

Ritz Carlton Residences Summary of Approvals

Main Site

1. **City Commission Ordinance 2013-3789** (*Approved January 16, 2013*)
 - a. Modified land use designation from PF-HD, Public Facility Hospital to RM-1, Residential Multifamily Low Intensity.
2. **City Commission Ordinance 2013-3790** (*Approved January 16, 2013*)
 - a. Modified zoning designation from HD, Hospital District, to RM-1, Residential Multifamily Low Intensity.
3. **DRB Order 22942** (*Approved: January 8, 2013*)
 - a. Approved, subject to conditions, 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.
4. **DRB Order 22942** (*Modification 1: December 2, 2014*)
 - a. Approved, subject to conditions, modifications of prior order relating to exterior finishes and architectural treatments of the elevations to the previously approved plans.
5. **DRB Order 22942** (*Modification 2: January 6, 2015*)
 - a. Modified order from Modification 1, subject to conditions, adding language addressing planters.
6. **BOA Order 3618** (*Approved: February 1, 2013*)
 - a. Approves various variance requests, subject to conditions, in order to renovate and reuse the existing structure.

Waterside Villas (Orders not attached.)

7. **DRB Order 23006** (*Approved: December 3, 2013*)
 - a. Approved, subject to conditions, the construction of eight new residential villas on a surface parking lot.
8. **DRB Order 23006** (*Modification 1: May 5, 2015*)
 - a. Approved, subject to conditions, modification of previously approved plans specific to exterior finishes and architectural treatments of the elevations.

9. **BOA Order 3696** (*Approved: March 7, 2014*)

- a. Approved, subject to conditions, various variances in order to build eight new two- and three-story townhomes on an existing surface parking lot west of the former Miami Heart Institute.

Landside Villas (Orders not attached.)

10. **Planning Board Order 2228** (*Approved: January 28, 2015*)

- a. Approval, subject to conditions, of lot split request to create six individual buildable lots where only one existed prior.

11. **DRB Order 23130** (*Approved: June 2, 2015*)

- a. Approval, subject to conditions, for the construction of a new two-story single-family home on a vacant lot, and a variance to exceed the maximum permitted elevation within required yard.

12. **DRB Order 23131** (*Approved: June 2, 2015*)

- a. Approval, subject to conditions, for the construction of a new two-story single-family home on a vacant lot, and a variance to exceed the maximum permitted elevation within required yard.

13. **DRB Order 23132** (*Approved: June 2, 2015*)

- a. Approval, subject to conditions, for the construction of a new two-story single-family home on a vacant lot, and a variance to exceed the maximum permitted elevation within required yard.

14. **DRB Order 23133** (*Approved: June 2, 2015*)

- a. Approval, subject to conditions, for the construction of a new two-story single-family home on a vacant lot, and a variance to exceed the maximum permitted elevation within required yard.

15. **DRB Order 23134** (*Approved: June 2, 2015*)

- a. Approval, subject to conditions, for the construction of a new two-story single-family home on a vacant lot, and a variance to exceed the maximum permitted elevation within required yard.

16. **DRB Order 23135** (*Approved: June 2, 2015*)

- a. Approval, subject to conditions, for the construction of a new two-story single-family home on a vacant lot, and a variance to exceed the maximum permitted elevation within required yard.

MIAMI HEART INSTITUTE – FLUM CHANGE

ORDINANCE NO. 2013-3789

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR THE PARCEL KNOWN AS THE “MIAMI HEART INSTITUTE,” MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT “A” HERETO, FROM THE CURRENT PF-HD, “PUBLIC FACILITY, HOSPITAL,” TO THE FUTURE LAND USE CATEGORY OF RM-1, “RESIDENTIAL MULTIFAMILY LOW INTENSITY;” PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, 4701 North Meridian, LLC, has made an application to the City of Miami Beach to change the Future Land Use Map category for the parcel referred to herein as “Miami Heart Institute,” located at 4701 North Meridian Avenue, from the current PF-HD, Public Facility Hospital, to the Future Land Use category RM-1, Residential Multifamily Low Intensity; and

