West Avenue Phase II Right of Way Improvements**

FILE NO: DRB21-0704

IN RE: An application for Design Review Approval for the construction of improvements in the rights-of-way for the area generally bound by 8th Street to the south, Collins Canal to the north, just west of Alton Rd. to the east, and Biscayne Bay to the west, including all side streets in-between. Improvements include, but are not limited to, infrastructure for storm water drainage, sanitary sewer and water mains, elevation of roadways, new hardscape and landscaping, new protected bike lanes on West Avenue, new street and pedestrian lighting, harmonization to adjacent properties, bay walk and seawall construction at the Lincoln Rd. street end, and small parks with storm water pump stations and associated infrastructure at the street ends of 10th Street, 14th Street, 16th Terrace, 16th Ct., Bay Rd, and Lincoln Road.

APPLICANT: City of Miami Beach

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 consistent with Design Review Criteria 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 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:

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1. Revised elevation, site plan, and floor plan drawings shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The final landscape plans shall be coordinated with the engineering drawings to ensure that the generators proposed within the street-end parks are well screened, and 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.
 - b. The final design and details of associated exterior street lighting shall be submitted, subject to the review and approval the Design Review Board.
 - c. The final design and details for the generator screening within the street ends shall be submitted, subject to the review and approval of the Design Review Board.
 - d. The final design and details of exterior lighting within the street-end parks 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.
 - e. The final design and details of furniture proposed within the street-end parks 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.
 - f. Any exterior handrails along sidewalks, walkways and ramps shall be of a continuous railing design. 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 permit plans and shall be subject to the review and approval of staff, consistent with the Design Review Criteria and/or the directions from the Board.
 - g. 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.
 - h. Details of the harmonization plans between public and private property shall include the following, where applicable, subject to the review and approval of staff.
 - i. Relocation/replacement of existing fences/walls and gates.
 - ii. The use of materials, to the extent feasible, to match those used by individual properties.
 - iii. The removal, relocation or replacement of landscape elements to accommodate harmonization.
 - iv. The possible restoration of any existing encroachments, on a case-



by-case basis where necessary, as determined by the City.

- v. Modifications to parking spaces located on private property, including modifications necessary to access such parking spaces, to the extent permitted by the City Code.
 - vi. Alternatives to the standard harmonization details and procedures may be approved administratively, provided such alternatives satisfy the Design Review Criteria.
 - i. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for permit and shall be located immediately after the front cover page of the permit plans.
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. Native ground cover and shrub plant species shall be included in landscape design along pedestrian ramps and landings, to be review and approved by staff.
 - b. Prior to the issuance of a permit, a tree protection plan for all trees to be retained shall be submitted, subject to the review and approval of staff.
 - c. Existing trees to be retained 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.
 - d. Where feasible, 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, shall be provided.
 - e. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - f. Prior to the issuance of a Certificate of Completion, 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 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.

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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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- B. 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.
- C. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- D. 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 revised plans entitled "West Avenue Improvements Phase II", as prepared by **Shwebke-Shiskin & Associates** dated, signed and sealed 6/26/19, entitled "Landscape Planting Plans- West Avenue Improvements Phase II", as prepared by **Savino Miller Design Studio**, dated, signed and sealed 10/11/19, and entitled "Lighting Plans", as prepared by **CWI Civil Works, Inc.** dated, signed and sealed 9/30/19, 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

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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 5/16/2022 | 9:56 AM EDT

DESIGN REVIEW BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

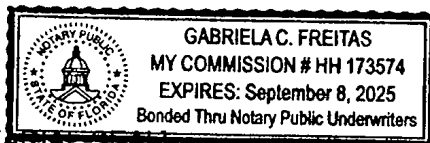
DocuSigned by:

Michael A. Belush

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

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

The foregoing instrument was acknowledged before me this 16th day of MAY 2022 by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



{NOTARIAL SEAL}

Notary: *Gabriela C. Freitas*
 Print Name Gabriela C. Freitas
 Notary Public, State of Florida
 My Commission Expires: Sept. 8, 2025
 Commission Number: HH173574

Approved As To Form: Steven Rothstein
 City Attorney's Office: E8B54D6BBD7D409

(5/13/2022 | 9:50 AM EDT)

Filed with the Clerk of the Design Review Board on Jessica Gonzalez

(5/17/2022 | 2:30 PM EDT)

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