

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 12, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB24-1040
1420-1428 Bay Road

An application has been filed requesting Design Review Board approval for design modifications to the roof deck and indoor amenities of an existing building located at the northwest side of the property. Specifically, the applicant is proposing the removal of the existing basketball court on the roof of the parking garage to be replaced by a wading pool, seating, and landscape with a water feature; The interior work includes an addition and renovation to the existing fitness center located on levels 8 and 9 to create 7-3 new residential units.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

See exhibit "A"

HISTORY

On October 1, 2024, the DRB continued the item to the November 5, 2024 meeting at the request of the applicant. On November 5, 2024, the DRB continued the item to the December 10, 2024 meeting at the request of the applicant. On December 10, 2024, the DRB continued the item to the January 16, 2025 meeting at the request of the applicant. The January 16, 2025 meeting was cancelled due to a lack of quorum, and the item was deferred to the February 13, 2025 meeting. On February 13, 2025, the DRB continued the item to the March 13, 2025 meeting at the request of the applicant. On March 13, 2025, the applicant deferred the item to a future date. The item was re-noticed for the June 12, 2025 meeting.

BACKGROUND:

On July 7, 2015, the board approved the reconstruction of a previously demolished parking structure including a variance to reduce the required rear pedestal setback and a variance to eliminate the residential or commercial use requirement at the first level along every façade facing a waterway. (DRB File No. 23174, 1420 Bay Road—Flamingo South Parking Garage).

On November 7, 2017 the board approved design modifications and renovations to exterior and interior portions of the existing north and central towers of the Flamingo Apartments, a multi-tower residential development, including extensive landscaping, changes to vehicular circulation and pickup/drop-off locations, and entrance features. (DRB17-0160, 1420 Bay Road—the Grand Flamingo Condominium).

On March 6, 2018 the board approved modifications to a previously issued Design Review

Approval, specifically to allow the approved project to take place in four (4) phases as a phased development project. (DRB17-0216 aka DRB17-0160, 1420 Bay Road—The Grand Flamingo).

On November 3, 2020 the board approved modifications to a previously issued Design Review Approval for exterior design and site plan modifications and to allow the approved project to take place in five (5) phases as a phased development project (DRB20-0577, aka DRB17-0216, DRB17-0160 1420 Bay Road-1508 Bay Road—Flamingo including the modifications of conditions of the original Final Order).

On September 10, 2021 the board **denied** the construction of a new residential tower and to add as a sixth phase to an approved five-phased development project (DRB21-0645, 1420 and 1508 Bay Road - Flamingo aka DRB20-0577, DRB17-0216, DRB17-0160).

SITE DATA:

Zoning: RM-3 and RM-2
Future Land Use: RM-3 and RM-2
Lot Size: *695.933 SF
RM-3: 569,933 SF
RM-2: 126,319 SF

*As indicated on the zoning data.

RM-2 Site:
Existing FAR: 147,463 SF | 1.17
Proposed FAR: 149,271 SF | 1.18
Maximum FAR: 252,638 SF | 2.0
Existing Height: 140'-0" / 14-story
Maximum Height: 140'-0"

Combined Flamingo Site Units:
Existing Flamingo Units: 1,441 Units
New Units: 7 **3** Units
Proposed Flamingo Units: 1,444 Units*
*As indicated on the zoning data

Existing Bay Villas Units:

New Units: 3 Units
Existing Units: 24 Units
Proposed Units: 27 Units*
*As indicated on the zoning data

Existing Parking: 2,032 Spaces*
Existing Required
Parking: 2,001 Spaces
Proposed Parking: 0 Spaces
Required Parking
For the new units: 14 Spaces
Surplus parking: 17 Spaces

SURROUNDING PROPERTIES:

West: Biscayne Bay
North: RM-2 residential
Gilbert Fein Conservation District
South: The Waverly, 29- and 35-story
residential building
East: RM-1residential

ORIGINAL STRUCTURE:

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

THE PROJECT:

The applicant has submitted plans entitled "Flamingo Bay Villas", as designed by **Triba Architects**, signed, sealed, and dated August 04, 2024.

The applicant is requesting Design Review Approval for design modifications to the roof deck and indoor amenities of an existing building located at the northwest side of the property. Specifically, the applicant is proposing the removal of the existing basketball court on the roof of the parking garage to be replaced by a wading pool, seating, and landscape with a water feature; as well as required restrooms and electrical room. The interior work includes an

addition and renovation to the existing fitness center located on levels 8 and 9 to create 3 new residential units.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the requirements of the City Code. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **residential uses** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

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 is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 2.5.3.2.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Satisfied

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.
Satisfied
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.
Not Applicable
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.
Not Satisfied; a lighting plan has not been submitted.
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Applicable
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.
Not Applicable

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not 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.
Not Applicable
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

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.
To be satisfied at time of building permit.
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.
Not Applicable
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.