WHEREAS, amending the Future Land Use category of the subject Miami Heart Institute parcel as provided herein is necessary to ensure the development of that property will be compatible with development in adjacent and surrounding areas, and will contribute to the general health and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that changing the Future Land Use category of the subject Miami Heart Institute parcel as provided herein will ensure that new development is compatible and in scale with the built environment, and is in the best interest of the City; and

WHEREAS, the full legal description of the Affected Property is contained in Exhibit “A” attached to this Ordinance, and shortened descriptions of such properties will be codified in the amendments below.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. The following amendment to the City’s Future Land Use Map designations for the property described herein is hereby approved and adopted and the staff is hereby directed to make the appropriate changes to the Future Land Use Map of the City:

A parcel of land commonly known as the “Miami Heart Institute,” approximately 188,796 square feet (4.33 acres), deemed to be a small-scale amendment, from the current PF-HD, “Public Facility Hospital,” to the Future Land Use category of RM-1, “Residential Multifamily Low Intensity.”

SECTION 2. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. INCLUSION IN COMPREHENSIVE PLAN.

It is the intention of the City Commission, and it is hereby ordained that the amendment provided for in Section I is made part of the Future Land Use Map of the City of Miami Beach Comprehensive Plan, as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. TRANSMITTAL.

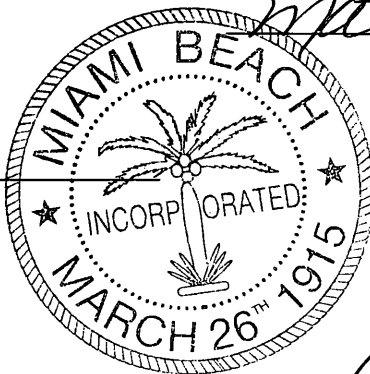
The Planning Director is hereby directed to submit this ordinance to the appropriate state, regional and county agencies as may be required by applicable law.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect 31 days after adoption pursuant to Section 163.3187(2), Florida Statutes.

PASSED and ADOPTED this 16th day of January, 2013.

ATTEST:

CITY CLERK



Matti H. Bower
MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature] 11-27-12
City Attorney Date

First Reading: January 16, 2013

Second Reading: N/A

Verified by: [Signature]
Richard Lorber
Planning Director

Condensed Title:

Second Reading to consider an Ordinance Amendment regarding an amendment to the Official Zoning District Map of the Code of the City of Miami Beach and the Future Land Use Map (FLUM) of the City of Miami Beach, for the Miami Heart Institute property.

Key Intended Outcome Supported:

Neighborhood satisfaction and maintain strong growth management policies.

Supporting Data (Surveys, Environmental Scan, etc) More than half of all residential respondents, 55%, suggested the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:**SECOND READING**

The proposed ordinances would amend the FLUM and Zoning Maps of the City of Miami Beach by changing the current main permitted use of 'Hospital' on the Miami Heart Institute property at 4701 North Meridian Avenue to 'Residential'. These amendments are being proposed in order to accommodate a new, residential development for the subject site.


The City Commission approved the Zoning Map Amendment Ordinance at First Reading on October 24, 2012 and set a Second Reading Public Hearing for December 12, 2012. This public hearing was opened and continued to January 16, 2013.

The Administration recommends that the City Commission adopt the Zoning Map Amendment Ordinance and the FLUM Amendment Ordinance.

Advisory Board Recommendation:

On July 24, 2012, the Planning Board recommended that the City Commission approve the proposed ordinances by a vote of 5-0 (1 member absent, 1 position vacant).

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
	3		
	Total		
OBPI			

Financial Impact Summary:

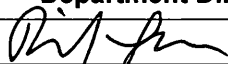
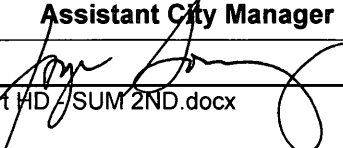

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance should not result in a significant fiscal impact upon the City, but may slightly increase the property's value, as the defunct hospital building is renovated and converted into habitable apartment units.

