

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 04, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB18-0276
1000 South Pointe Drive –Murano at Portofino Condominium

DRB18-0276, 1000 South Pointe Drive—Murano at Portofino. The applicant, Murano at Portofino Condominium Association Inc, is requesting exterior design modifications to façades of an existing 37-story building to remove existing metal panels along the glass balcony railings on all elevations of the building and retain all clear glass railings. Additionally, the applicant is requesting the deletion of a condition of the Final Order. This item was originally approved in 1999, pursuant to DRB File No. 11468.

Recommendation:

Approval with conditions

LEGAL DESCRIPTION:

See attached "Exhibit A"

HISTORY:

On May 18, 1999, the Design Review Board approved an application for the construction of a 37-story residential building inclusive of 435-space, three-story garage and 13 townhouses, pursuant to DRB File No. 11468.

SITE DATA:

Zoning: CPS-4
Future Land Use: CPS-4

NEIGHBORING PROPERTIES:

East: Marea (5-story)
North: Yacht Club At Portofino (34-story)
South: Biscayne Bay/South Pointe Park
West: Biscayne Bay

EXISTING STRUCTURE:

37-story multifamily building (2001 The Sieger Suarez Architectural Partnership)

THE PROJECT:

The applicant has submitted plans and renderings entitled "Design Review Board Renovations to: Murano at Portofino Balcony Railings", as prepared by **whadesign**; signed, sealed and dated October 03 2018.

The applicant is seeking to remove decorative kick-plate metal panels from all of the glass panels of the balcony railing system.

The applicant is proposing to delete the following condition of the May 18 1999, Final Order:

Condition B.1(k): The proportions of glass and white aluminum on balconies shall comport approximately with the proportions shown on Exhibit "A", submitted at the meeting.

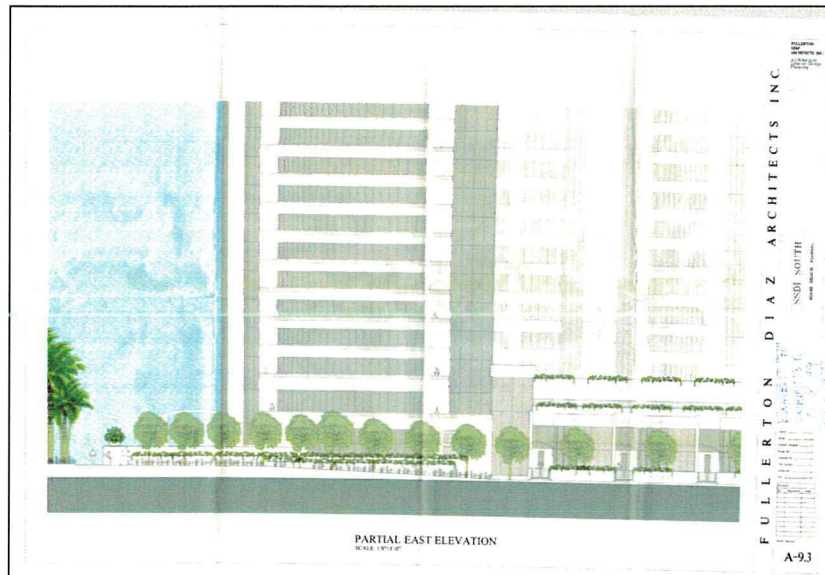


Exhibit "A"

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code. The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Applicable
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Applicable
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Applicable

4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied; the existing metal panels affixed to the balconies are not an integral part of the exterior design of the building.
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Satisfied; the existing metal panels affixed to the balconies are not an integral part of the exterior design of the building.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Satisfied; the existing metal panels affixed to the balconies are not an integral part of the exterior design of the building.
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Not Applicable
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Not Applicable
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Applicable
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Applicable
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Applicable

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Applicable
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Not Applicable
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.

Not Satisfied

A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Not Applicable
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Applicable
While the site is currently built-out, the applicant is proposing to remodel the existing balconies.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
While the site is currently built-out, the applicant is proposing to remodel the existing balconies.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable
While the site is currently built-out, the applicant is proposing to remodel the existing balconies.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable
The proposal does not include any habitable space located below the base flood elevation.
- (10) Where feasible and appropriate, water retention systems shall be provided.
Not Applicable
While the site is currently built-out, the applicant is proposing to remodel the existing balconies.

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing exterior façade modifications to existing balconies of the 37-story Murano at Portofino bayfront tower. Specifically, the applicant is requesting an after-the-fact design approval to allow for the all-glass railings, where previously the glass railings were affixed with lower metal panels to both sides. The white metal panels had originally occupied half of the 42" high railing systems and are found throughout the exterior balconies on all elevations.

