



# MIAMI BEACH

## PLANNING DEPARTMENT

### DESIGN REVIEW BOARD STAFF REPORT

FROM: Richard G. Lorber, AICP, LEED AP *RLM for RGL*  
Acting Planning Director

DATE: May 4, 2010 Meeting

RE: Design Review File No. 22347  
31 Venetian Way – Belle Isle Apartments

The applicant, Euroamerican Group, Inc. is requesting Design Review Approval for the construction of a new 5-story multifamily building, which will replace four (4) existing 3-story buildings, to be demolished.

#### LEGAL DESCRIPTION:

Tract "A", of LARKMI, according to the Plat thereof as recorded in Plat Book 41, Page 68 of the Public Records of Miami-Dade County, Florida.

#### HISTORY:

The same application (DRB File No. 22052) initially came before the Board on February 3, 2009, and was continued to a later date. Because revised plans were not submitted to the Board within the required 120 day timeframe, the application expired. A new application was submitted and the project was reviewed by the Board on July 7, 2009, at which time it was continued to a date certain of September 1, 2009. On September 1, 2009 the application was continued to a date certain of October 6, 2009 at the request of the applicant. On October 6, 2009, the project was continued to a date certain of November 3, 2009, again at the request of the applicant. On November 3, 2009, the project was continued to a date certain of February 2, 2010, at the request of the applicant, and a new mail notice was also required. On February 2, 2010 the project was continued to a date certain of April 6, 2010 in order to address the concerns of the Board and staff. On April 6, 2010, the project was continued to a date certain of May 4, 2010 at the request of the applicant.

#### SITE DATA:

Zoning -	RM-1 ( Residential multifamily, low intensity)
Future Land Use Designation-	RM-1 ( Residential multifamily, low intensity)
Lot Size -	152,676 S.F. (3.5 acres)
Existing FAR -	107,492 S.F. / 0.7
Proposed FAR -	190,570 S.F. / 1.25 (Max FAR = 1.25), as represented by the applicant
Existing Height -	3-stories
Proposed Height-	5-stories, 50'-0" (68'-0" to highest non-habitable projection)
Existing Use/Condition -	Apartments (120 units)
Proposed Use -	Apartments (178 units) and 316 parking spaces

**THE PROJECT:**

The applicant has submitted plans entitled "Belle Isle Luxury Rentals", as prepared by Revuelta Architecture International, dated 4-16-2010.

The applicant is proposing to demolish the four (4) existing 3-story buildings and construct a new 5-story multifamily building with 178 units and 316 parking spaces. Residential units surround the perimeter of the 5-story parking garage, with a loading dock and mechanical rooms located at the ground level of the west elevation. Two tennis courts are proposed above the parking garage, along with private roof-top terraces for many of the 5<sup>th</sup> level units facing Biscayne Bay. The first level units each have private terraces with individual access to the street or the rear of the site along the Bay front. A public bay walk is also proposed along Biscayne Bay, with public access along the west and east ends of the site from Island Avenue and Venetian Way to the bay walk.

**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 if applicable.

1. All horizontal surfaces, including every stair tread and the horizontal slab below each stair must be included in the F.A.R. calculations. Storage areas within the garage shall also be included in the F.A.R. calculations.
2. The parking spaces and drive aisles have not been dimensioned.

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.  
**Not Satisfied; See Staff Analysis and Concern No. 2.**  
**The massing of the subject building effectively broadsides Biscayne Bay, and unnecessarily impedes important view corridors.**
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. 2.**  
**The massing of the subject building effectively broadsides Biscayne Bay, and unnecessarily impedes important view corridors. The pedestrian circulation pattern, elements and dimensions at the ground level have not been adequately developed and, as proposed, are inconsistent with the site and surrounding area. The overall design of the southern portion of the proposed structure, fronting the Venetian Causeway, has not been adequately developed, particularly in terms of its relationship to the remainder of the structure, as well as the established architectural context of the north side of Belle Island.**
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. 2**  
**See No. 4 above.**
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. 2**  
**See No. 4 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. 2  
See No. 4 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.  
**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.  
**Satisfied**
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.  
**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).  
**Not Satisfied; See Staff Analysis and Concern No. 2  
See No. 4 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. 2  
See No. 4 above.**

