

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 07, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB18-0354

500 Alton Road, 630 Alton Road, 650 Alton Road, 1220 6th Street, 659-737 West Avenue

DRB18-0354, 500 Alton Road, 630 Alton Road, 650 Alton Road, 1220 6th Street, 659-737 West Avenue.

An application has been filed requesting Design Review Approval for the construction of a new residential tower and new retail pavilion structure on the adjacent 600 Block, including variances to reduce the front setback requirements along West Avenue and along 5th Street, to reduce the width of the clear pedestrian path, to exceed the maximum building height for non-residential structures, to permit underground utility structures and elevated pedestrian walks in City park space where none are permitted, to exceed the maximum sign area for monument signs, to reduce the landscape requirements and to reduce the required rear setback for a surface parking lot, to allow triple stacking of vehicles, to reduce the minimum unit size for residential units, and to exceed the maximum height for roof deck and planters above the main roof line. This project is proposed to take place in three (3) phases as a phased development project. This application is subject to the approval of a conditional use approval pending before the Planning Board.

RECOMMENDATION:

Approval of the proposed design with conditions

Approval of the phased development schedule

Approval of variances #1-6

Denial of variances #7-11

Withdrawal of variances #12-16

LEGAL DESCRIPTION:

See attached exhibit 'A'

BACKGROUND

On December 12, 2018, the City Commission approved an amendment to the Land Development Regulations to establish the Alton Road Gateway Area Development Regulations for the CD-2 zoning district. This amendment was a companion to a development agreement that allowed for a street vacation (6th Street between Alton Road and West Avenue) to create a large unified development site that will accommodate a 519 foot tall tower and a three (3) acre public park between 500 and 700 Alton Road.

On April 30, 2019, the Planning Board will review a new Conditional Use Permit for the construction of a mixed-use development exceeding 50,000 SF, pursuant to PB18-0251 for 500-700 Alton Road.

SITE DATA:

Zoning: CD-2, Commercial Medium Intensity

Future Land Use: CD-2

Lot Size: 286,149 SF (600: 188,249 | 6th Street: 12,720 | 500: 85,180)
Permitted FAR: 572,298 SF | 2.0
Proposed FAR: 571,000 SF / 1.995, as represented by the applicant
Proposed Height: Block 500: 519'-0" from BFE+5'FB
Block 600: **38'-0"** from BFE+5'FB **Variance required**
Residential Units: 337 units (Size ranging **480 SF to 2,385SF**) **Variance required**
Retail Area: 15,000 SF (600 block)
(7,120 SF retail and 290 seats restaurant)
Residential Parking Spaces: 502 Required | 504 Provided
Restaurant Parking Spaces: 73 Required (290/4) | 73 Provided
Retail Parking Spaces: 24 Required (7120/300) | 28 Provided (600 Block)
Total Parking Spaces: 605 Parking Spaces (577 in 500 Block garage)
Floridian Parking Spaces: 76 Required | 76 Provided
Bicycle Parking:

ADJACENT LAND USES:

East: Commercial and parking/Fifth Street Flyover
North: Residential multi-family building
South: MacArthur Causeway/Alton Road flyover
West: Residential with ground floor commercial

THE PROJECT:

The applicant has submitted plans entitled "500-600-700 Alton Road: Development Site" as prepared by **Arquitectonica**, dated signed and sealed March 11, 2019.

The subject property consists of the 500, 600, and 700 blocks, on the west side of Alton Road and east side of West Avenue. The overall site is predominantly vacant, currently developed with the existing former hospital tower, the former 7-Eleven building and two surface parking lots, all to be removed in advancement of this development and the approved companion application for the city park, DRB18-0362. All lots are zoned CD-2 and located within the recently adopted Alton Road Gateway overlay district.

A breakdown of the project's programmatic plan is delineated hereto:

Parking Garage: 578 spaces (valet, triple-stacked tandem parking spaces) **Variance required**

Ground Level: 134 spaces (61 residential | 73 restaurant) | 6 Loading spaces
Parking Lobby level: 64 spaces 3,740 SF lobby | +-3,500 BOH
Parking Level 02: 95 spaces | +-1,500 SF BOH
Parking Level 03: 130 spaces | 2,634 SF amenity space
Parking Level 04: 154 spaces
Level 05 (+60' NGVD): Amenity Deck outdoor recreational pool and two-story amenity pavilion
7,645 SF amenity building first level
3,230 SF amenity | 7 units ranging in size 480 SF-1,630 SF
Level 06: 4,000 SF amenity building second level
11 units ranging in size 480 SF-1,630 SF
Levels 07-24: 11 units per level ranging in size 480 SF-1,630 SF
Levels 24-34: 6 units per level ranging in size 1,225 SF- 2,385 SF
Level 35: Sky Level 15,000 SF amenity includes 2,010 SF F&B
Levels 36-45: 6 units per level ranging in size 1,225 SF- 2,385 SF
Top Level 46 (+532' NGVD): Sun deck, swim spa, lap pool

