

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 8, 1998

IN RE: The Application requesting revisions to a previously issued Design Review approval for the construction of two (2) 41 story (424' to the top of the roof and 449' to the highest architectural projection) condominium towers, with a total of 725 units, and a 134 unit, sixteen (16) story (166'-6" to the top of the roof) hotel; a beach club, retail, restaurant and parking facilities are also proposed. The Final Order for this project required that these revisions, which consist of changes to the design and massing of the north and west walls of the south tower portion of the project, be brought back before the Board for final approval; this project was approved on September 15, 1998.

PROPERTY: Ocean and Easement Parcels located at the southeast corner of South Pointe Drive and Ocean Drive - Ocean Parcel

FILE NO: 9611

CONSOLIDATED O R D E R

The applicant, Portofino Real Estate Fund, Ltd., filed an application with the City of Miami Beach's Planning Department; the September 15, 1998 Final Order issued by the Design Review Board for this project required that revisions to the approved plans, which consist of changes to the design and massing of the north and west walls of the south tower portion of the project, were required to be brought back before the Board for final approval.

The City of Miami Beach's Design Review Board makes the following FINDINGS OF FACT:

- A. The revised drawings submitted by the applicant for the December 8, 1998 meeting of the Design Review Board will satisfy condition 1.f of the September 15, 1998 Final Order of the Board pertaining to this matter and the project, provided the following condition is met:
 - 1. The north and west elevations, as well as the roof-top element, of the south tower shall be further fine tuned and enhanced, in a manner to be approved by staff.
- B. Based on the original Order issued September 15, 1998, and the conditions stated therein (which Order is incorporated

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herein), and the finding contained in paragraph A above, relating to condition No. 1.f as required to be brought back before the Board pursuant to the Final Order issued for the September 15, 1998 meeting, the project would be consistent with the Design Review Criteria and requirements in Section 118-251 of the Miami Beach Code if the following consolidated conditions are met (which conditions are a consolidation of the conditions of the September 15, 1998 Order and the conditions contained herein):

1. Revised elevation and corresponding floor plan drawings, in accordance with Exhibit "A" submitted at the September 15, 1998 hearing, shall be submitted to and approved by staff; at a minimum, said drawings shall incorporate the following:
 - a. The detached, eighteen (18) story semi-circular residential structure on the southeast corner of the site shall be reduced to a maximum height of eight (8) stories above grade; the floor area from this reduction shall either be eliminated, or relocated elsewhere on the site, at the complete discretion and the review and approval of staff. If staff and the applicant cannot agree on an appropriate relocation of this excess floor area, the matter shall be brought back to the Board at a later date, as a revision to the previously approved plans.
 - b. A substantial portion (minimum of four [4] floors) of the curvilinear residential pedestal structure on the east side of the site shall be removed to allow for a substantially expanded ocean overlook and to allow the towers to have a more slender appearance on the east side. The floor area from this reduction shall either be eliminated, or relocated elsewhere on the site, at the complete discretion and the review and approval of staff. If staff and the applicant cannot agree on an appropriate relocation of this excess floor area, the matter shall be brought back to the Board at a later date, as a revision to the previously approved plans.
 - c. The elevation design of the entire pedestal portion of the project shall be fully detailed and subject to the review and approval of staff.
 - d. In the event the existing temporary driveway entrance to Portofino and South Pointe Towers on the north side of the property is relocated or modified to incorporate an office, commercial or

retail structure(s), the floor area required for said structure(s), as well as the proposed retail structure on the northwest corner of the site, shall be taken from the floor area of the proposed residential structures.