Not Applicable

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.
Not Applicable
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.
Not Applicable
11. Cool pavement materials or porous pavement materials shall be utilized.
Not Applicable
12. The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied

ANALYSIS:
DESIGN REVIEW

The entire property is a waterfront parcel that is approximately 16 acres in size and is located between 14th and 16th Streets on the west side of Bay Road. The site traverses two different residential multifamily zoning districts, with the southern portion of the site zoned RM-3 and the northern portion zoned RM-2.

Most of the property is zoned RM-3 and contains the north, south and center multistory residential towers, townhouses fronting Bay Road, associated parking and entrances, a few accessory commercial uses, and landscaped areas. Most recently this area was the subject of Design Review Board (DRB) applications for renovations to the exterior and interior portions of the existing North and Central Towers of Flamingo Apartments, pursuant to DRB17-0160 and DRB20-0577. This portion of the site contains a lot area of approximately 569,614 square feet.

The north portion of the site, where the subject project is proposed, is zoned RM-2 and contains a lot area of approximately 126,319 square feet. Current development on this section is comprised of the northern half of the main parking garage, townhouses that line the garage on its east facade along Bay Road, garden apartments lining the bay side, and surface parking and driveways that access the North Garage.

The applicant is proposing modifications to the roof deck and indoor amenities of an existing building, which includes the removal of the existing basketball court located on the roof of the parking garage to be replaced by a wading pool, seating, and landscape with a water feature. The interior work includes an addition and renovation of the existing fitness center located on

levels 8 and 9 above the existing garden apartments that face the bay. The double height of the existing fitness center will incorporate new floor plates that will add floor area to the existing structure and allow for the creation of three new residential units.

The proposed residential units will have views to the Biscayne Bay on the west side of the building. A new curtain wall will be built for these units, which maintains a similar style to the previous one. Exterior railings and walls color will remain the same. Some wall openings are proposed on the east and south sides of this building to provide new windows for the units proposed in these areas. Access to the new units, pool, and landscape area will not change and therefore continue using the elevators and stairs located on the southwest side of this building.

Some minor changes were made since the submittal original submittal that was provided on October 1, 2024. The changes are the following:

- Corrected the address for the site.
- Reduced the proposed number of new penthouse units from 7 to 3.
- Additions to the garden terrace to meet code requirements, including bathrooms and an electrical room.
- Revise doors that open out from the penthouses onto the balcony from sliding doors to swing doors.

Staff is supportive of the proposed renovation, as the removal of the basketball court, tall chain link fence, and court lighting poles will be a visual improvement to the neighboring properties to the north. However, a lighting plan was not submitted and staff is recommending conditions to ensure that exterior light is adequately shielded to minimize glare and reflection on adjacent properties and to assure that it enhances the appearance of the structure at night.

RECOMMENDATION:

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

Exhibit A

LEGAL DESCRIPTION:

PARCEL A:

