

**MIAMI BEACH**  
PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: January 15, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: Design Review File No. 23194  
**6800 Indian Creek Drive**

The applicant, 6800 Indian Creek, LLC is requesting Design Review approval for the construction of a new twelve-story (140' high) multi-family building on a vacant site, including a variance to eliminate the residential or commercial use requirement for all floors of the building, which contains parking spaces at the ground level along every facade facing a street.

**RECOMMENDATION:**

Approval with conditions.

**LEGAL DESCRIPTION:**

Lots 35-37 of Block 3, of "2 Oceanfront Amended No.3", according to Plat thereof as recorded in Plat Book 28, Page 28, of the Public Records of Miami-Dade County, Florida.

**HISTORY:**

ON October 06, 2015, the Design Review Board first considered the application and continued the item to the December 01, 2015 DRB meeting at the request of the applicant. At the December 01, 2015 DRB meeting, the Board granted the requested variance (to eliminate the residential use requirement at the ground level along every facade facing the street). The Board continued the design review portion of the project to a date certain of January 15, 2016.

**SITE DATA:**

Zoning: RM-2  
Future Land Use: RM-2  
Lot Size: 48,273 SF  
Existing FAR: 0 / Vacant Lot  
Proposed FAR: 95,420 SF (2.0)\*  
Permitted FAR: 95,546 SF (2.0)  
\*As represented by the applicant  
Height:  
Proposed: 140'-0" / **12-Story**  
Maximum: 140'-0" / 15-Story  
Highest Projection: 163'-0"  
Existing Use: Vacant Parcel  
Proposed Use: Residential Condominium

Residential Units: 30 Units  
Required Parking: 66 Spaces  
Provided Parking: 66  
(60+6 Guest Spaces)  
Bicycle Parking: 34 spaces

Grade: +5.76' NGVD  
Flood: +8.00' NGVD  
Difference: 2.24' NGVD  
Adjusted Grade: +6.88' NGVD

**Surrounding Properties:**

East: Eight-story Residential Building  
North: Ten-story Residential Building  
South: Fifteen-story Residential Building  
West: Indian Creek Canal

**THE PROJECT:**

The applicant has submitted plans entitled "6800 Indian Creek Drive", as prepared by **Arquitectonica** dated, signed, and sealed August 17, 2015.

The applicant is proposing to construct a twelve-story, thirty-unit, residential building over one level of parking on a vacant site.

The applicant was granted the following variance(s) on December 01, 2015:

1. A variance to eliminate the residential or commercial use requirement for all floors of a building containing parking spaces at every level along every facade facing a street.

**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, in addition to the requested variance(s):

1. Two-way interior drive aisle shall be 22' in width. The proposed driveway is reduced in width by two columns adjacent to parking spaces 32 and 33 at the basement level.
2. Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25% of the required yard up to a maximum projection of six feet (6'-0"), unless otherwise noted: Porches, platforms and terraces (up to 30" above the elevation of the lot, as defined in subsection 142-105(a)(1)e.). The front entry steps within the front setback appear to exceed the maximum permitted elevation.
3. Retaining walls for vehicular access appear to exceed the maximum height permitted within the front yard.
4. Walkways: Maximum 44". May be increased to a maximum of 5'-0" for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the **Design Review** procedures.
5. Tandem parking spaces may be utilized for self-parking in multi-family residential buildings and shall have a restrictive covenant, approved as to form by the City Attorney's office and recorded in the public records of the County as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **residential use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan and the proposed Public Baywalk is **consistent** with several Objectives and Policies within the

'RECREATION AND OPEN SPACE ELEMENT' and 'TRANSPORTATION ELEMENT' of the City's Comprehensive Plan.

**ACCESSIBILITY COMPLIANCE**

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

**CONCURRENCY DETERMINATION:**

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Partially Satisfied; the design configuration reflects a variance previously granted by the Board eliminating this requirement.**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.

