



CFN 2013R0161518  
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HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

MEETING DATE: January 8, 2013

FILE NO: 22942

PROPERTY: 4701 North Meridian Avenue

LEGAL: Lots 1 thru 16, Block 10 and Lots 11 thru 17, Block 13 of "Nautilus Addition of Miami Beach Bay Shore Co." According to the Plat Thereof, as Recorded in Plat Book 8, Page 130, of the Public Records of Miami-Dade County, Florida.

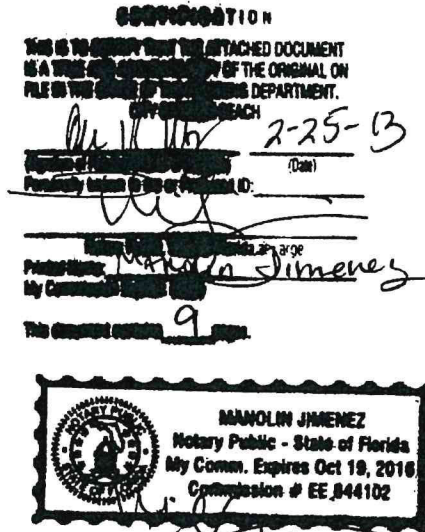
IN RE: The Application for Design Review Approval for the partial demolition, renovation, and adaptive re-use of the former hospital site as a new multifamily residential development, retaining existing nonconforming height, setbacks, floor area, and off-street parking.

**ORDER**

The applicant, 4701 North Meridian, LLC., filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- 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 not consistent with Design Review Criteria Nos. 3, 6, 8, 10, & 13 in Section 118-251 of the Miami Beach Code.
- B. The project would be 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 shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:



- a. The white metal screening proposed surrounding the parking garage at the eastern end of the site shall be further studied and detailed, including studying the use of warmer composite wood materials and finishes, in order to provide a more compatible transition to the established single family neighborhood, in a manner to be reviewed and approved by staff.
  - b. The design and detailing of the proposed glass fins shall be further developed and detailed with particular consideration given to future maintenance and construction detailing, subject to the review and approval of staff.
  - c. The final design and details, including materials, finishes, glazing, railings, and any architectural projections and features, shall be provided, in a manner to be reviewed and approved by staff.
  - d. The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, subject to the review and approval of staff.
  - e. The final design and details, including landscaping, walkways, fences, and architectural treatment, shall be provided, in a manner to be reviewed and approved by staff.
  - f. The final design and detailing of all exterior lighting shall be provided, and all exterior light fixtures shall be designed so as to preclude the spillage of lighting off the subject site, in a manner to be reviewed and approved by staff.
  - g. The docks shown on the plans are approved for design purposes only. The number of slips or docks, and the use thereof, shall be governed by a separate covenant to be proffered to the City Commission. All other government approvals for the docks shall be obtained.
  - h. The plans shall be modified to describe the eleven (11) ground floor terraces and sixteen (16) roof-top terraces as being accessible only by the adjacent unit owners.
  - i. 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.
  - j. 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 explore the design and construction of a public viewing platform at the eastern end of the site, located between the applicant's property and the abutting bridge, and report back to the Board at the time of the first progress report.
- b. A clear definition of the private and public property along the south property line shall be designed, in order to minimize any public perception that portions of the public property are actually private. This shall include the incorporation of a low seating wall, fence, secondary sidewalk, or other design solution following the property line along the south side of the site, in a manner to be reviewed and approved by staff.
- c. The final design and details of the proposed public park shall be further developed and detailed to include appropriate lighting, seating, and bike racks, in a manner to be reviewed and approved by staff.
- d. Segregated pedestrian access to the primary entrances of the building shall be provided with the further development of the hardscaping and landscape plan, in a manner to be reviewed and approved by staff.
- e. The proposed spa areas located at the ground level of units D5 and D6 shall be reduced in size and the landscaped planting areas expanded, in a manner to be reviewed and approved by staff.
- f. The deck areas adjacent to the area on the western end of the building labeled as 'back of house', shall be reduced and the landscaped areas increased, in a manner to be reviewed and approved by staff.
- g. An environmental impact study shall be provided by an environmental consultant, advising of any adverse impact of the proposed marina on Surprise Lake or on Surprise Waterway which shall require mitigation.
- h. Irrigation, up-lighting and the City's standard bound aggregate system with fertilization trench may be required for all street trees located within the sidewalk, subject to the review and approval of staff.
- i. Along the north elevation in the areas where the stairway access to the first level of residential units is not in conflict with the partially underground parking, such stairs shall be further refined and detailed in order to increase the available landscape area for at-grade landscaping in the common outdoor areas, in a manner to be reviewed and approved by staff.
- 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 structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - l. 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.
  - m. 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.
  - n. 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. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit. No illuminated signage shall be permitted facing north.
  - 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.
  - 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. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
  - 7. 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.
  - 8. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).



