

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 05, 2018

FILE NO: DRB18-0236 (aka DRB16-0054)

PROPERTY: **7118-7140 Collins Avenue and 7117-7121 Harding Avenue**

APPLICANTS: Collins & 72nd Developers LLC

LEGAL: Lots 1, 2, 3, 4, 9, 10, 11 and 12 in Block 8 of Normandy Beach South, according to the Plat thereof, as recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for exterior design modifications to a previously issued Design Review Approval including the construction of an additional five-story wing component to a new 11-story hotel, other design modifications and ~~variances to reduce the required front setback for a monument sign and to exceed its maximum area, to exceed the maximum allowable projection in required yards and to eliminate the required distance separation from structural columns to the drive aisles.~~

S U P P L E M E N T A L O R D E R

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not a individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 6, 7, 9, 10, 12, and 17 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Sea Level Rise Criteria Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:



1. All of the original conditions of approval by this Board shall remain in full force and effect under the prior Final Order dated January 03, 2017 for DRB16-0054, except as modified herein.
2. Prior to the issuance of any Building Permit relative to the approval herein, the applicant shall obtain approval from the City Commission for the vacation of the existing utility easement.
3. Revised elevation, site plan and floor plan drawings for the proposed project at **7118-7140 Collins Avenue and 7117-7121 Harding Avenue** shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The local electric distribution systems and other lines/wires shall be buried underground. They shall be placed in a manner that avoids conflicts with street tree plantings.
 - b. For long-distance power transmission lines not otherwise buried, the lines shall be placed on poles for above-ground distribution and shall be located as far away from the intersection of Harding Avenue and 72 Street as possible but still be able to connect to the next pole on the north side of 72 Street. Poles shall be architecturally and artistically treated, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The architect shall further refine all street facing façades of the tower levels of the 11-story building, in a manner to be more reminiscent of the originally approved elevations, through the incorporation of more pronounced eyebrows with greater and varied depths, the re-introduction of additional balconies, or other architectural methods in order to provide greater architectural interest, movement and scale along all elevations as seen on the new five-story annex wing, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
 - d. The interior walls of the first level of the parking garage entrance and ramps shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials that have a well-finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the east and north walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.

- f. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass, incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. All kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building street facing elevations.
- j. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. The final design details of the proposed aluminum grill material, including color, shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. All building signage shall require a separate permit. A uniform sign plan for the overall project shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board
- n. An artistic super graphic mural shall be installed along a portion of the south side elevations, location and design to be reviewed at a future Design Review Board meeting date as a separate application. The maximum aggregate size of any mural, graphic or image shall not exceed 100 SF, unless otherwise approved by the City Commission by Resolution. Future artistic super graphic along a portion of the south façade shall require City Commission (and not DRB) approval.



- o. The final design and placement and model/type of all street furniture and fixtures, shall be reviewed by the Planning Department. A minimum of one (1) bench shall be provided for every 100 linear feet of street frontage and a minimum of one (1) waste bin shall be provided at each block corner and at intervals of no more than 300 feet
 - p. The final design and details, including materials, exterior finishes, glazing, railings, and any architectural projections and features, shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - q. 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 reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - r. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
 - s. 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.
4. 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Any tree identified to be in good overall condition shall be retained, and protected in its current location if it is not in conflict with the proposed development, or it shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and



adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.

- d. The proposed planting strip that delineates the public sidewalk and outdoor café in private property shall be eliminated with the exception of the crescent-shaped planting area proposed in the northwest corner of the site which shall be permitted provided said area shall be further refined in a more architectural ground treatment in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board; the double row of staggered street trees shall remain as proposed. The proposed trees along the interior side of the public sidewalk shall be installed in tree pits with the standard CMB / ADA accessible bound aggregate system in order to provide a more cohesive pedestrian corridor. The proposed greenspace / swale along the back side of curb shall remain as proposed.
- e. Pavers and concrete banding shall be utilized for the entire entry drive and loading area and hotel drop off area (along Harding Avenue), including alternate colors of concrete banding in place of painted striping in order to visually guide pedestrians of vehicle entrances and drives, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. 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.
- g. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan. Silva Cells or approved equal should be provided under the adjacent hardscape areas for trees located in public and private property subject to the review and approval of the CMB Urban Forester. A minimum of 1,000 CuFt of good quality planting soils shall be specified per tree, or 800 CuFt per tree when combined with other trees in the same general area.
- h. 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. 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.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. 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.

- j. 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.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):

1. ~~A variance to exceed by 2' 5" (49%) the maximum allowable projection of 1' 3" (25%) for roof overhangs within the front (north and east) yards of 5' 0" in order to construct a new building with a roof overhang projection (aluminum cornice) of 3' 8" (74%) into the side (north and east) yards.~~
2. ~~A variance to exceed by 10 SF the maximum permitted area of 15 SF for a monument sign in order to install a new monument sign with a total sign area up to 25 SF facing Harding Avenue~~
3. ~~A variance to reduce by 4' 4" the minimum required front setback of 10' 0" in order to construct a new detached monument sign at 5' 8" from the front property line facing Harding Avenue.~~
4. ~~A variance to eliminate the required 1' 6" distance separation from the building structure to the interior drive aisle for 90° parking in order to construct a parking level with several columns setback up to 0' from the edge of the required drive aisle for a new residential building.~~

(Variances withdrawn, variances #2 and #3 were withdrawn without prejudice)

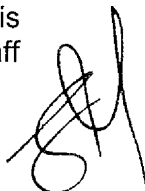
The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. If applicable, the applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.

- B. The proposed elimination of the on-street parking spaces will require the review and approval of the Parking Department. The costs associated with the removal of the parking spaces will be the responsibility of the developer.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- F. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- J. The Supplemental 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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, as modified at the Board hearing, that the Application for Design Review approval is GRANTED and the application for a variance is APPROVED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "72+ Collins Hotel & Condominium", as prepared by **Revuelta Architecture International**, dated April 06, 2018, and those supplemental plans presented at the DRB hearing on 6/5/18, and 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.

Dated this 12th day of June, 2019.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

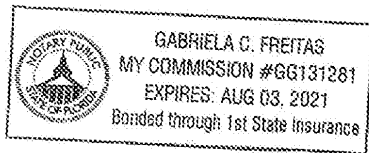
BY:


JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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



The foregoing instrument was acknowledged before me this 12th day of June 2018 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.




NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 8-3-21

Approved As To Form:

City Attorney's Office: Dick Haller (6/8/2018)

Filed with the Clerk of the Design Review Board on Jessie G. [unclear] (6/13/18)

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