A PORTION OF LOT 7 BLOCK 43 OF ALTON BEACH BAYFRONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4 AT PAGE 125, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF BAY ROAD AND 15TH STREET AS SHOWN ON THE AFOREMENTIONED PLAT OF ALTON BEACH BAYFRONT, THENCE RUN NORTH ALONG OF THE CENTERLINE OF BAY ROAD A DISTANCE OF 25.82 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 205.40 FEET TO THE MOST SOUTHEASTERLY CORNER OF THE 15 STORY NORTH TOWER BUILDING NO. 15 BAY ROAD, THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE RUN NORTH 09°29'16" WEST ALONG THE EAST FACE OF THE SAID NORTH TOWER BUILDING AND ALONG THE EXPANSION JOINT BETWEEN THE SAID NORTH TOWER BUILDING AND THE EXISTING 32 STORY CENTER TOWER BUILDING NO. 1504 BAY ROAD, FOR A DISTANCE OF 66.80 FEET TO A POINT; THENCE RUN SOUTH 80°45'24" WEST ALONG THE NORTH FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 146.16 FEET TO A POINT; THENCE RUN NORTH 09°14'36" WEST ALONG THE EAST SIDE OF THE CONCRETE DECK FOR A DISTANCE OF 28.21 FEET TO A POINT; THENCE RUN SOUTH 80°53'57" WEST ALONG THE NORTH SIDE OF THE CONCRETE DECK FOR A DISTANCE OF 78.71 FEET TO A POINT OF THE INTERSECTION WITH THE COVERED WALKWAY; THENCE RUN NORTH 30°12'05" WEST ALONG THE EAST FACE OF THE COVERED WALKWAY FOR A DISTANCE OF 180.54 FEET TO A POINT OF INTERSECTION WITH NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING; THENCE RUN SOUTH 59°50'43" WEST ALONG THE PROLONGATION OF AND THE NORTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 76.19 FEET TO A POINT; THENCE RUN SOUTH 30°02'59" EAST ALONG THE MOST SOUTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 170.44 FEET TO A POINT, THENCE RUN NORTH 59°55'49" EAST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 1.04 FEET TO A POINT OF INTERSECTION WITH THE GLASS FACADE AT THE WESTERLY ENTRANCE TO THE SAID NORTH TOWER BUILDING AND A CIRCULAR CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 55.43 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 03°37'41" WEST, THROUGH A CENTRAL ANGLE OF 67°51'34" FOR AN ARC DISTANCE OF 66.65 FEET TO A POINT; THENCE RUN NORTH 52°56'12" WEST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 1.19 FEET TO A POINT; THENCE RUN SOUTH 38°47'00" WEST ALONG THE WEST FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 187.13 FEET TO A POINT; THENCE RUN SOUTH 51°08'05" EAST ALONG THE SOUTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 66.40 FEET TO A POINT; THENCE RUN NORTH 38°53'30" EAST ALONG THE SOUTHEASTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 41.76 FEET TO A POINT; THENCE RUN SOUTH 51°07'16" EAST FOR A DISTANCE OF 10.10 FEET TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY FACE OF THE COVERED WALKWAY; THENCE RUN NORTH 38°47'05" EAST ALONG OF THE SAID COVERED WALKWAY FOR A DISTANCE OF 137.43 FEET TO A POINT; THENCE RUN NORTH 50°43'03" WEST ALONG THE NORTH FACE OF THE OVERHEAD WALKWAY FOR A DISTANCE OF 8.38 TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY FACE OF THE SAID NORTH TOWER BUILDING; THENCE RUN NORTH 39°16'57" EAST ALONG THE SOUTHEASTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 12.92 FEET TO A POINT; THENCE RUN SOUTH 50°57'27" EAST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 17.13 FEET TO A POINT ON THE COVERED ENTRANCE TO THE SAID NORTH TOWER BUILDING AND A POINT OF THE INTERSECTION WITH A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 89.54 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 59°40'05" EAST THROUGH A CENTRAL ANGLE OF 42°46'20", FOR AN ARC DISTANCE OF 66.84 FEET TO A POINT; THENCE RUN NORTH 08°44'48" WEST ALONG OF THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 17.22 FEET TO A POINT WITH THE SOUTHERLY FACE OF THE NORTH TOWER BUILDING; THENCE RUN NORTH 81°24'37" EAST ALONG THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 11.61 FEET TO A POINT; THENCE RUN SOUTH 09°06'51" EAST FOR A DISTANCE OF 8.61 FEET TO A POINT OF INTERSECTION WITH THE SOUTH FACE OF THE COVERED WALKWAY; THENCE RUN NORTH 89°49'11" EAST ALONG OF THE SOUTH FACE OF THE COVERED WALKWAY FOR A DISTANCE OF 166.52 FEET TO A POINT; THENCE RUN NORTH 21°36'04" EAST ALONG THE CONCRETE WALL FOR A DISTANCE OF 11.99 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING; THENCE RUN NORTH 80°48'27" EAST ALONG THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 7.91 FEET TO A POINT OF BEGINNING.

PARCEL B:

TOGETHER WITH EASEMENT(S) BENEFITING PARCEL A, CREATED BY THAT CERTAIN RECIPROCAL MAINTENANCE AND USE EASEMENT AGREEMENT BY AND BETWEEN MORTON TOWERS APARTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP AND MCZ/CENTRUM FLAMINGO I, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 455, AND THAT CERTAIN AGREEMENT REGARDING APPROVED FORMS OF COLLATERAL ASSIGNMENT PERTAINING TO THE RECIPROCAL MAINTENANCE, USE AND EASEMENT AGREEMENT DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 528, AS AFFECTED BY THE FIRST AMENDMENT TO RECIPROCAL MAINTENANCE, USE AND EASEMENT AGREEMENT RECORDED JUNE 6, 2008 IN OFFICIAL RECORDS BOOK 26417, PAGE 4557, ALL OF THE PUBLIC RECORDS OF MIAMI- DADE COUNTY, FLORIDA.