Specifically, municipal related services such as waste collection, on-street parking enforcement, and infrastructure maintenance are expected to be significantly less for a 122 unit apartment structure, rather than a large, full service hospital and medical campus. Additionally, any increase in City services that may result from the change in zoning and conversion to a residential use would be more than offset by the expected increase in revenue from the expanded ad valorem tax assessments.

City Clerk's Office Legislative Tracking:

Richard Lorber or Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

AGENDA ITEM

R5C

DATE

1-16-13



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: January 16, 2013

SECOND READING PUBLIC HEARING

SUBJECT: **Miami Heart Institute, 4701 North Meridian Avenue
FLUM Amendment & Zoning Map Change**

FLUM Amendment (Planning Board File No. 2059).

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FOR THE PARCEL KNOWN AS THE "MIAMI HEART INSTITUTE," MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" HERETO, FROM THE CURRENT PF-HD, "PUBLIC FACILITY, HOSPITAL," TO THE FUTURE LAND USE CATEGORY OF RM-1, RESIDENTIAL MULTIFAMILY LOW INTENSITY;" PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

Zoning Map Change (Planning Board File No. 2060).

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL KNOWN AS THE "MIAMI HEART INSTITUTE," MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" HERETO, FROM THE CURRENT ZONING CLASSIFICATION HD, "HOSPITAL DISTRICT," TO THE PROPOSED ZONING CLASSIFICATION RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Adopt the Zoning Map Amendment Ordinance and the FLUM Amendment Ordinance.

BACKGROUND

The applicant, 4701 North Meridian, LLC, submitted a request to amend the Future Land Use Map of the Comprehensive Plan and the Official Zoning District Map of the City of

Miami Beach, for the Parcel commonly known as the “Miami Heart Institute,” which is comprised of less than 10 acres and more particularly described in the following Legal Description:

Lots 8 through 16 of “Nautilus Addition of Miami Beach Bay Shore Co.” according to the Plat thereof, as recorded in Plat Book 8 at Page 130, of the Public Records of Miami-Dade County, Florida.

Specifically, the applicant is seeking to change the Future Land Use Category for the subject parcel from the current PF-HD, “Public Facilities – Hospital District,” to “RM-1, Residential Multifamily Low Density”. The applicant is also requesting to amend the Official Zoning District Map of the Code of the City of Miami Beach, Florida, by changing the Zoning District Classification for the subject parcel from the current HD, “Hospital District,” to “RM-1, Residential Multifamily Low Density”.

The applicant is also proposing to retain the existing nonconforming height, setbacks, floor area ratio and off-street parking by converting the existing structures on the subject parcel to a multifamily building with associated amenities and parking.

Although these two separate Ordinances can be heard together at a public hearing, it is necessary to have separate motions for each request.

The subject site is the former Miami Heart Institute, which was a functioning hospital since 1967. Mount Sinai purchased Miami Heart Institute in 2000; however its operations and its emergency room have been closed since 2004. The remaining services include the rehabilitation center, hospice, dialysis, and wound-care center which will move into Mount Sinai.

The PF-HD future land use and HD zoning designations allow only Hospitals as a main permitted use, and also allow a variety of accessory uses related to hospital use. The use of the site for residential use with accessory recreational facilities would not be permitted by the Comprehensive Plan and zoning regulations, and would require a change to a land use category and zoning designation that would allow the desired residential use as a main permitted use. The applicant has proposed to renovate and adapt the existing structures to residential use – apartments – with accessory recreational facilities.

ANALYSIS

Planning and Zoning

The proposed changes to the FLUM and Zoning Map are compatible with the property adjacent to the site to the west, along Alton Road, which is RM-1 Multifamily Low intensity with a maximum FAR of 1.25. However, to the south of the site is a single-family district (RS-4), which is defined by smaller size lots and low scale homes. The applicant has proposed substantial modifications to the existing structures, in order to create a more residential appearance. These physical modifications to the existing structure will create a better transition to the lower scale single family context to the immediate south.