**Satisfied**

5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Satisfied; the proposed side setbacks and view corridors satisfy the direction given by 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.  
**Satisfied; the proposed side setbacks and view corridors satisfy the direction given by 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; the proposed side setbacks and view corridors satisfy the direction given by the Board.**
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; the proposed landscape plan and front yard design satisfy the direction given by the Board.**
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).  
**Satisfied; the proposed side setbacks and view corridors satisfy the direction given by the Board.**
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied; the design configuration reflects a variance previously granted by the Board eliminating this requirement.**
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).  
**Satisfied; the proposed side setbacks and view corridors satisfy the direction given by the Board.**
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.  
**Satisfied; the design configuration reflects a variance previously granted by the Board eliminating this requirement.**
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Satisfied**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

At the December 01, 2015 DRB meeting, the Board granted the requested variance (to eliminate the residential use requirement at the ground level along every facade facing the street), but continued the design review aspect of the project to the January 15, 2016 meeting. The applicant is proposing to construct a twelve-story, thirty-unit, residential building over one level of parking on a vacant waterfront rhomboid-shaped site. Dual two-way vehicular drives, one on the north and one on the south side of the site, provide ingress and egress from the subterranean garage and multi-tiered lobby. This portion of the City has a significant vehicular access challenge since this section of Indian Creek Drive contains a continuous landscaped median separating north and south-bound traffic and offering no

cross breaks. Vehicular access to the site is only available via the southbound lanes of Indian Creek Drive.

At the December 01, 2015 DRB meeting the Board provided the applicant with clear design direction in three specific areas:

1. That the applicant explore raising the seawall in an effort to be proactive in the resiliency efforts against rising sea levels, in conjunction with Public Works Department.
2. That the proposed north and south side setbacks shall be flipped, in order to provide greater privacy to the northern abutting property.
3. That the applicant shall create a more inviting and pedestrian-friendly front yard through the introductions of more welcoming and larger walkways, steps, and planters.

Staff believes that the proposed approach addresses the Board's concerns and follows the direction provided by the Board; and as such the overall design concept, massing, orientation, circulation and programming is consistent with the direction of the Design Review Board at the December 01, 2015 meeting.

**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.

TRM/JGM

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

MEETING DATE: January 15, 2016

FILE NO: 23194

PROPERTY: **6800 Indian Creek Drive**

APPLICANT: 6800 Indian Creek, LLC

LEGAL: Lots 35-37 of Block 3, of "2 Oceanfront Amended No.3", according to Plat thereof as recorded in Plat Book 28, Page 28, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for for the construction of a new twelve-story (140' high) multi-family building on a vacant site, including a variance to eliminate the residential or commercial use requirement for all floors of the building, which contains parking spaces at the ground level along every facade facing a street.

**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 Approval**

- A. 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 3 and 9 in Section 118-251 of the City Code.
- B. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings for the proposed new multi-family building at 6800 Indian Creek Drive shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The surface parking spaces located in front of the lobby shall be eliminated and the area shall be utilized as a drop-off area only, 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 hardscape area in front of the lobby shall be significantly reduced.
  - c. Any fence or gate proposed shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. The active roof deck shall not exceed **50%** of the enclosed floor area immediately one floor below, below in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. Hardwired speakers shall not be permitted on the roof deck.
  - f. All roof top lighting shall be located below the parapet level, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - g. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - h. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof as possible and screened from view on all sides, 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 recycling and trash system, consisting of separate chutes for trash and recyclables, shall be located in a centralized location that is not visible from view, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - j. The FPL transformer shall not be permitted within any area fronting a street or sidewalk or the waterway and shall comply with all required setbacks, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- k. The 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.
  - 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. 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.
  - n. The 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.
  - o. 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.
  - p. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - q. Prior to the issuance of a building permit for the new construction, the applicant shall resolve solid waste disposal with the 'provider', and staff, and shall be regulated within the 'HOA' rules. In no instance shall the trash receptacles be visible from the right-of-ways or be located within the required front yard on non-trash pick-up days.
  - r. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. The applicant shall incorporate a more diverse plant pallet along the front yard "terraces", in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- b. Sufficient depth of soil shall be provided for all proposed "terraces" to ensure the proper health and growth of all landscape materials, in a manner to be reviewed and approved by staff.
- c. All areas containing "crushed shell mulch" perpendicular to the baywalk shall be designed in a manner to contain loose gravel, in a manner to be reviewed and approved by staff.
- d. All proposed planters shall be built-in planters with irrigation systems in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. All exterior walkways 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.
- f. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. Pavers and concrete banding shall be utilized for the entire entry and exit drives and loading area, including alternating colors of concrete banding in place of painted striping, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- s. The proposed sidewalk shall be consistent in width and design with the established sidewalk along Indian Creek Drive, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. Any existing plant material within the public right-of-way may be required to be removed, at the discretion the Public Works Department.
- j. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
  - l. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
  - m. 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.
  - n. 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-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - o. 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.
3. The applicant has voluntarily offered, proffered and agreed to provide a public bay walk ("Public Baywalk") east of the existing seawall along the rear of the subject site in accord with the following conditions. This proffer and its acceptance are based on a particularized evaluation and assessment of the subject project, the rational nexus between such project and impacts to the local transportation network, and the rational nexus and rough proportionality between the project and impacts to the transportation network and the bay walk proffered. The following conditions pertain to the Public Baywalk. These conditions are subject to change upon further review by the City Attorney Office and other departments:
- a. The Public Baywalk shall be designed, permitted and built by the applicant. All costs associated with the design, permitting and construction of the Public Baywalk, as described herein, shall be borne by the applicant.
  - b. Prior to the issuance of a building permit for any work approved by the Design Review Board, as it relates to the subject development project, the applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming

