



# MIAMI BEACH

## PLANNING DEPARTMENT

### DESIGN REVIEW BOARD STAFF REPORT

FROM: Jorge G. Gomez, Director *JGM for JGG*  
 Planning Department

DATE: December 2, 2008 Meeting

RE: Design Review File No. 21636  
 6876 Collins Avenue – **Publix**

The applicant, Publix Supermarkets, Inc., is requesting Design Review Approval for the construction of a new 2-story supermarket and retail structure, which will replace the existing single story structure, to be demolished.

#### **LEGAL DESCRIPTION:**

Lots 1, 2, and 5,, 6, 7, 8, 9, 10, 11, 12, Block "C" corrected Plat of Atlantic Heights, according to the Plat thereof, as recorded in Plat Book 9, Page 14; and, Lots 13, 14, 15, and 16, and Lots 19, 20, 21, and 22, Block 6, Amended Plat of Second Ocean Front Subdivision, according to the Plat thereof as recorded in Plat Book 28, Page 28 of the Public Records of Miami-Dade County, Florida.

#### **HISTORY:**

The application came before the Board on October 6, 2008, and was continued to a date certain of December 2, 2008, in order to address the concerns expressed by the Board and staff.

#### **SITE DATA:**

Zoning -	CD-2 ( Commercial, medium intensity)
Future Land Use Designation-	CD-2 ( Commercial, medium intensity)
Lot Size -	119,873 S.F.
Existing FAR -	Not Provided
Proposed FAR -	64,066 S.F. / 0.53 (Max FAR = 1.5), as represented by the applicant
Existing Height -	Single Story
Proposed Height-	2-stories, 36'-0" (55'-6" to highest non-habitable projection)
Existing Use/Condition -	Supermarket
Proposed Use -	Supermarket and Retail

#### **THE PROJECT:**

The applicant is proposing to construct a new supermarket. The main supermarket floor is located at the second level, with a 2-story entrance fronting Collins Avenue. Separate retail spaces are also proposed at the ground level fronting Collins Avenue. Covered parking is located at the first level below the supermarket volume, along with a surface parking lot, which

extends northward from the new structure to 69<sup>th</sup> Street. The access to the loading bays is from Harding Avenue, adjacent to the existing FPL site. Delivery trucks will travel north on Harding Avenue and back into the loading bays.

**COMPLIANCE WITH ZONING CODE:**

The application, as proposed, is inconsistent with the following requirements of the City Code; consequently, a variance from the Zoning Board of Adjustment shall be required.

1. Section 142-308. **Additional regulations for new construction.** In the CD-2 district, all floors of a building containing parking spaces shall incorporate the following:
  - (1) Residential or commercial uses, as applicable, at the first level along every façade facing a street, sidewalk or waterway; for properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. The size of the proposed signs are inconsistent with the maximum sign requirements for shopping centers as provided in Section 138-202 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.

**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 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.  
**Not Satisfied; See Zoning Analysis**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Not Satisfied; See Staff Analysis and Concern No. 1**  
**The proposed elevations are an expansion of a more typical, suburban prototype design that bear no inspiration from the evolving continuum of successful architectural design throughout the north beach area.**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Not Satisfied; See Staff Analysis and Concern No. 1**  
**The proposed elevations are an expansion of a more typical, suburban prototype design that bear no inspiration from the evolving continuum of successful architectural design throughout the North Beach area. The design of the proposed parking along Harding Avenue, 69<sup>th</sup> Street and Collins Avenue is inconsistent with the Design Guidelines as well as the zoning regulations and will have a negative impact on the adjacent residential buildings. The proposed surface parking lot will prohibit the future development of a successful pedestrian oriented environment for this portion of Collins Avenue, 69<sup>th</sup> Street, and Harding Avenue and will negatively effect adjacent new development on Collins Avenue and 69<sup>th</sup> Street.**
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Not Satisfied; See Staff Analysis and Concern No. 1**  
**See No. 5 above.**
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.

**Not Satisfied; See Staff Analysis and Concern No. 1  
See No. 5 above.**

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 Satisfied; Subject to further review and analysis by Public Works Department.**

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; See Staff Analysis and Concern No. 1  
See No. 5 above.**

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

**Not Satisfied; See Staff Analysis and Concern No. 1  
See No. 5 above.**

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; See Staff Analysis and Concern No. 1  
See No. 5 above. Adequate buffering of the parking has not been provided along Harding Avenue.**

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 Satisfied; See Staff Analysis and Concern No. 1  
See No. 5 above.**

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 Satisfied; See Staff Analysis and Concern No. 1  
See No. 5 above.**

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

**Not Satisfied; See Staff Analysis and Concern No. 1**

**The roof-top which will be highly visible from the neighboring Canyon Ranch project, has not been adequately designed.**

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 Satisfied; See Staff Analysis and Concern No. 1**

**An open parking garage is proposed at the first level fronting Harding Avenue, which will have a negative impact on the residential uses located across the street from the subject site.**

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 Satisfied; See Staff Analysis and Concern No. 1**

**STAFF ANALYSIS:**

Once again, staff must preface this analysis by clearly and unambiguously affirming full support for a new Publix at the subject location. While never opposed to a new Publix, at any time, over the past year the comments and concerns by the Planning Department regarding the urban design and site plan characteristics of the proposed project may have been misconstrued as tacit opposition to the subject proposal. This is clearly not the case.

