

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 03, 2013

FILE NO: 22924

PROPERTY: 1231-1251 17 Street

LEGAL: See Exhibit "A"

IN RE: The Application for Design Review Approval for the construction of a new 5-story hotel with 116 rooms, and ancillary 58-seat restaurant (for hotel guests only) on a vacant site.

ORDER

The applicant, SOBE17, 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 inconsistent with Design Review Criteria 2, 7, 8, and 9 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. The applicant shall comply with all the conditions imposed by the Planning Board Conditional Use Final Order No. 2082.
 - 2. Revised elevation, site plan and floor plan drawings shall be submitted; at a minimum, such drawings shall incorporate the following:

- a. Full and complete details of the proposed garage entrance on 17 Street shall be required; this shall include but not be limited to interior walls, flooring, screening for all mechanical fixtures and features, and a detailed lighting plan. The final details of the interior walls, flooring, screening for all mechanical fixtures and features, and detailed lighting plan shall be at the discretion of staff and designed and provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- b. The ground floor retail space shall be reduced in size on its west side in order to allow for a safe passenger drop-off area to be provided on the east side of the hotel entrance driveway inside the building. This will require relocating the trash bin area and may require relocating the westernmost loading bay so that the passenger drop-off areas are made equal in size on both sides of the entrance driveway, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. That additional Juliet style balconies be introduced into more hotel units along all façades and appear to be in a random patterning of location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. The hotel lobby internal entrance doors on the west side of the entrance driveway shall be shifted further inside the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or directions from the Board. This may require relocating or reconfiguring the hotel laundry room.
- e. That if the underside of the proposed canopy overhang for the second floor terrace is to contain sprinkler heads, lighting or other electrical mechanisms, that all of those objects be installed recessed into the underside of the overhang slab to reduce the visibility of all elements, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or directions from the Board
- f. Cooking facilities in units of less than 550 square feet shall be limited to one microwave oven and one five-cubic-foot refrigerator.
- g. 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.
- h. The proposed storefront gray quartz kneewall shall not exceed twenty-four (24") inches in height above the sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. The final design and details of the proposed *prodema* wood cladding system shall be provided including materials and finishes, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- j. An exterior lighting plan shall be designed and demonstrated to ensure that all site as well as interior lighting shall be substantially contained within the subject property and no direct lighting elements shall shine into the street or neighboring properties, 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 bike storage area should offer a clear connection to the alley after exiting the building which is the way the bikes should connect onto the street. There should be a space (4 feet min recommended) between the cars that are parked on the alley in front of the building's service corridor for the bike connection to occur.
 - l. The bike storage should be covered and well lit
 - m. The final design and details of all rooftop structures shall be provided, including materials and finishes, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - n. 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.
 - o. 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.
3. 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. That the applicant explore removing at least one of the northernmost existing parking spaces that fall within the rear promenade area of the site plan to better define the entire buffer area along the Canal, subject to the approval of property owner to the east.
 - b. That the applicant explore upsizing the tree species currently proposed with pigeon plum along West Ave with a larger tree species such as live oak, mahogany or wild tamarind, subject to the review and approval of Public Works, Parks and Planning Departments.
 - c. That the applicant work with Public Works and Planning Department staff to ensure that the proposed landscaping to be installed at the future NE corner of West Avenue and 17 Street not interfere with line-of-site visibility or the proposed location of the second floor balcony overhang, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. That the applicant introduce some form planters to be installed at the second floor balcony area facing 17 Street and with landscaping species, in a manner to

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- be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, subject to the review and approval of staff.
 - 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/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The fire department shall require a post-indicator valve (PIV) visible and accessible from the street. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
 - i. 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, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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.
4. Based on the voluntary proffer of the applicant at the 09/03/13 hearing, the applicant shall enter in an agreement with the City, subject to approval of the Planning Director and City Attorney, prior to the issuance of a building permit, for a contribution to the City for the development of the public park area on the west portion of the property based on a site plan for such park area, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. In the event the applicant and staff cannot reach agreement, the applicant shall return to the board for approval of the agreement and the park plan.
5. That a signage program be designed, inclusive of directional and way finding signage, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. All building signage shall be consistent in

type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.

6. 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.
7. 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.
8. 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.
9. 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.
10. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
11. 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.
12. 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.
13. The applicant needs to submit the Transportation Demand Management Plan to the Planning Department for review and approval.
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 "17 Street Hotel" as prepared by Kobi Karp dated 3/27/11 and revised sheets A1.00 and A1.00A submitted at the 09/03/13 Design Review Board meeting, modified in accordance with the conditions set forth in this Order and staff review and approval.

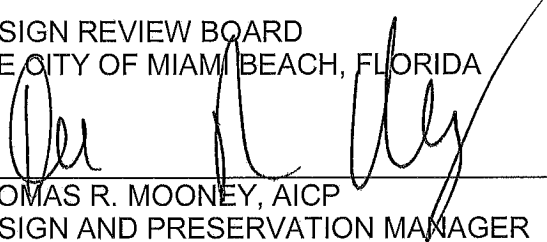
No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State 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 11th day of September, 2013.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA
BY: 
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 11th day of September 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.



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services

Teresa Maria

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-13

Approved As To Form: _____
Legal Department: *J. Allen* (9-9-2013)
Filed with the Clerk of the Design Review Board on 9-11-2013 (WJR)

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