Docusign Envelope ID: DCCF2E60-3CEB-4994-92FB-40A0310CC624

CFN: 20240668589 BOOK 34389 PAGE 1387
DATE:09/03/2024 11:09:26 AM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 4th, 2024

FILE NO: DRB24-1013

PROPERTY: **300 South Pointe Drive**

APPLICANT: Portofino/South Pointe Master Association, Inc.

LEGAL: See Exhibit 'A'

IN RE: An application has been filed requesting exterior design modifications to the parking garage of an existing building, including the construction of stairs and an elevator to provide pedestrian access to the garage.

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 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an 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 consistent with the Design Review in Section 2.5.3.1 of the Land Development Regulations.

C. 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 Sea Level Rise in Section 7.1.2.4(a)(i) of the Land Development Regulations.

D. The project will remain consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) with the following conditions:

a. The monument sign shall comply with the maximum sign area and height requirements of sec. 6.2.7 of the Resiliency Code.

b. Additional landscaping shall be provided at the 5' pedestrian walkway to screen vehicles, subject to the review and approval of staff.

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c. The final design details of the exterior limestone brick veneer shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

d. The final design details of the dark painted aluminum trellis shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

e. The final design details of the decorative metal work shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

f. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

g. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.

h. 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.

In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

I. Variance(s)

A. No variance(s) were filed as part of this application.

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

A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

B. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.

C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

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D. 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.

E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Portofino Entry Feature", as prepared by **Derma Studio** signed, sealed and dated April 7th, 2024, 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.

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 Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated 8/27/2024 | 10:59 AM EDT.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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BY: DocuSigned by: Rogelio Madan
Rogelio Madan, AICP
Development and Resiliency Officer
For Chairman

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

The foregoing instrument was acknowledged before me this 27th day of August 2024 by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

GABRIELA C. FREITAS
MY COMMISSION # HH 173574
EXPIRES: September 8, 2025
Bonded Thru Notary Public Underwriters

Notary:
Print Name Gabriela C Freitas.
Notary Public, State of Florida
My Commission Expires: 9-8-25
Commission Number: HH173574

{NOTARIAL SEAL]

Approved As To Form:
City Attorney's Office: DocuSigned by: Farzat Rudasheva (8/27/2024 | 10:15 AM EDT)

Filed with the Clerk of the
Design Review Board on DocuSigned by: Jessica Gonzalez (8/28/2024 | 11:52 AM EDT)

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Exhibit A – Legal Description

Commence (P.O.C.) at the Southeasterly intersection of Biscayne Street (Formerly Biscayne Avenue) and Washington Avenue, as said Avenue and Street are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the public records of Dade County, Florida; thence S 10°47'35" W, 6.16 feet to the Southerly line of a 6.00 foot Roadway Dedication for Biscayne Street, thence N 87°38'57" E along the Southerly line of said dedication recorded in O.R. Book 12566, at page 2914 of the public records of Dade County, Florida, 364.79 feet to the Point of Beginning (P.O.B.) of the hereinafter described Phase 1; thence S 10°47'35" W, 70.93 feet; thence N 87°38'57" E, 93.21 feet; thence N 2°21'03" W, 4.00 feet; thence N 87°38'57" E, 14.10 feet; thence S 2°21'03" E, 4.00 feet; thence N 87°38'57" E, 81.37 feet; thence run S 2°21'03" E, 85.815 feet; thence run S 62°18'04" W, 24.53 feet; thence S 27°41'56" E, 18.00 feet; thence N 62°18'04" E, 2.00 feet; thence S 27°41'56" E, 38.33 feet; thence S 62°18'04" W, 2.00 feet; thence S 27°41'56" E, 116.74 feet; thence N 62°18'04" E, 27.00 feet; thence S 27°41'56" E, 16.67 feet; thence S 62°18'04" W, 27.00 feet; thence S 27°41'56" E, 29.33 feet; thence S 62°18'04" W, 145.65 feet; thence S 27°41'56" E, 12.00 feet; thence S 62°18'04" W, 27.93 feet; thence S 27°41'56" E, 43.555 feet; thence S 24°23'44" W, 40.00 feet to the Southerly line of said South Beach Park Subdivision; thence N 65°36'16" W, 352.64 feet along the said Southerly line; thence run N 24°23'44" E, 40.00 feet along the dividing line between Phase 1 and Phase 2; the following 4 courses are on the said dividing line; thence run N 27°41'56" W, 29.35 feet; thence N 62°18'04" E, 81.58 feet; thence N 27°41'56" W, 158.00 feet; thence N 62°18'04" E, 134.42 feet; thence N 10°47'35" E, 69.213 feet to the above referenced Southerly line of the 6.00 foot Roadway Dedication; thence N 87°38'57" E along said Southerly line, 73.08 feet to the Point of Beginning (P.O.B.).

Together with

Commence (P.O.C.) at the Southeasterly corner of Biscayne Street (Formerly: Biscayne Avenue) and Washington Avenue, as said Street and Avenue are shown on South Beach Park Subdivision, recorded in Plat Book 6, at page 77 of the public records of Dade County, Florida, and run S 10°47'35" W along the Easterly line of Washington Avenue, a distance of 6.16 feet to a point on the Southerly line of 6.00 foot roadway dedication, said dedication recorded in Official Record Book 12566, at page 2914 of the public records of Dade County, Florida; thence run N 87°38'57" E along the Southerly line of said 6.00 foot dedication, along the existing Southerly line of Biscayne Street, a distance of 638.266 feet to the Point of Beginning (P.O.B.) of Commercial Parcel No. 2; thence run S 10°47'35" W, a distance of 70.93 feet; thence run S 87°38'57" W, a distance of 166.226 feet; thence run N 2°21'03" W, a distance of 4.00 feet; thence run S 87°38'57" W, a distance of 14.10 feet; thence run S 2°21'03" E, a distance of 4.00 feet; thence run S 87°38'57" W, a distance of 93.21 feet; thence run N 10°47'35" E, a distance of 70.93 feet to the existing Southerly line of the 6.00 foot dedication; thence run N 87°38'57" E along the existing Southerly line of Biscayne Street, a distance of 273.536 feet to the Point of Beginning (P.O.B.).

300 S Pointe Drive

Folio Nos. 02-4210-000-0131 and 02-4210-000-0131

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