However, as we do for all development projects proposed within the City, a very careful, objective review and analysis is undertaken, based upon sound and established principles of site planning, urban design, and architecture. This analysis is only one component of a more lengthy review process, but is a critical component and one that is undertaken with the utmost in objectivity and professionalism. The last thing that any City, or the community, wants is for this type of analysis to be undertaken under pretenses that are not consistent with established planning principles and practice.

Publix has proposed a design concept that it believes addresses the site planning, design and economic challenges posed by the existing site at 69<sup>th</sup> Street and Collins Avenue. Specifically, the following factors have guided the overall design concept:

1. The creation of an expanded, state-of-the-art supermarket that can be operational shortly after a hurricane by locating the market floor at the 2<sup>nd</sup> level, above parking.
2. Accommodating a new market within the site planning constraints imposed by the existing FPL facility on the north side of the subject block.
3. Providing a mix of covered parking and surface parking.
4. Designing a facility that is compatible with the Miami Modern (MiMo) architecture of North Beach.

5. A financially feasible investment in a new facility, on leased land, which will be consistent with the economic and sales projections forecast for the property.
6. Providing limited (independent) retail store frontage on Collins Avenue at the 1<sup>st</sup> Floor level.

As indicated previously, the applicant has met a number of times with staff over the past year and has been responsive to certain issues and concerns that have been raised. As a result, the subject project has continued to evolve and has the potential to become a much stronger urban asset to the surrounding area. Specific changes agreed to by the applicant include the proposal to rotate the primary facade and front entrance of the building so that it will face Collins Avenue rather than the surface parking lot to the north. This revision includes the introduction of a limited amount of active (independent) retail space fronting Collins Avenue, as well as an actual entrance to the (2<sup>nd</sup> Floor) supermarket on this facade. The applicant has also responded positively to the issues and concerns raised by the City's Public Works Department and the Planning Department as vehicular access has now been provided on the south side of the site and the vehicular circulation into and around the site has been substantially improved. Northbound traffic on Collins Avenue will now be able to enter directly into the Publix parking garage from the south end of the property rather than via 69<sup>th</sup> Street as previously proposed. However, the applicant has not met with staff to review the changes made with this latest submission to the Board.

However, staff continues to believe that a number of very significant urban design, site planning and architectural issues and concerns still need to be addressed. In this regard, as a brand new structure is being proposed, there is a unique opportunity to properly address a long neglected site, which consists of three (3) separate street frontages, as well as a major urban corner, framed to the east by the Canyon Ranch/Carillon project. For many decades, the site has been occupied by an inappropriately planned and designed supermarket, with surface parking defining the corner, which is the antithesis of good urban design and proper site planning. As professional planners and urban designers, staff has a responsibility to guide the City's development review boards in a direction that does not make the egregious errors of the 1960's, 1970' and 1980's, which resulted in development projects such as the current supermarket on the subject site.

Although staff continues to have a very serious concern with regard to the applicant's proposal to locate the floor of the market at the second level and to provide a grade level parking lot on the north side of the property, the Board indicated that such a site and floor plan option would be acceptable. As such, our analysis and recommendation will be based upon the direction given by the Board at the last meeting. However, staff must again reiterate that the FPL substation is not an insurmountable obstacle and that redistribution and/or distribution of active volume along the entire east and north sides of the site is far superior to a grade level parking lot.

Currently, the existing grade level parking lot, which defines one of the most important corner intersections (69<sup>th</sup> Street and Collins Avenue) in the North Beach area, as well as the large blank wall hovering over the Collins Avenue sidewalk, substantially detract from a burgeoning urban corridor that is becoming increasingly, and appropriately, more pedestrian friendly with each proposed and completed development project. In this regard all of the recently approved surrounding development projects have gone to great lengths to provide active uses along all sidewalks and to provide an architectural language unique to each site and the surrounding area. Further, 69<sup>th</sup> Street is the only 'Ocean – to – Bay' corridor in North Beach. At its east

terminus it connects directly to the highly successful and very active new public Beachwalk. The need to fully activate all street frontages becomes paramount with a major development application such as this.