PARCEL C:

TOGETHER WITH EASEMENT(S) BENEFITING PARCEL A CREATED BY THAT CERTAIN HEALTH CLUB USE AGREEMENT BY AND BETWEEN AIMCO FLAMINGO HEALTH CLUB LLC, A DELAWARE LIMITED LIABILITY COMPANY, MCZ/CENTRUM FLAMINGO I, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY AND MORTON TOWERS APARTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 583, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 12, 2025

FILE NO: DRB24-1040

PROPERTY: **1420-1428 Bay Road**

APPLICANT: MCZ/CENTRUM FLAMINGO III, L.L.C.

LEGAL: See Exhibit 'A'

IN RE: An application has been filed requesting Design Review Board approval for design modifications to the roof deck and indoor amenities of an existing building located at the northwest side of the property. Specifically, the applicant is proposing the removal of the existing basketball court on the roof of the parking garage to be replaced by a wading pool, seating, and landscape with a water feature; The interior work includes an addition and renovation to the existing fitness center located on levels 8 and 9 to create 73 new residential units.

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 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 consistent with the Design Review 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 consistent with Sea Level Rise in Section 7.1.2.4(a)(i) of the Land Development Regulations.
- D. The project will remain consistent with the criteria and requirements 2.5.3.1 and/or Section 7.1.2.4(a)(i) with the following conditions:
 - a. A lighting plan for the pool deck area shall be provided, with light fixtures details to ensure that light is adequately shielded to minimize glare and reflection on adjacent properties and to assure that it enhances the

appearance of the structure at night. 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 details of the new curtain wall and windows shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. The final design details of the glass railing located at the pool deck 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. 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.
- e. 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.

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.

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

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

- E. The issuance of a building permit 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. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Flamingo Bay Villas", as prepared by **Triba Architects** signed, sealed and dated August 04th, 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 set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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.

Exhibit A

LEGAL DESCRIPTION:

PARCEL A:

A PORTION OF LOT 7 BLOCK 43 OF ALTON BEACH BAYFRONT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4 AT PAGE 125, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF BAY ROAD AND 15TH STREET AS SHOWN ON THE AFOREMENTIONED PLAT OF ALTON BEACH BAYFRONT, THENCE RUN NORTH ALONG OF THE CENTERLINE OF BAY ROAD A DISTANCE OF 25.82 FEET TO A POINT; THENCE RUN WEST A DISTANCE OF 205.40 FEET TO THE MOST SOUTHEASTERLY CORNER OF THE 15 STORY NORTH TOWER BUILDING NO. 15 BAY ROAD, THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE RUN NORTH 09°29'16" WEST ALONG THE EAST FACE OF THE SAID NORTH TOWER BUILDING AND ALONG THE EXPANSION JOINT BETWEEN THE SAID NORTH TOWER BUILDING AND THE EXISTING 32 STORY CENTER TOWER BUILDING NO. 1504 BAY ROAD, FOR A DISTANCE OF 66.80 FEET TO A POINT; THENCE RUN SOUTH 80°45'24" WEST ALONG THE NORTH FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 146.16 FEET TO A POINT; THENCE RUN NORTH 09°14'36" WEST ALONG THE EAST SIDE OF THE CONCRETE DECK FOR A DISTANCE OF 28.21 FEET TO A POINT; THENCE RUN SOUTH 80°53'57" WEST ALONG THE NORTH SIDE OF THE CONCRETE DECK FOR A DISTANCE OF 78.71 FEET TO A POINT OF THE INTERSECTION WITH THE COVERED WALKWAY; THENCE RUN NORTH 30°12'05" WEST ALONG THE EAST FACE OF THE COVERED WALKWAY FOR A DISTANCE OF 180.54 FEET TO A POINT OF INTERSECTION WITH NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING; THENCE RUN SOUTH 59°50'43" WEST ALONG THE PROLONGATION OF AND THE NORTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 76.19 FEET TO A POINT; THENCE RUN SOUTH 30°02'59" EAST ALONG THE MOST SOUTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 170.44 FEET TO A POINT, THENCE RUN NORTH 59°55'49" EAST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 1.04 FEET TO A POINT OF INTERSECTION WITH THE GLASS FACADE AT THE WESTERLY ENTRANCE TO THE SAID NORTH TOWER BUILDING AND A CIRCULAR CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 55.43 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 03°37'41" WEST, THROUGH A CENTRAL ANGLE OF 67°51'34" FOR AN ARC DISTANCE OF 66.65 FEET TO A POINT; THENCE RUN NORTH 52°56'12" WEST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 1.19 FEET TO A POINT; THENCE RUN SOUTH 38°47'00" WEST ALONG THE WEST FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 187.13 FEET TO A POINT; THENCE RUN SOUTH 51°08'05" EAST ALONG THE SOUTHWESTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 66.40 FEET TO A POINT; THENCE RUN NORTH 38°53'30" EAST ALONG THE SOUTHEASTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 41.76 FEET TO A POINT; THENCE RUN SOUTH 51°07'16" EAST FOR A DISTANCE OF 10.10 FEET TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY FACE OF THE COVERED WALKWAY; THENCE RUN NORTH 38°47'05" EAST ALONG OF THE SAID COVERED WALKWAY FOR A DISTANCE OF 137.43 FEET TO A POINT; THENCE RUN NORTH 50°43'03" WEST ALONG THE NORTH FACE OF THE OVERHEAD WALKWAY FOR A DISTANCE OF 6.38 TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY FACE OF TIRE SAID NORTH TOWER BUILDING; THENCE RUN NORTH 39°16'57" EAST ALONG THE SOUTHEASTERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 12.92 FEET TO A POINT; THENCE RUN SOUTH 50°57'27" EAST ALONG THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 17.13 FEET TO A POINT ON THE COVERED ENTRANCE TO THE SAID NORTH TOWER BUILDING AND A POINT OF THE INTERSECTION WITH A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 89.54 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 59°40'05" EAST THROUGH A CENTRAL ANGLE OF 42°46'20", FOR AN ARC DISTANCE OF 66.84 FEET TO A POINT; THENCE RUN NORTH 08°44'48" WEST ALONG OF THE FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 17.22 FEET TO A POINT WITH THE SOUTHERLY FACE OF THE NORTH TOWER BUILDING; THENCE RUN NORTH 81°24'37" EAST ALONG THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 11.61 FEET TO A POINT; THENCE RUN SOUTH 09°06'51" EAST FOR A DISTANCE OF 8.61 FEET TO A POINT OF INTERSECTION WITH THE SOUTH FACE OF THE COVERED WALKWAY; THENCE RUN NORTH 89°49'11" EAST ALONG OF THE SOUTH FACE OF THE COVERED WALKWAY FOR A DISTANCE OF 166.52 FEET TO A POINT; THENCE RUN NORTH 21°36'04" EAST ALONG THE CONCRETE WALL FOR A DISTANCE OF 11.99 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING; THENCE RUN NORTH 80°48'27" EAST ALONG THE SOUTHERLY FACE OF THE SAID NORTH TOWER BUILDING FOR A DISTANCE OF 7.91 FEET TO A POINT OF BEGINNING.

PARCEL B:

TOGETHER WITH EASEMENT(S) BENEFITING PARCEL A, CREATED BY THAT CERTAIN RECIPROCAL MAINTENANCE AND USE EASEMENT AGREEMENT BY AND BETWEEN MORTON TOWERS APARTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP AND MCZ/CENTRUM FLAMINGO I, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 455, AND THAT CERTAIN AGREEMENT REGARDING APPROVED FORMS OF COLLATERAL ASSIGNMENT PERTAINING TO THE RECIPROCAL MAINTENANCE, USE AND EASEMENT AGREEMENT DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 528, AS AFFECTED BY THE FIRST AMENDMENT TO RECIPROCAL MAINTENANCE, USE AND EASEMENT AGREEMENT RECORDED JUNE 6, 2008 IN OFFICIAL RECORDS BOOK 26417, PAGE 4557, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL C:

TOGETHER WITH EASEMENT(S) BENEFITING PARCEL A CREATED BY THAT CERTAIN HEALTH CLUB USE AGREEMENT BY AND BETWEEN AIMCO FLAMINGO HEALTH CLUB LLC, A DELAWARE LIMITED LIABILITY COMPANY, MCZ/CENTRUM FLAMINGO I, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY AND MORTON TOWERS APARTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP DATED FEBRUARY 17, 2006 AND RECORDED FEBRUARY 22, 2006 IN OFFICIAL RECORDS BOOK 24259, PAGE 583, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.