9. 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.
10. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts,

assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.

a. NOISE CONDITIONS

- i. No commercial outdoor bar counters shall be permitted on the premises.
- ii. The Design Review Board (DRB) or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- iii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code.
- iv. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises, including all outdoor roof top decks and terraces.
- v. No Commercial (paid or unpaid) outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, or vocal.
- vi. Special events pursuant to the Miami Beach City Code may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.

b. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize inflated or other noise mitigating rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
- ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash

bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.

- iii. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
  - iv. Garbage dumpster covers shall be closed at all times except when in active use.
  - v. Garbage pickups and service deliveries shall not take place between 6PM and 8AM.
  - vi. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
  - vii. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- 11. 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.
  - 12. The applicant shall provide a progress report to the Design Review Board regarding Conditions B.1, B.2, B.4, and B.7 of this Final Order, which are subject to the review and approval of staff. The progress reports shall be provided to the Board after the final completion of the design development drawings, and again after the completion of the construction drawings but before the issuance of the first Building Permit for the construction of the residential tower.
  - 13. The Design Review Board approval is conditioned upon the approval of the Comprehensive Plan Amendment and rezoning by the City Commission.
  - 14. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
  - 15. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
  - 16. 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.

17. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
18. 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 B of the Findings of Fact (Condition Nos. 1-18, inclusive) hereof, 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 "Miami Heart", as prepared by ADD Inc., Architecture + Design, dated 12-10-2012, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 Design Review 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 Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit 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 Design Review Approval will expire and become null and void.

In accordance with Section 118-264 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.

Dated this 22<sup>nd</sup> day of February, 2013.





DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

THOMAS R. MOONEY, AICP  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )

)SS

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 22 day of Feb 2013 by Thomas R. Mooney, Design and Preservation Manager, 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

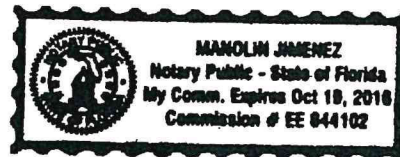
My commission expires: OCT 19, 2016

Approved As To Form: 

Legal Department: (2-13-13)

Filed with the Clerk of the Design Review Board on Walden J. Badelt (2-22-13)

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RECORDERS NOTE

The legibility of writing, typing or printing  
unsatisfactory in this document when received



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HARVEY RUBIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

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

MEETING DATE: January 06, 2015

FILE NO: 22942

APPLICANT: 4701 North Meridian, LLC

PROPERTY: 4701 North Meridian Avenue  
Former Miami Heart institute

**CERTIFICATION**

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT  
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON  
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

CITY OF MIAMI BEACH

(Signature of Planning Director or Designee) (Date)  
Personally known to me or Produced ID:

Notary Public, State of Florida at Large

Printed Name: TERESA MARIA  
My Commission Expires: (Seal)

This document contains 10 pages.

TERESA MARIA  
MY COMMISSION # FF 042165  
EXPIRES: December 2, 2017  
Bonded Third Budget Notary Services



LEGAL: Lots 1 thru 16, Block 10 and Lots 11 thru 17, Block 13 of "Nautilus Addition of Miami Beach Bay Shore Co." According to the Plat Thereof, as Recorded in Plat Book 8, Page 130, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for modifications to a previously approved Design Review Approval for the partial demolition, renovation, and adaptive re-use of the former hospital site as a new multifamily residential development, retaining existing nonconforming height, setbacks, floor area, and off-street parking. Specifically, the applicant is requesting design modifications to the exterior finishes and architectural treatments of the elevations to the previously approved plans.