The applicant has proposed a fairly generous landscape buffer along the north side of the proposed grade level parking lot. In order to ameliorate the significant negative impact that will result from the proposed parking lot facing Collins Avenue, staff would strongly suggest that the entire row of grade level spaces (18 spaces) along the east side of the parking lot be eliminated. This can be easily accomplished as the applicant has provided a surplus of fifteen (15) spaces and at least five (5) spaces could be created in other parts of the site.

By eliminating this row of parking, the same gracious landscape buffer provided along 69<sup>th</sup> Street can be provided along Collins Avenue. This would allow for more generous sidewalks, canopy trees and other forms of 'softscape' treatment that will go a long way in creating a more environmental edge to the corner, as opposed to excessive hardscape and automobiles. Further, this is not an unreasonable compromise as the subject project would still meet the minimum parking requirements set forth in the Code and it does not require fully activated building space, even though that would still be the most appropriate urban and architectural treatment.

In addition to this physical change along the east side of the site, staff believes that the manner in which the landscape buffer along the north side of the site (fronting 69<sup>th</sup> Street) has been executed is in need of additional study and design development. In this regard, the applicant's architect and landscape architect should collaborate with the Planning Department to develop a landscape program that will physically and visually activate the large buffer areas that would now define both Collins Avenue and 69<sup>th</sup> Street. Again as this type of treatment will be the 'face' of the project at the northeast corner, a well thought out plan needs to be developed.

With regard to the elevations of the structure, the applicant has attempted to address only the design concerns enumerated by the Board with this latest submission. A written summary of the applicant's responses to these concerns has been included with the application. In consideration of these revisions, staff would note that the design at the east end of the north elevation has been improved with the introduction of a butterfly type canopy, which provides a defined entry point into the covered parking from the surface lot, and also establishes a cohesive design relationship with the primary façade architecture of the Publix storefront along Collins Avenue. Additionally, the applicant has addressed the concerns of the retail trash room by moving it to a more functional location. The continuous stucco spandrel on the east façade of the Publix entrance has also been replaced with a continuous storefront, as previously requested by the Board.

Although other modest improvements have been made, staff believes that most of the revisions proposed have not benefited the design concept of the building. While the applicant has endeavored to simplify the architecture of the storefront's along Collins Avenue, staff believes the design of the smaller retail storefronts has become more mundane and suburban in character with the removal of the storefront transoms, lowered storefront heights, and introduction of boxed signage 'bump outs' along the façade. At a minimum, staff would recommend that the previous storefront design, including transoms and varied storefront heights, be re-incorporated into the east elevation. This approach was more in scale with the neighboring Canyon Ranch development, and also provided a better transition to the main Publix storefront. Staff would also recommend reducing the kneewalls to a maximum of 24", and

further refinement of the Publix glass curtain wall system to create more regularity in the pattern of horizontal and vertical members.

With the exception of the northeast corner, the remaining elevations are still in need of further study and substantial refinement, as they do not reflect the MiMo environment in which they are proposed. These elevations are still an expansion of a more typical, suburban prototype design that bears no inspiration from the evolving continuum of successful architectural design throughout the North Beach area.

On the west (Harding Avenue) elevation, staff would again suggest that less of a 'prototypical' approach be taken and that the applicant express the actual use of the floors on the façade in a more abstract manner. For instance, the central pedestrian entrance element should be restudied, perhaps extending to the height of the building in order to break up the large, solid horizontal mass of the elevated main sales floor. As presently designed, the central entrance element appears more like an applied ornament to the façade. Additionally, the screening proposed at the ground level of this elevation has the appearance of a Colonial window pattern, which is inconsistent with the MIMO inspired intention. Staff would also recommend that the entire west elevation be appropriately scaled to address the adjacent low scale multifamily buildings on Harding Avenue.

The proposed south elevation, which is an expansive area of solid stucco should also be designed and detailed to provide more visual interest, as this elevation will be visible above the single story retail structure south of the Publix site.

In summary, staff would have preferred to sit down with the applicant's architect and landscape architect to discuss the aforementioned site plan and elevation design concerns expressed herein, prior to the resubmission to the board. Although it is physically possible to address the urban design and site plan issues associated with the north side of the site in a more appropriate and urbanistic manner, staff is willing to concede the issue of providing enclosed building area, based upon the previous direction of the DRB. Staff believes that the site plan and architectural issues expressed herein are not insurmountable and would strongly suggest that the applicant's design team meet with staff, upon further direction of the DRB.