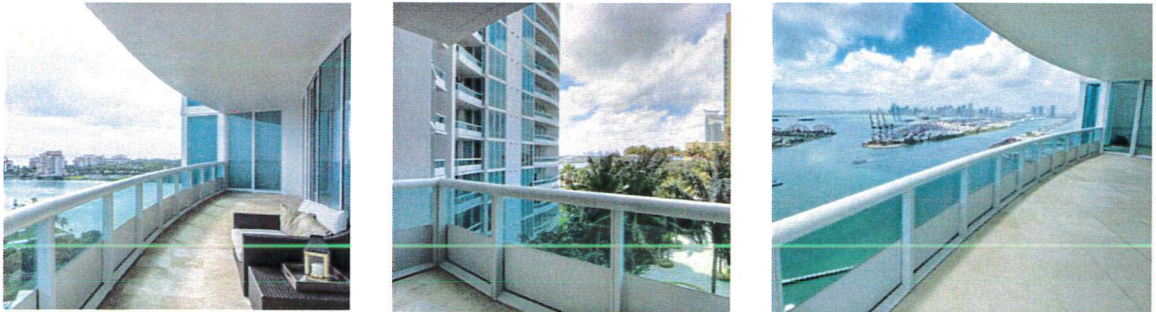


Exterior Images of the failing adhesive of the panels

A permit for emergency railing repair was approved by the City under Building Permit No. B1602380. The removal of the metal panels was a life safety concern as the panels were "falling off the building" at random locations and areas. A notation by the Planning Department was added that the applicant would be required to appear before the Design Review Board (DRB) should the applicant not reinstall new panels to match the original configuration. Due to life safety concerns, the permit was issued to remove the glass panels from the balcony railing system, to detach the metal panels mounted with industrial adhesive to both sides of the glass. Once the "kick plate" break panels are removed and the gaskets replaced, the glass panels are to be cleaned, prepared, and reinstalled within the balcony framing systems with the existing cap top railing to remain. This approved permit was subject to an application to the DRB for approval of the modified balcony design by May 09, 2016, which the applicant failed to do.

The original design of the balcony and rail continued the banding of the floor slabs at each of the building's 37 floors with a white painted balcony slab edge. The architectural metal panels were added by way of the introduction of an exhibit at the meeting. The metal panels, in conjunction with the white stucco balcony slab, are not a critical component of the architectural design. The thickness of the white stucco balcony slab is equal to the wall banding that runs along the floor levels of each façade, effectively continuing the horizontal movement of the architecture unaccompanied. In fact, the metal panels, covering nearly half

of the face of the glass panel, disrupt the architecture. Staff maintains that the design of the building does not rely of the applied metal panels for its architectural integrity.



As evidenced in the elevations, the direct application of the white aluminum panels onto the balcony railings do not accentuate the horizontality of the architecture, nor does the paneling align geometrically with the exterior glazing and concrete wall system. Further, there is no direct relationship with the visual alignment of the top of the balcony rails to the glass window system. The intent of the original design was to have full view windows, without horizontal mullion or transom window systems, to pick up the horizontal lines of the architecture. Moreover, there doesn't exist a relationship between the top or the bottom (of the panels) that carries the visual direction across the horizontal datum of the architecture.



As enumerated in the 1999 final order for the project, “*Condition B.1(k): The proportions of glass and white aluminum on balconies shall comport approximately with the proportions shown on Exhibit “A”, submitted at the meeting.*” Based on the analysis above, staff is supportive of the deletion of Condition B.1(k) in the recorded Final Order.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

TRM/JGM

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"Exhibit A"

MURANO AT PORTOFINO CONDO
PT OF N132FT SEC AKA TR A OR
SMITH BAY FRT TR BNDED ON N BY
N/L SEC E BY JEFF AVE S BY LINE
PAR TO & 132FT OF N/L & ON W BY
BAY & LOTS 1 TO 7 & SELY30FT
LOT 8 BLK 111 & PORT BISC ST-AVE
LYG WLY OF SLY PROJ OF W/R/W/L
JEFF AVE PB 2-81 LOT SIZE 172300
FAU 02-4210-000-0110

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 04, 2018

FILE NO: DRB18-076

PROPERTY: **1000 South Pointe Drive –Murano at Portofino Condominium**

APPLICANT: Murano at Portofino Condominium Association Inc

LEGAL: See attached “Exhibit A”

IN RE: The application requesting design modifications to façades of an existing 37-story building to remove existing metal panels along the glass balcony railings on all elevations of the building and retain all clear glass railings. Additionally, the applicant is requesting the deletion of a condition of the Final Order. This item was originally approved in 1999, pursuant to DRB File No. 11468.

ORDER

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Design Review Criteria 19 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 inconsistent with Sea Level Rise Criteria 1, 4, and 5 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) 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 Final Order dated May 18, 1999 for DRB File No. 11468 except as modified herein:

Condition B.1(k): ~~The proportions of glass and white aluminum on balconies shall comport approximately with the proportions shown on Exhibit "A", submitted at the meeting.~~

2. 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. On all elevations, all glass railings shall be permitted as proposed along the balconies.
 - b. Fully and carefully designed details for the proposed balconies shall be submitted; the method of railing connection to the slab, as well material finishes and dimensions shall be provided, in a manner to be reviewed and approved by staff.
 - c. Color samples for the glass railing shall be submitted for the review and approval of staff.
 - d. 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.
 - e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

In accordance with Section 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. No variance(s) were filed as part of this application.

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

- A. 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.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Design Review Board Renovations to: Murano at Portofino Balcony Railings" as prepared by **whadesigns** signed, sealed and dated October 03 2018, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project 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 application will expire and become null and void.

"Exhibit A"

MURANO AT PORTOFINO CONDO
PT OF N132FT SEC AKA TR A OR
SMITH BAY FRT TR BNDED ON N BY
N/L SEC E BY JEFF AVE S BY LINE
PAR TO & 132FT OF N/L & ON W BY
BAY & LOTS 1 TO 7 & SELY30FT
LOT 8 BLK 111 & PORT BISC ST-AVE
LYG WLY OF SLY PROJ OF W/R/W/L
JEFF AVE PB 2-81 LOT SIZE 172300
FAU 02-4210-000-0110