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 Satisfied; See Staff Analysis and Concern No. 2**  
**See No. 4 above.**
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. 2**  
**The proposed size and design of the loading area, including ramps and terrace adjacent to the trash holding room require further development in order to reduce any possible negative impact on the adjacent property.**

**STAFF ANALYSIS:**

Since the February meeting, the applicant's architect has made progress in addressing some of the previous concerns expressed by the Board and Staff. Most notably, the elevated connecting bridge between the two proposed buildings has been eliminated and a series of ground level canopies is now proposed, which will provide a covered walkway between the east and west buildings. The elimination of the connecting bridge will allow for a true view corridor through the site from Venetian Way to Biscayne Bay. Additionally, the lobbies of both buildings and the walkway between them have been lowered to grade level, which will aid in the creation of a successful view corridor. Despite these improvements, staff remains concerned with much of the overall design and massing, and relationship to the built context of the immediate area, which has not been substantially improved from earlier submissions.

It is important to note that although the existing buildings also front Biscayne Bay, they are a series of individual, low scale 3-story structures, the siting and layout of which allow for a very 'open' site. The existing building layout also provides for a more human scale in terms of the actual residential experience.

The 5-story structures proposed, with active roof decks and numerous roof-top elements, is a much more monolithic approach to the existing site, which is alien to the established scale, context and character of the north side of Belle Island. Staff continues to have a serious concern with the dramatic change in scale and character proposed for the site, especially as viewed across the water from Island View Park. Indeed, with an overall length of nearly 600 feet, the proposed structures will dramatically change the scale and character of Belle Isle. Additionally, as the structures are nearly 200,000 S.F., not including the parking garage, staff believes a concerted effort must be made to reduce the visual mass and scale of the proposed project.

Additionally, as previously recommended by some of the Board members, staff would also recommend that the architectural design, scale, massing and height of the southern portion of the project (east wing fronting the Venetian Causeway) be further studied and refined. In this regard, the massing could be reduced by stepping downward in height from the north to the south in order to create a transition from the ground level to the main 5-story building massing. As presently designed, the 5-story massing overwhelms the historic Venetian Causeway, which in addition to being locally designated, is listed on the National Register, and is designated as an American Scenic Highway. Reducing the height of the structure would help mitigate the adverse impact of the extremely large development project. Members of the Board have also suggested that the north building should be less monolithic in character, particularly along the Bay side.

With the goal of significantly reducing the mass of the proposed structure, staff would recommend fewer, but larger units, which would enable to the applicant to maximize the F.A.R. on the site, but dramatically reduce the total area relegated to satisfying the parking requirements. The applicant is currently proposing 178 units, averaging 800 S.F. (the minimum average required by the Code) for a total area of 142,400 S.F. This requires 294 parking spaces. Increasing the average unit size to 1,200 S.F. would reduce the number of units to 119 and require 230 parking spaces, a reduction of 64 parking spaces. Another alternative would be to increase the average unit size to 999 S.F., which would result in 143 units and require 237 parking spaces, a reduction of 57 parking spaces. Reducing the parking requirements by 60 spaces would result in reducing the mass of the project by approximately 250 S.F. per parking space for a total of 15,000 S.F. For reference, this area equates to approximately 1.5 - 2 floors of units in the easternmost building. Clearly, additional steps can be taken to reduce the mass of the buildings by reducing the density on the site.

Staff would also continue to recommend that the exterior design of the structures be further developed, in order to create a more distinct and individual architectural language unique to each of the two (2) buildings. Staff believes a unique opportunity exists for the project architect to develop a lower scale structure on the south side of the site, which differentiates itself from the larger building proposed.

In summary, further modifications are still required in order to create a project that will enhance the appearance and quality of the surrounding neighborhood, as well as provide a stronger degree of consistency with the established scale and context of the north side of Belle Island.

**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 June 1, 2010 in order to address the following concerns:

1. The applicant has voluntarily offered, proffered and agreed to construct a public bay walk ("Public Baywalk") 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 approval of the subject application is contingent upon such Public Baywalk being constructed in accordance with the following conditions.