As stated previously, the intent of our review and analysis is not to 'kill the project', but to have the best possible development project for the site that will benefit both Publix and the entire North Beach community. As noted in the Zoning Analysis section of this report, the applicant will be required to make application to the Board of Adjustment for a variance from the mandatory requirement of active programming along Harding Avenue. Staff has indicated a willingness to support such a variance, given the site constraints associated with the FPL substation. However, in order to mitigate this variance, the applicant is going to have to be more responsive to the very reasonable issues and concerns raised herein.

**RECOMMENDATION:**

In view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria, staff recommends the application be continued to a date certain of February 3, 2009 in order to address the following concerns:

1. Revised elevation, site plan and floor plan drawings shall be submitted; at a minimum, such drawings shall incorporate the following:

- a. The north, south and west elevations shall be further studied and substantially redesigned; specifically, the project architect shall utilize a modern vocabulary that is inspired by and reflective of the Post-War Modern (MiMo) design prevalent in the immediate area. The utilization of prototypical exterior design features and design vocabulary shall not be permitted and the revised elevations shall be more consistent with the actual floor plan. In particular, the Harding Avenue façade shall be redesigned to address the predominately residential buildings across the street, as well as the actual function behind the facade. This shall require substantial redesign of the ground floor in order to reduce direct views into the parking garage.
- b. The east elevation shall be further developed to reintroduce transom windows in the two southern storefronts, and to replace the projecting signage boxes over these storefronts with well designed permanent canopies or permanent awnings. Additionally, the window framing grids in the Publix storefront area shall be further refined to create more regularity in the hierarchy.
- c. All eighteen (18) grade level parking spaces shall be removed from the row of parking spaces fronting directly onto the sidewalk along Collins Avenue, in order to provide an expanded sidewalk and landscape area. The revised landscape areas in front of all portions of the grade level parking area fronting Collins Avenue, 69<sup>th</sup> Street and Harding Avenue shall be further developed and refined so as to allow for wider pedestrian passage and activity. Modifications in this regard may include, but not be limited to, street furniture, sculpture, canopy trees and a five (5') wall, which may be composed of either solid green screen or other appropriate wall material.
- d. The design of the parking layout and particularly the transition from the covered drive aisle to the surface lot shall be further studied in order to provide a more seamless flow of traffic into and out of the covered garage. Modifications to the loading area may also be required in order to accommodate a smoother transition. The use of a one-way circulation pattern may also be studied in order to avoid inevitable traffic conflicts with those entering and exiting the garage and those circulating within the surface lot.
- e. Carts shall be equipped with a system to prevent their operation and transport off of the subject site.
- f. The orientation of the escalators shall be reversed, if possible, in order to allow a more direct entrance from Collins Avenue and the covered parking lot, rather than from the surface parking lot, as currently proposed.
- g. The roof deck shall be redesigned in a manner which minimizes the impact of all mechanical equipment and allows visual interest when viewed from above. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
- h. The applicant shall fully fund and facilitate a study and master plan for the redesign of the public right-of-way on Harding Avenue from 69<sup>th</sup> Street to Indian

Creek Drive, in order to restore the two way traffic pattern. Such study, and corresponding master plan, shall include, but not be limited to, the need for new and/or improved turn lanes and traffic control devices, the addition of bike lanes, landscaping, corner cross walk bump-outs and increased sidewalk widths. The applicant shall be solely responsible for funding the complete construction of the master plan recommendations accepted and approved by the Public Works Department and FDOT, prior to the issuance of a final Certificate of Occupancy for the Publix supermarket.

- i. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
  - j. Bicycle racks shall be provided, near the pedestrian entrances to the building, in a manner to be reviewed and approved by staff.
  - k. In order to qualify for the reduced parking requirement for a "Shopping Center", (one space for every 300 square feet) the approved project shall contain at least three (3) individual stores. If the project does not contain the required minimum of three (3) individual stores, the required parking shall be increased to one (1) space for every 250 square, which is the required parking for "Supermarkets".
  - l. 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. 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.
  - b. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - c. 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; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. 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.
  - d. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. 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.

- e. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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. All building signage shall be consistent in type, composed of flush mounted, reverse channel, non-plastic, individual letters and shall require a separate permit. Only non-illuminated letter shall be permitted along Harding Avenue.
4. 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, and shall incorporate an accent color other than the dark green currently proposed.
5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
7. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
  - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
  - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
  - c. Mill/resurface asphalt in rear alley along property, if applicable.
  - d. Provide underground utility service connections and on-site transformer location, if necessary.
  - e. Provide back-flow prevention devices on all water services.

- f. Provide on-site, self-contained storm water drainage for the proposed development.
  - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
  - h. Payment of City utility impact fees for water meters/services.
  - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
  - j. Right-of-way permit must be obtained from Public Works.
  - k. All right-of-way encroachments must be removed.
  - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
8. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
9. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
10. 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.
11. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.