City Charter

The request for changing the Zoning Map of the City, as well as the Future Land Use Map of the City's Comprehensive Plan is affected by Sections 1.03 (c) and 8.09 of the City Charter.

Charter section 1.03(c) states, in part:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it exists on the date of adoption of this Charter Amendment (November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.

Charter Section 8.09 states:

When a hospital district is rezoned, such property shall be rezoned to a district or combination of districts with a floor area ratio no greater than the zoning of abutting land (sharing lot line)...

Following the mandate of Charter Section 8.09 above, Section 142-456 (a) and (c) - Rezoning of HD district – of the Land Development Regulations of the City Code also governs this request as follows:

(a) If an application is filed pursuant to section 118-162 to rezone all or part of an HD district, the rezoning shall be to a district or combination of districts with a floor area ratio no greater than the abutting land (sharing lot line).

(c) Any building existing on the property may be adaptively reused consistent with the underlying zoning regulations retaining existing nonconforming height, setbacks, floor area ratio and off-street parking, regardless whether the rehabilitation exceeds 50 percent of the value determination, provided that the repaired or rehabilitated building shall be subject to the regulations in subsection 118-395 (b)(1)a.—d. (see below; however since this site is not within a designated historic district, sub-section d. does not apply).

Nonconforming buildings

(1) Nonconforming buildings which are repaired or rehabilitated by less than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:

a. Repaired or rehabilitated residential and/or hotel units shall meet the minimum unit size requirements as set forth for the zoning district in which the property is located. The number of units in the building shall not be increased.

b. The building shall have previously been issued a certificate of use, certificate of completion, certificate of occupancy or occupational license by the city to reflect its current use.

c. Such repairs or rehabilitation shall meet the requirements of the City property maintenance standards, the applicable Florida Building Code, and the Life Safety Code.

d. If located within a designated historic district, or an historic site, the repairs or rehabilitations shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations. If the repair or rehabilitation of a contributing structure conflicts with any of these regulations, the property owner shall seek relief from the applicable building or life-safety code.

The HD Hospital District shares a property line with an RM-1 district, facing Alton Road, which is currently developed as a parking lot. Therefore it complies with Section 142-456 (a), although it appears that currently the parking lot is not being used. The RM-1 regulations allow for a 1.25 FAR with residential uses permitted, in compliance with Section 1.03 (c) of the City Charter. It should be noted, however, that the Land Development Regulations do not include a maximum FAR for the HD district. However, the Comprehensive Plan states that in no case shall the intensity in this land use category exceed a floor area ratio on 3.0.

Although the intensity of the existing HD Hospital category is more than the RM-1 zoning district (3.0 vs. 1.25 FAR) the request is consistent with both Charter provisions and the zoning district regulations as cited above.

Site Issues

The existing Hospital District zoning carries with it a maximum allowable Floor Area Ratio (FAR) of 3.0, which is among the most intense zoning districts within the City. The proposed RM-1 zoning district allows only residential uses and accessory uses that are incidental to and customarily associated with the main permitted use. In addition, the district allows for Conditional Uses such as adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages.

From a growth management standpoint, the proposed change would ensure that no unwanted overdevelopment of the site could occur, and that the existing buildings would be renovated and rehabilitated in an aesthetically acceptable manner.

Also, from the standpoint of traffic congestion, trip generation, and parking availability, the change of use from Hospital and Accessory Hospital Uses to Residential would result in a lower intensity of use. The trip generation rate and parking requirement for hospital is among the highest of all uses, while residential uses are less intense. The total trip generation for the site as currently designated for hospital use could be expected to be reduced by at least one-half, which is beneficial for the long-term sustainability of the surrounding residential area. It is also noteworthy that the RM-1 designation does not allow commercial uses on the site.

Comprehensive Plan Issues

The total land area involved in this application is 4.33 acres. Under Section 163.3187 F.S., land use map amendments of less than 10 acres in size may be considered "small-scale" amendments. As such, only one public hearing before the City Commission is required, which shall be an adoption hearing. Although not required, the local government should send a copy of the adopted small scale amendment to the State

Land Planning Agency so that the Agency can maintain a complete and up-to-date copy of the City's Comprehensive Plan.

