

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 15, 1998

IN RE: The Application for Design Review Approval for the construction of two (2) condominium-hotel towers (36 stories/341' to the top of the roof & 45 stories/427' to the top of the roof) with a combined 1,130 units; a beach club, retail, restaurant and parking facilities are also proposed.

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

FILE NO: 9611

O R D E R

The applicant, Portofino Real Estate Fund, Ltd., filed an application with the City of Miami Beach's Planning, Design & Historic Preservation Division for Design Review approval.

The City of Miami Beach's Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which is 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, Design and Historic Preservation Division Staff Report, the project as submitted is not consistent with the Design Review Criteria Nos. 4, 5, 10, 11 & 14 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the afore-stated criteria and requirements if the following conditions are met:
 - 1. Revised elevation and corresponding floor plan drawings, in accordance with Exhibit "A" submitted at the hearing, shall be submitted to and approved by staff; at a minimum, said drawings shall incorporate the following:

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- 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 existing north and northwest portions of the elevations of the south tower is not approved and shall not be permitted; said elevations shall be simplified and modified so as to become slightly more slender, smooth, curved and less faceted and the applicant shall resubmit the modified elevations for consideration by the Board no later than it's December 8, 1998 meeting. The submission deadline for the December 8, 1998 meeting is October 26, 1998.
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.

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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 public hearing, which is part of the record for this matter and the staff report and analysis, which is 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 conditions specified in paragraph B of the Findings of Fact hereof (conditions #1-12, inclusive), to which the applicant has agreed.

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, Design and Historic Preservation Division. 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 meeting date and construction does not commence within two (2) years of the meeting date, and continue diligently through completion, the Design Review approval will expire and become null and void.

Dated this 2nd day of October, 1998.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

By: Saul K. Grob, Chair
Chairperson

Approved as to Form:

EGJ 9/29/98
Office of the City Attorney
(Initials/Date)

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

PKW 10-6-98

Clerk of the Design Review Board
(Initials/Date)

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