- 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, 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 southeast corner of the property, via a direct connection to the public sidewalk facing Venetian Way. The Public Baywalk shall continue northwesterly along the rear of the property to the west property line. At the northwest corner of the site, the Public Baywalk shall continue southward and connect to the public sidewalk facing Venetian Way.
- d. The Public Baywalk shall connect directly to any future Public Baywalk to the west 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. 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.
2. Revised elevation, site plan and floor plan drawings shall be submitted; at a minimum, such drawings shall incorporate the following:
- a. The architectural design, scale, massing and height of the southeast portion of the project (east wing fronting the Venetian Causeway) shall be further studied and substantially refined. Specifically, the massing shall be reduced by stepping downward in height from the north to the south in order to create a transition from the ground level to the main 5-story building massing. Additionally, the exterior design of the structure shall be substantially rethought, in order to create a very distinct and individual architectural language unique to the building, which clearly differentiates itself from the main structure.
  - b. The elevations of the north, larger building, shall be further studied and refined to make them less monolithic and continuous in appearance and massing, particularly the Bay front elevation.
  - c. The proposed yellow mesh balconies shall not be permitted; instead a natural finish or more neutral color shall be utilized.
  - d. Details of the proposed silver mesh and glass balcony rails shall be required.
  - e. The east building lobby and adjacent stairwell and west club room, and the line of units above in both buildings, shall be reduced in size or moved inward, in order to increase the width of the center view corridor.
  - f. Within the proposed view corridor from Island Avenue to the Bay, gates, ramps, and walls shall not be permitted.
  - g. The finished floor elevation of all decks, terraces, walkways and driveways at the ground level within the proposed view corridor shall not exceed the finished floor elevation of the sidewalk at the property line. This shall require lowering the elevation of the pool and pool deck located within the proposed view corridor.



- h. Individual private entrance at the ground level shall be provided for the units directly adjacent to Island Avenue.
  - h. Privacy walls and trellis structures at the roof level shall be eliminated or setback a minimum of 20'-0" from the building's perimeter, and shall not exceed 9'-0" in height.
  - i. With the exception of public stairwell bulkheads and mechanical enclosures, walls and parapets at the roof level shall not exceed four (4') feet above the main roof deck, in a manner to be reviewed and approved by staff.
  - j. The final design and details of the loading area at the southwest corner of the site shall be provided.
  - k. Final railing, cladding, and garage door details shall be provided, including materials and finishes. The yellow railing elements shall be toned tone or an alternative color shall be chosen.
  - l. All security devices facing the street or waterway shall be composed of substantially open fencing and low planting material, and shall be indicated on the revised plans.
  - m. The driveway entrance shall have a maximum width of twenty-two (22') feet.
  - n. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
  - o. 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.
  - p. Bicycle racks shall be provided, in a manner to be reviewed and approved by staff.
  - q. 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:
- l. Ficus or any other hedge or plant material that grows higher than 24" shall not be utilized along the waterway, street perimeter, nor within any established view corridor.
  - m. The stairs and terraces for the individual units along Island Avenue and Venetian Way shall be redesigned and reduced in size to comply with the

City Code, in a manner to be reviewed and approved by staff. Additional landscaping shall be required in the areas where the ground level terraces may be required to be reduced, subject to the review and approval of staff.

- n. A landscape buffer shall be provided between the vehicular garage entrance and any pedestrian walkways leading from the vehicular drop of area to the lobby, in a manner to be reviewed and approved by staff.
  - o. Additional landscaping, including palm or canopy trees shall be required along the bay walk access path at the west end of the site, in a manner to be reviewed and approved by staff. This shall require the reduction of the terrace adjacent to the trash holding room to the greatest extent possible, subject to the review and approval of staff.
  - p. If technically feasible, all overhead utilities shall be placed underground, in a manner to be reviewed and approved by staff.
  - q. 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.
  - r. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - s. 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.
  - t. 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.
  - u. 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, non-illuminated, non-plastic, individual letters and shall require a separate permit. Only non-illuminated letters shall be permitted.

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. A demolition permit for the existing structures on site shall not be issued prior to the issuance of a Full Building Permit for the proposed new construction.
  - 9. 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.
  - 10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
  - 11. 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.
  - 12. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
  - 13. 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.