Interlocal Agreement for Public School Facility Planning

The 2005 Florida Legislature adopted laws which are incorporated in the Florida Statutes, requiring each local government to adopt an intergovernmental coordination element as part of their comprehensive plan, as well as a statutory mandate to implement public school concurrency. Because the submitted plans are only conceptual in nature and only show the portions of the existing structures that would be demolished, as well as those that would be retained for residential use and accessory use parking, the number of apartment units has not as yet been determined. The RM-1 future land use category allows a density of 60 units per acre. Taking this to the end result of 60 x 4.33 acres, the maximum number of units that could be developed within the existing structures is 260 units. Staff forwarded this information to the Miami-Dade County School Board, and the applicant made application for a preliminary school concurrency determination. Staff received notification from the School Board with the following preliminary determination:

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed project would yield a maximum residential density of 260 multifamily units, which generates 23 students; 11 elementary, 5 middle and 7 senior high students. At this time, only the elementary and middle schools have sufficient capacity available to serve the application; while at the senior high school level, the review reveals a shortfall of 7 seats. However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

PLANNING BOARD REVIEW

On July 24, 2012, the Planning Board (by a 5-0 vote) transmitted both Ordinances to the City Commission with a favorable recommendation. As part of this action, the Planning Board recommended that the City Commission not act upon the Ordinances until the required covenants have been executed, recorded and placed in escrow with the City Attorney's office. Such covenant pertaining to site has been agreed to by all parties and fully executed.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance should not result in a significant fiscal impact upon the City, but should significantly increase the property's value, as the defunct hospital building is renovated and converted into habitable apartment units.

Specifically, municipal related services such as waste collection, on-street parking enforcement, and infrastructure maintenance are expected to be significantly less for a 122 unit apartment structure, rather than a large, full service hospital and medical

campus. Additionally, any increase in City services that may result from the change in zoning and conversion to a residential use would be more than offset by the expected increase in revenue from the expanded ad valorem tax assessments.

SUMMARY

The proposed amendment to the Future Land Use Map of the City's Comprehensive Map and the change to the Zoning Map are expected to promote a positive change to the Miami Heart Institute site, which has been almost vacant for some time. The new residential development with its recreational amenities would add value to the site as well as a visual and aesthetic improvement to the neighborhood.

As part of the review process for the proposed amendments, extensive public outreach has been conducted, and the applicant for the proposed new residential project has had numerous meetings with affected property owners, neighbors and home owners associations. As part of this outreach effort, the applicant has agreed to seek review and approval from the Design Review Board (DRB) for the conversion of the hospital to residential, prior to the final adoption of the proposed amendments. Additionally, the covenant pertaining to site has been agreed to by all parties and is expected to be fully executed prior to the January 16, 2013 City Commission meeting.

The proposed amendments must be processed together, as they are interrelated to one another; however, separate motions must be made for each Ordinance. The Zoning Map Amendment requires two (2) separate readings. The City Commission approved the Zoning Map Amendment at First Reading on October 24, 2012. Both the FLUM Amendment and the Zoning Map Amendment can be adopted on January 16, 2013.

The DRB considered the applicants residential proposal, as a preliminary evaluation, on December 4, 2012. In light of the fact that final DRB approval was not granted, the matter was opened and continued at the December 12, 2012 City Commission meeting to a date certain of January 16, 2013. The subject project is scheduled to go before the DRB for final approval on January 8, 2013.

CONCLUSION

The Administration recommends that the City Commission adopt the Zoning Map Amendment Ordinance and the FLUM Amendment Ordinance.

