

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 07, 2017

FILE NO: DRB16-0103 (a.k.a. DRB0416-0015)

PROPERTY: **1300 Monad Terrace**

APPLICANT: Monad Terrace Property Owner LLC

LEGAL: See Attached "Exhibit A"

IN RE: The application requesting Design Review Approval for modifications to a previously issued Design Review Approval for the construction of a new fifteen story residential condominium building to replace all existing structures on site. Specifically, design modifications to the site plan including the addition of a new porte-cochère located at the front of the building and modifications to increase the overall height of the building located in the rear of the property facing Biscayne Bay.


ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. ~~The property is not located within a designated local historic district and is not a individually designated historic site.~~
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 9 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
1. All of the original conditions of approval by this Board, as reflected in the Final Order dated May 03, 2016, pursuant to DRB File No. 23249, shall remain in effect except as modified herein
 2. The height of the top floor (TOS) roofline of Building B shall be no greater than 103'-0".

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. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- B. 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. If there is a roadway or right-of-way between parcels, that parcel separated from the remaining development shall not be considered a unified development site and shall not be joined into the covenant in lieu of unity of title or unity of title for the actual unified development site.
- C. 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.
- 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. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.



- J. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1300 Monad Terrace Final Submittal Modifications to previously approved DRB set", as designed by **Ateliers Jean Nouvel**, and prepared by **Kobi Karp Architecture and Interior Design**, dated, signed, and sealed 01/05/17, and as approved by the Design Review Board, as determined by staff.

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

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.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 7th day of March, 2017.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 



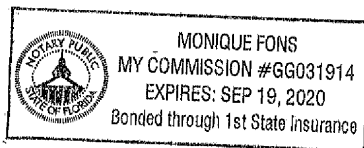
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR


STATE OF FLORIDA)

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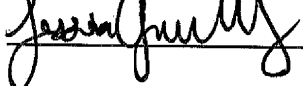
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 9th day of March 2017 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.




NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 9-19-20

Approved As To Form:

City Attorney's Office:  (3/8/17)Filed with the Clerk of the Design Review Board on  (3/9/17)

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Exhibit "A"

PARCEL 1: (1300)

The East 79.00 feet of Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

An undivided one-sixth (1/6th) interest in and to Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida, LESS the East 399.00 feet thereof.

PARCEL 2: (1305)

The East 65 feet of the South 70 feet of Lot 1, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the map or plat thereof, as recorded in Plat Book 6, Page(s) 12, of the Public Records of Miami-Dade County, Florida.

PARCEL 3: (1310)

The West 64.00 feet of the East 143.00 feet of Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

An undivided one-sixth (1/6th) interest in and to Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida, LESS the East 399.00 feet thereof.

PARCEL 4: (1315)

The West 50.00 feet of the East 115.00 feet of the South 70.00 feet of Lot 1, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

PARCEL 5: (1320)

The West 64.00 feet of the East 207.00 feet of Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

An undivided one-sixth (1/6th) interest in and to Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida, LESS the East 399.00 feet thereof.

PARCEL 6: (1325)

The West 50 feet of the East 165 feet of the South 70 feet of Lot 1, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6 at Page 12, lying and being in Miami-Dade County, Florida.

PARCEL 7: (1340)

The West 64.00 feet of the East 271.00 feet of Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

An undivided one-sixth (1/6th) interest in and to Lot 2, of Subdivision of Block Eighty of The

Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida, LESS the East 399.00 feet thereof.

PARCEL 8: (1345)

The West 50 feet of the East 265 Feet of the South 70 feet of Lot 1, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

PARCEL 9: (1355)

The West 50.00 feet of the East 315.00 feet of the South 70.00 feet of Lot 1, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

PARCEL 10: (1360)

The West 64.00 feet of the East 335.00 feet of Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

An undivided one-sixth (1/6th) interest in and to Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida, LESS the East 399.00 feet thereof.

PARCEL 11: (1365)

The West 50 feet of the East 365 feet of South 70 feet of Lot 1, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, at Page 12, of the Public Records of Miami-Dade County, Florida.

PARCEL 12: (1370)

The West 64.00 feet of the East 399.00 feet of Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

TOGETHER WITH:

An undivided one-sixth (1/6th) interest in and to Lot 2, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida, LESS the East 399.00 feet thereof.

PARCEL 13: (1375)

The West 135.04 feet of the South 70.00 feet of Lot 1, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida; ALSO KNOWN As the South 70.00 feet of Lot 1, LESS the East 365.00 feet thereof, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

PARCEL 14: (1335)

The West 50 feet of the East 215 Feet of the South 70 feet of Lot 1, of Subdivision of Block Eighty of The Alton Beach Realty Company A Part of Alton Beach Bay Front Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, Florida.

Edy.