the applicant's agreement to design, permit, construct and maintain a Public Baywalk including any required easements, in perpetuity, and confirming public access to such Public Baywalk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.

- c. The Public Baywalk shall commence at the southwest corner of the property, via a direct connection to the public sidewalk facing Indian Creek Drive. The Public Baywalk shall continue northwesterly along the rear of the property to the north property line. At the northwest corner of the site, the Public Baywalk shall continue eastward and connect to the public sidewalk facing Indian Creek Drive.
- d. The Public Baywalk shall connect directly to any future Public Baywalk to the north or south of the property.
- e. The Public Baywalk shall be at least fifteen (15') feet in width at all points and shall be composed of a material that is clearly differentiated from all other paving material on the site. The location, design details and material of the Public Baywalk shall be subject to the review and approval of staff.
- f. The Public Baywalk may be secured and segregated from the upland portions of the site, in a manner to be reviewed and approved by staff.
- g. The Public Baywalk shall be open to the public from 6:00 am to 9:00 pm, 7 days a week, or as otherwise determined by the City Commission, upon the City Commission's adoption of uniform rules relating to public baywalks. The applicant may install an operable fence, gate or other operable barrier to restrict public access to the Public Baywalk, subject to the review and approval of staff; such operable fence, gate or barrier shall include some form of automatic timing device, in order to ensure that the Public Baywalk is open between the hours of 6:00 am and 9:00 pm. Access by the public to the Public Baywalk shall only be restricted between the hours of 9:00 pm and 6:00 am, and otherwise, as determined by the Planning Director, in the event of an emergency, dangerous condition or other circumstance that would render usage of the Public Baywalk a safety risk. Any violation of this condition shall be subject to a notice of violation and enforcement by the Special Master or any alternative remedy available to the City.
- h. The applicant shall be responsible for the maintenance, repair and, if necessary, the replacement, if destroyed in whole or part, of the full Public Baywalk, including the seawall, and shall establish reserves and insurance to accomplish this obligation.
- i. The applicant shall complete all design development and permit drawings for the proposed Public Baywalk as part of the building permit for the project approved by the Design Review Board in this application. The Public Baywalk shall be substantially completed prior to the issuance of

any TCO, Partial CO or Final CO for any work approved by the Design Review Board in this application.

- j. All Public Baywalk access points shall be posted with standard "Public Baywalk" signs. The overall design, number, dimensions, placement and color of such signs shall be subject to the review and approval of staff.
- k. The installation of fences, gates or other barriers, which permanently block public access to the Public Baywalk shall be prohibited.
- l. If the applicant sells, leases or otherwise conveys the property, these conditions shall run with the land, and the applicant's successors shall be obligated to comply with these conditions.

**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.

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

- A. 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.
- B. 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.
- C. Vacant or unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a 'No Trespassing Sign' obtained from the Miami Beach Police Department.
- D. 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.
- E. 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.

- 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 Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "6800 Indian Creek Drive", as prepared by **Arquitectonica** dated, signed, and sealed August 17, 2015, modified in accordance with the conditions set forth in this Order and staff review and approval.

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

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



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