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MIAMI HEART INSTITUTE – ZONING MAP CHANGE

ORDINANCE NO. 2013-3790

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL KNOWN AS THE “MIAMI HEART INSTITUTE,” MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT “A” HERETO, FROM THE CURRENT ZONING CLASSIFICATION HD, “HOSPITAL DISTRICT,” TO THE PROPOSED ZONING CLASSIFICATION RM-1, “RESIDENTIAL MULTI-FAMILY LOW INTENSITY,” PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, 4701 North Meridian, LLC, has made an application to the City of Miami Beach to change the zoning classification of the parcel referred to herein as “Miami Heart Institute,” located at 4701 Meridian Avenue, from HD, Hospital District, to RM-1, Residential Multifamily Low Intensity; and

WHEREAS, amending the zoning of the subject Miami Heart Institute parcel as provided herein is necessary to ensure that the development of the property will be compatible with development in adjacent and surrounding areas, and will contribute to the general health and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that the rezoning of the subject Miami Heart Institute parcel as provided herein will ensure that new redevelopment and renovation of existing structures are compatible and in scale with the built environment, and is in the best interest of the City; and

WHEREAS, the full legal description of the Affected Property is contained in Exhibit “A” attached to this Ordinance, and shortened descriptions of such properties will be codified in the amendments below.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. The following amendments to the City’s zoning map designations for the properties described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

A parcel of land commonly known as the “Miami Heart Institute,” approximately 188,796 square feet (4.33 acres), from the current HD “Hospital District,” to the proposed zoning classification RM-1, “Residential Multifamily Low Intensity.”

SECTION 2. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the City Commission that the Official Zoning District Map, referenced in Section 142-72 of the Code of the City Of Miami Beach, Florida be amended in accordance with the provisions of this Ordinance.

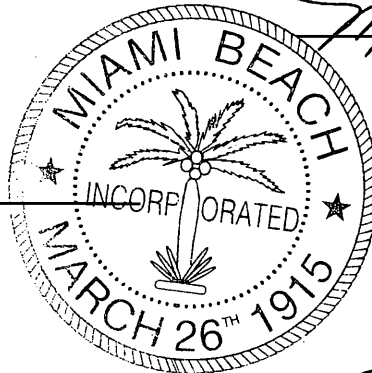
SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect 31 days after adoption to correspond to the adoption date of the amendment to the Future Land Use Map of the City's Comprehensive Plan.

PASSED and ADOPTED this 16th day of January, 2013.

ATTEST:

CITY CLERK



Mattie H. Suarez
MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]
City Attorney

11-27-12
Date

First Reading: October 24, 2012
Second Reading: January 16, 2013

Verified by:

[Signature] For Richard Lorber
Richard Lorber
Planning Director

T:\AGENDA\2012\12-12\Miami Heart HD ZONING MAP - ORD.docx

EXHIBIT "A"

Legal Description:

Lots 8 through 16 of "Nautilus Addition of Miami Beach Bay Shore Co." according to the Plat thereof, as recorded in Plat Book 8 at Page 130, of the Public Records of Miami-Dade County, Florida.

CFN 2013R0161518
OR Bk 28510 Pgs 0741 - 7491 (9pgs)
RECORDED 02/28/2013 15:54:27
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.

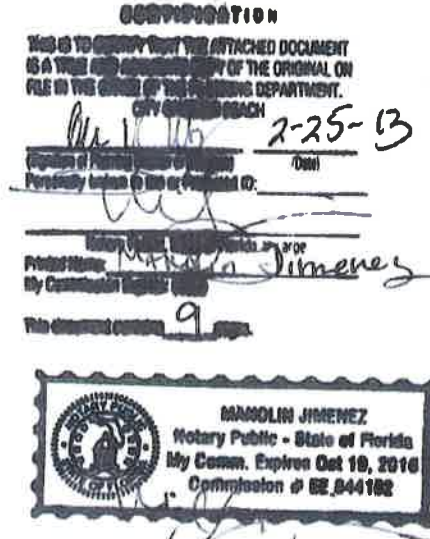
IN RE: The Application for Design Review Approval for the partial demolition, renovation, and adaptive re-use of the former hospital site as a new multifamily residential development, retaining existing nonconforming height, setbacks, floor area, and off-street parking.

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:



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- 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, slamese 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).

RM



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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.