**MODIFIED ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- 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 consistent with Design Review Criteria in Section 118-251 of the Miami Beach 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 shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The width of the width of the vertical architectural metal screens shall be decreased from 8'-0" to 6'-0".
    - b. The proposed glass vertical fins in the Tower Building shall be replaced with a frosted glass railing, in a manner to be reviewed and approved by staff.
    - c. The permanent planters located along the exterior elevation of building D shall be eliminated and replaced with a portable planter system, in a manner to be reviewed and approved by staff. The permanent planters located along the exterior elevation of the parking garage structure shall be eliminated and replaced with a portable planter system, in a manner to be reviewed and approved by staff.
    - d. The final design and details, including materials, finishes, glazing, railings, and any architectural projections and features, shall be provided, in a manner to be reviewed and approved by staff.
    - e. The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, subject to the review and approval of staff.
    - f. The final design and details, including landscaping, walkways, fences, and architectural treatment, shall be provided, in a manner to be reviewed and approved by staff.
    - g. The final design and detailing of all exterior lighting shall be provided, and all exterior light fixtures shall be designed so as to preclude the spillage of lighting off the subject site, in a manner to be reviewed and approved by staff
    - h. The docks shown on the plans are approved for design purposes only. The number of slips or docks, and the use thereof, shall be governed by a separate covenant to be proffered to the City Commission. All other government approvals for the docks shall be obtained.
    - i. The plans shall be modified to describe the eleven (11) ground floor terraces and sixteen (16) roof-top terraces as being accessible only by the adjacent unit owners.

- j. 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.
  - k. 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 explore the design and construction of a public viewing platform at the eastern end of the site, located between the applicant's property and the abutting bridge, and report back to the Board at the time of the first progress report.
  - b. A clear definition of the private and public property along the south property line shall be designed, in order to minimize any public perception that portions of the public property are actually private. This shall include the incorporation of a low seating wall, fence, secondary sidewalk, or other design solution following the property line along the south side of the site, in a manner to be reviewed and approved by staff.
  - c. The final design and details of the proposed public park shall be further developed and detailed to include appropriate lighting, seating, and bike racks, in a manner to be reviewed and approved by staff.
  - d. Segregated pedestrian access to the primary entrances of the building shall be provided with the further development of the hardscaping and landscape plan, in a manner to be reviewed and approved by staff.
  - e. The proposed spa areas located at the ground level of units D5 and D6 shall be reduced in size and the landscaped planting areas expanded, in a manner to be reviewed and approved by staff.
  - f. The deck areas adjacent to the area on the western end of the building labeled as 'back of house', shall be reduced and the landscaped areas increased, in a manner to be reviewed and approved by staff.
  - g. An environmental impact study shall be provided by an environmental consultant, advising of any adverse impact of the proposed marina on Surprise Lake or on Surprise Waterway which shall require mitigation.



- h. Irrigation, up-lighting and the City's standard bound aggregate system with fertilization trench may be required for all street trees located within the sidewalk, subject to the review and approval of staff.
  - i. Along the north elevation in the areas where the stairway access to the first level of residential units is not in conflict with the partially underground parking, such stairs shall be further refined and detailed in order to increase the available landscape area for at-grade landscaping in the common outdoor areas, in a manner to be reviewed and approved by staff.
  - 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 structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - l. 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.
  - m. 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.
  - n. 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. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit. No illuminated signage shall be permitted facing north.
  - 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.

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. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
7. 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.
8. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
9. 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.
10. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.

a. NOISE CONDITIONS

- i. No commercial outdoor bar counters shall be permitted on the premises.
- ii. The Design Review Board (DRB) or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- iii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code
- iv. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise

located on the exterior of the premises, including all outdoor roof top decks and terraces.

- v. No Commercial (paid or unpaid) outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, or vocal.
- vi. Special events pursuant to the Miami Beach City Code may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.

b. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize inflated or other noise mitigating rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
  - ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
  - iii. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
  - iv. Garbage dumpster covers shall be closed at all times except when in active use.
  - v. Garbage pickups and service deliveries shall not take place between 6PM and 8AM.
  - vi. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
  - vii. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
11. 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
12. The applicant shall provide a progress report to the Design Review Board regarding Conditions B.1, B.2, B.4, and B.7 of this Final Order, which are subject to the review and approval of staff. The progress reports shall be provided to the



Board after the final completion of the design development drawings, and again after the completion of the construction drawings but before the issuance of the first Building Permit for the construction of the residential tower.

13. The Design Review Board approval is conditioned upon the approval of the Comprehensive Plan Amendment and rezoning by the City Commission.
14. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
15. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
16. 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.
17. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
18. 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 B of the Findings of Fact (Condition Nos. 1-18, inclusive) hereof, 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 "Design Review Board Resubmission Ritz Carlton Residences" as prepared by **Add Inc.**, signed and sealed 11/10/14 and 12/08/14, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 Design Review 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 Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit 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 Design Review Approval will expire and become null and void.

In accordance with Section 118-264 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.