- e. The top portion of the south tower shall be modified and simplified in a manner commensurate with the north and northwest sides of said tower.
 - f. The north and west elevations, as well as the rooftop element, of the south tower shall be further fine tuned and enhanced, consistent with the plans submitted at the December 8, 1998 meeting and in a manner to be approved by staff.
2. A revised site plan and corresponding landscape plan, as well as floor plans, 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, said plan shall incorporate the following:
- a. The landscaped pedestrian plaza/pedestrian pathway, which runs the entire length of the west side of the subject property, shall remain open at all times, even if this necessitates that the applicant provide a security monitoring point at this location.
 - b. 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.
 - c. The proposed service drive on the south side of the site shall remain at grade; a dockmaster shall be present at all times the service drive is open and the hours of operation of the proposed service drive will be Monday - Saturday, from 8:00 a.m. - 6:00 p.m.
 - d. The depth of the retail/cafe areas on the north side of level-two, and fronting the sidewalk along South Pointe Drive, shall be substantially increased, in a manner to be approved by staff; this may necessitate the relocation or elimination of some parking spaces.
 - e. The proposed curb-cut on the north side of the property shall be eliminated.

- f. The proposed grade level service parking area on the west side of the site shall be eliminated and replaced with landscaping.
3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters.
 4. The exterior surface color scheme, including color samples, shall be subject to the review and approval of staff. A lighter color palette shall be required for the majority of all structures, in order to preserve the nautical uniqueness of the site and location.
 5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of Section 22 of the Zoning Ordinance, shall be required and the final building plans shall meet all other Zoning Ordinance requirements. Said traffic mitigation plan shall be prepared by the applicant, submitted to and approved by the Planning and Zoning Director, reported to the City Commission and shall be executed by the parties referenced therein, prior to the issuance of a Building Permit. Said traffic mitigation plan shall be fully implemented prior to (and shall be a precondition for issuance of) a final Certificate of Occupancy (C.O.) for the project.
 6. Manufacturers drawings and Dade County product approval numbers for all windows, doors and glass shall be required.
 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.
 8. 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.
 9. A revised schedule of Design Bonuses shall be submitted.
 10. The applicant shall create, design and construct a "Sunrise Plaza" at the eastern terminus of Biscayne Street, inclusive of an appropriate pedestrian connection of South Pointe Drive with the beach, in a manner to be approved by staff.
 11. A park transition area plan, inclusive of the proposed pedestrian extension of Ocean Drive south of South Pointe

Drive, shall be fully created, designed and submitted by the applicant which provides a compatible park interface and transition area along the entire south side of the subject site, as well as within South Pointe Park, to a depth of at least 100', in a manner to be approved by staff.

12. The applicant shall create, design and construct an appropriate beach front/beachwalk treatment for the entire east side of the subject site, in a manner to be approved by staff.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the September 15, 1998 and December 8, 1998 meetings, which is part of the record for this matter and the staff reports and analysis from the September 15, 1998 and December 8, 1998 meetings, which are adopted herein, including the staff recommendations which were amended by the Board, that the Application for Design Review approval is granted for the above-referenced project subject to those certain consolidated conditions specified in paragraph B of the Findings of Fact hereof (conditions #1-12, inclusive), to which the applicant has agreed.

This Final Order consolidates all conditions and requirements for Design Review approval as same are contained herein and in the original Order of September 15, 1998. Accordingly, this Order shall serve as the Final Order for the project and, in the event of conflict between the provisions hereof and those of the September 15, 1998 Order, the provisions hereof shall control. In the event a Full Building Permit is not obtained within one (1) year of the September 15, 1998 approval, the construction does not commence within two (2) years of the September 15, 1998 approval and continue diligently through completion, or any other condition of this Order is violated or remains unsatisfied, then the Design Review approval for the subject project shall become null and void.

No building permit may be issued unless and until all conditions of approval as set forth herein 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 zoning approval. If adequate handicapped access is not provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, as well as annotated floor plans which clearly delineate the Floor Area Ratio (FAR) calculations for the project, shall be submitted

to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Design Review Board's file. If the Full Building Permit is not issued within one (1) year of the September 15, 1998 meeting date and construction does not commence within two (2) years of the September 15, 1998 meeting date, and continue diligently through completion, the Design Review approval will expire and become null and void.

Dated this 8th day of January, 1999.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

By: Saul K. Gross, Chair
Chairperson

Approved as to Form:

dg 12/24/98
Office of the City Attorney
(Initials/Date)

Final Order filed and in possession of the Clerk of the Board:

New R Mooney 1-11-99
Clerk of the Design Review Board
(Initials/Date)

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