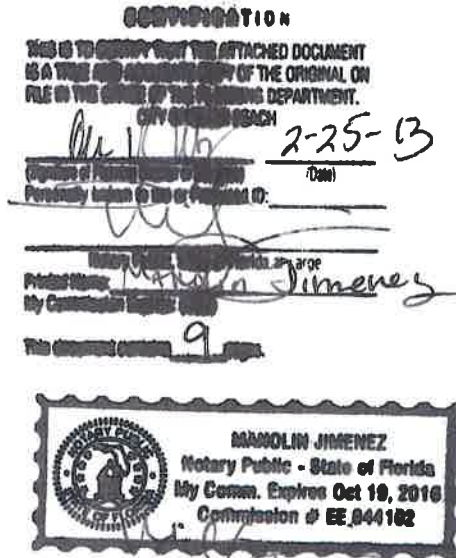
IN RE: The Application for Design Review Approval for the partial demolition, renovation, and adaptive re-use of the former hospital site as a new multifamily residential development, retaining existing nonconforming height, setbacks, floor area, and off-street parking.

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:



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- 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 22nd day of February, 2013.

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DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
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.

[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: OCT 19, 2016

Approved As To Form:
Legal Department: [Signature] (2-13-13)

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

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STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on FEB 28 2013 day of FEB
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By: [Signature] D.C.



[Signature]



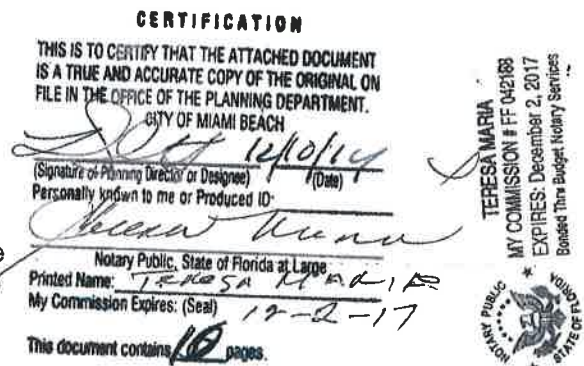
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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 02, 2014

FILE NO: 22942

PROPERTY: 4701 North Meridian Avenue
Former Miami Heart Institute



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, 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 consistent with Design Review Criteria in Section 118-251 of the Miami Beach Code.



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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 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. The width of the width of the vertical architectural metal screens shall be decreased from 8'-0" to 6'-0".~~
- 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. 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 parking garage landscaping will be reviewed by the Board during the January 6th, 2014 meeting. No modifications are approved for the parking garage landscaping plan or for the built-in permanent planters for the parking garage by this order.
- 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



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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.



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- 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.

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.



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- 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.



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- 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, 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 5th day of December, 20 14.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

DEBORAH TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

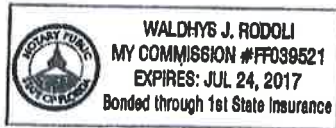
STATE OF FLORIDA)

)SS

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 5th day of December, 20 14, 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.





Waldhys J. Rodoli
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 7-24-17

Approved As To Form: _____
City Attorney's Office: [Signature] (12/4/2014)
Filed with the Clerk of the Design Review Board on 12-5-2014 (WJR)

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STATE OF FLORIDA, COUNTY OF DADE

HEREBY CERTIFY that this is a true copy of the
original filed in this office on JAN 29 2015 day of

, A D 20

I NESS my hand and Official Seal.

ARVEY RUVIN, CLERK, of Circuit and County Courts

[Signature]
LORETTA MARSHALL #208066





CFN 2015R0051598
DR Bk 29478 Pgs 0615 - 6247 (10pgs)
RECORDED 01/27/2015 09:34:19
HARVEY RUVIN, 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

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.

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.



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 9th 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 9th 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.