Dated this 9<sup>th</sup> day of January, 2015.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )  
 ) SS  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of January, 2015 by Deborah Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 12-2-17

Approved As To Form: \_\_\_\_\_  
City Attorney's Office: *Jeff A. Berk* ( *1/8/2015* )  
Filed with the Clerk of the Design Review Board on *1-9-2015* ( *WJR* )

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**AGREEMENT REGARDING  
THE RENOVATION OF WEST 48<sup>TH</sup> STREET  
BETWEEN ALTON ROAD AND WEST 47<sup>TH</sup> STREET**

**THIS AGREEMENT** regarding the renovation of West 48<sup>th</sup> Street between Alton Road and West 47<sup>th</sup> Street (the "**Agreement**"), dated this \_\_\_\_ day of \_\_\_\_\_, 2017, is entered into by **4701 NORTH MERIDIAN, LLC**, a Florida limited liability company, whose address is 4218 NE 2<sup>nd</sup> Avenue, 2<sup>nd</sup> Floor Miami, Florida 33137 (the "**Developer**"), and the **CITY OF MIAMI BEACH** (the "**City**"), a Florida Municipal Corporation whose address is 1700 Convention Center Drive, Miami Beach, Florida, 33139. The City and the Developer may each be referred to herein as a "**Party**" or, collectively, the "**Parties**."

**RECITALS:**

A. The Developer is the owner of certain parcels of land located in the subdivision of the Nautilus Addition of Miami Beach Bay Shore Co. Block 10 Lots 1-16 and Block 13 Lots 11-17 in the City of Miami Beach, Florida as recorded in Plat Book 8, Page 130, of the Public Records of Miami-Dade County (the "**Property**").

B. The Developer has received all required design approvals from the City to construct improvements on the Property for the Ritz-Carlton Residences (the "**Project**").

C. As part of the Project, the Developer has agreed to design, develop, construct, and fund basic milling/resurfacing, sidewalk, curbing, street lights, and landscaping improvements along West 48<sup>th</sup> Street, from Alton Road to West 47<sup>th</sup> Street, as more particularly described in the Project plans attached hereto and incorporated herein by reference as "**Exhibit A**." The City is the owner of the streets and right-of-way areas specified in **Exhibit A**.

D. The Developer, as part of the approval of the Project, recorded a Declaration of Restrictive Covenants, Recorded in the Official Records Book of Miami-Dade County, at Book 28765, Pages 3452-3481, recorded on August 9, 2013 (hereinafter "**Declaration of Restrictive Covenants**"). Paragraph 5 of the Declaration of Restrictive Covenants states: "[t]he Owner shall, at its own expense, and prior to the issuance of any certificate of use or occupancy for the Property, improve the existing green space located at the intersection of West 48th Street, West 47th Court and Meridian Avenue, provided that the City of Miami Beach agrees to the improvement and eliminates the existing parking adjacent to the Property. The green space shall be enlarged as described on the attached **Exhibit "D"** if approved by the appropriate governmental authorities." See "**Exhibit B**," attached hereto and incorporated by reference herein.

E. Paragraph 6 of the Declaration of Restrictive Covenants states: "[p]rior to the issuance of any certificate of use or occupancy for the Property, if authorized by the City of Miami Beach, and, if necessary, Miami-Dade County, the Owner shall reduce the width of West 48th Street, and construct a roadway median, improved landscaping, and expand sidewalks within the road right-of-way for the segments of West 48th Street and N. Meridian Avenue adjacent to the property". See "**Exhibit B**."

F. Item B.2.b of the Design Review Board File No. 22942, states: "[a] clear definition of the private and public property along the south property line shall be designed, in order to minimize any public perception that portions of the public property are actually private. This shall include the incorporation of a low seating wall, fence, secondary sidewalk, or other design solution following the property line along the south side of the site, in a manner to be reviewed and approved by staff." See "**Exhibit C**," attached hereto and incorporated by reference herein.



Permit Number: B1403700

Permit Details | Tab Elements | Main Menu

| Type:         | ZZConverted -<br>Converted Permits  | Status:      | Issued          | Project Name:   |  |
|---------------|---|--------------|-----------------|-----------------|--|
| Applied Date: | 05/01/2014  | Issue Date:  | 10/26/2015      |                 |  |
| District:     | RM-1  | Expire Date: | 09/06/2019      |                 |  |
| Square Feet:  | 52.00   | Valuation:   | \$86,099,364.00 | Finalized Date: |  |
| Description:  | PRIV PROV PLAN REV AND INSP (MTCI) - BUILD OUT 734,989 SQ OF AN EXISTING STRUCTURE TO RESIDENTIAL 111 UNITS |              |                 |                 |  |

- Summary
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