TERESIA MAHIA
MY COMMISSION # FF 042189
EXPIRES: December 2, 2017
Bonded Thru Budget Notary Services

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



Approved As To Form:
City Attorney's Office:

De A. Burt (1/8/2015)

Filed with the Clerk of the Design Review Board on 1-9-2015 (*WJR*)

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STATE OF FLORIDA, COUNTY OF DADE
HEREBY CERTIFY that this is a true copy of the
original filed in this office on JAN 21 2015 day of

 , A D 20
I WITNESS my hand and Official Seal.
ARWEY RUVIN, CLERK, of Circuit and County Courts

Loretta Marshall
LORETTA MARSHALL #208068



**BEFORE THE
BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**

CFN 2013R0195534
OR Bk 28528 Pgs 4167 - 4170 (4pgs)
RECORDED 03/13/2013 15:17:35
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

IN RE: The application of
4701 North Meridian, LLC
4701 North Meridian Avenue
Miami Beach, Florida

Meeting Date: February 1, 2013
File No. 3618

ORDER

The applicant, 4701 North Meridian, LLC, filed an application with the Planning Department for variances in order to permit the renovation and reuse of the existing structure, as follows:

1. A variance to waive 4'-0" of the minimum required front yard setback of 20'-0" in order to build the basement access at 16'-0" from the front property line, following the existing building line.
2. ~~A variance to waive the minimum required interior side yard setback of 5% of the lot width in order to build the underground garage.~~
3. A variance to exceed the maximum permitted encroachment of 25% of the required front setback at the pedestal level, in order to build new terraces, walkways and balconies into the existing front yard setback.
4. A variance to exceed the maximum permitted encroachment of 25% of the required front setback at the tower level, in order to build new terraces and balconies into the existing front yard setback.
5. A variance to exceed the maximum permitted encroachment of 25% of the required rear setback at the pedestal level, in order to build new terraces, walkways and balconies into the existing rear yard setback.
6. A variance to exceed the maximum permitted encroachment of 25% of the required rear setback at the tower level, in order to build new terraces and balconies into the existing rear yard setback.
7. A variance to exceed the maximum permitted encroachment of 25% of the required side yard facing 47th Street setback at the pedestal level, in order to build new projections into the existing side yard setback.

8. A variance to exceed the maximum permitted encroachment of 25% of the required side yard facing 47th Street setback at the tower level, in order to build new projections into the existing side yard setback.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-1 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variances when conditioned as provided for in this Order:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

IT IS THEREFORE ORDERED, by the Board, that the variances be APPROVED as requested and set forth above; with the following conditions to which the applicant has agreed:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the

applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

2. The applicant shall comply with all conditions imposed by the Public Works Department.
3. All improvements in the public right-of-way associated with the subject project shall be subject to the final review and approval of the Planning Department Director, Public Works Director, and the Parks and Recreation Department Director, and shall require an agreement, subject to the review and approval of the City Attorney, providing for the assumption of maintenance and liability obligations by the Applicant, and its successors and assigns, executed and recorded before the issuance of a building permit.
4. The applicant shall obtain a full building permit within eighteen months (18) months from the date of this hearing. If the full building permit is not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
5. The conditions in this Order are binding on the applicant, the property's owners and all successors in interest and assigns.
6. This 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.
7. 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, except to the extent of the variance granted herein.
8. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "Miami Heart", as prepared by ADD, Inc., dated December 16, 2012, modified in accordance with the conditions set forth in this Order and staff review and approval.

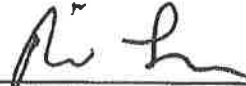
The applicant shall have a full building permit for the work contemplated herein issued by the Building Department on or before August 1, 2014 (within eighteen months of the date of this hearing) as per the above conditions. If the full building permit is not obtained within the specified time limits, the applicant shall apply to the Board for an extension of time prior to expiration of such period; otherwise, this Order will expire, and become null and void,

unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction.

This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

By:


Richard G. Lorber, AICP, LEED AP
Acting Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 4th day of March, 2013, by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA
MY COMMISSION # DD 82814C
EXPIRES: December 2, 2013
Bonded Third Budget Notary Services


Notary:

Print Name: Teresa Maria
Notary Public, State of Florida

[NOTARIAL SEAL]
My Commission Expires:

Approved As To Form:
Legal Department (Held 2-13-13)

Filed with the Clerk of the Board of Adjustment on 03/07/13 

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