Retail Pavillion (600 Block)

600 Block Surface Parking: 28 public spaces | 76 private spaces (Floridian)

Level 01: 28 spaces "flex plaza" | 6,450 SF retail with expansive outdoor terraces

Level 02: 4,380 SF restaurant | 1,400 BOH

Outdoor seating along the east and west sides of the F&B spaces

The applicant is requesting the following variance(s):

1. A variance to eliminate the required 5'-0" rear setback for a surface parking lot serving the Floridian parking lot in order to construct the parking area at 0' from the rear (east) property line.
 - Variance requested from:

Sec. 142-307. - Setback requirements

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

At-grade parking lot on the same lot, Rear: 5 feet.

The proposed surface parking lot located in the northwest corner of the site, within the 600-700 Block, is for the private use of the Floridian Miami Beach condominium. The surface parking lot contains 76 required parking spaces, accessed from West Avenue, that are allocated for the 33-story Floridian as part of the original approval for the building. The parking area has been setback 29'-0" from the front property line along West Avenue and tucked into the uppermost northeast corner of the development parcel. The greater front setback is realized through the relaxation of the required rear setback and is the site plan approved by the Floridian and by the neighborhood to minimize the unappealing surface lot from the public sidewalk and future city park (see companion application DRB18-0364).

2. A variance to waive the landscaping requirements of Section 126-11(a) for the surface parking lot serving the Floridian condominium.
3. A variance to waive the landscaping requirements of Section 126-11(b) for the surface parking lot serving the Floridian condominium.
 - Variances requested from:

Sec. 126-11. - Landscaped areas in permanent parking lots.

A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:

- (a) A landscaped area with a tree shall be required at the end of all parking rows, particularly when abutting an aisle or building. Planting areas for each tree shall have a minimum width of eight feet, six inches, exclusive of the curb dimension, and shall be planted or covered with other landscape materials.*

- (b) *For each row of parking there shall be landscaped areas with trees within the first 90 linear feet, and one landscaped area provided with a tree for each additional 90 linear feet. When a minimum eight-foot, six-inch clear landscape area is provided between two rows of parking, the landscape areas with trees every 90 linear feet is not required. This eight-foot, six-inch wide landscape area shall be planted with trees no greater than 20 feet on-center.*

In an effort to maximize the amount of green space for the benefit of the public and satisfaction of the immediate neighborhood, the proposal features a compressed footprint for the parking lot, while still accommodating the entirety of the required parking for the Floridian condominium. Staff maintains that the public interest is better served by a smaller parking lot and a design that focuses the landscaping requirements within the adjacent public park space rather than inside the private parking lot. Additionally, the siteplan has been vetted between the applicant and the Floridian Condominium. Staff is supportive of variance requests #1-3.

4. A variance to allow the stacking of three (3) vehicles for tandem parking where a maximum of two (2) vehicles are allow for tandem parking.
- Variance requested from:

Sec. 130-251. – Requirements.

(b)Dimensions for valet and tandem parking spaces shall be 8½ feet in width by 16 feet in depth. Dimensions for tandem parking spaces shall be a minimum of 8½ feet in width by 32 feet in depth, with a maximum stacking of two vehicles per space.

The applicant is proposing tandem parking with two and three vehicles for a portion of the required parking; 10 rows of triples at the basement level and lobby level, and 16 rows at the second and third levels. Tandem parking is allowed for a maximum of two vehicles and therefore, the project requires a variance for the triple stacking of vehicles. In this case, the parking for the retail and commercial uses will be mostly valet operated at all times. The triple stacking of vehicles allows for the reduction in building area that is required for parking in order to maintain an appropriate scale of the project as it creates a parking deck with a more efficient manner and fewer drive aisles. The nature of the luxury residential development affords the future owners and residents of the larger units with up to three (3) parking spaces. Accordingly, the design proposes to provide some triple tandem spaces within all four levels of the parking garage, all to be accessed through the unified valet system. As such, staff recommends approval of variance #4.

5. A variance to increase by 2'-0" the maximum height of a roof deck of 3'-0" above the main roofline in order to install a 5'-0" high roof deck along the main roof line of the residential tower.
6. A variance to allow increase by 2'-0" the maximum height of a landscape planter of 3'-0" in order to install 5'-0' high landscape planters on top of and along the main roof line of the residential tower.
- Variances requested from:

Sec. 142-1161. - Height regulation exceptions.

For all districts, except RS-1, 2, 3 and 4 (single-family residential districts).

(a) The height regulations as prescribed in these land development regulations shall not

apply to the following when located on the roof of a structure or attached to the main structure.

(3) Decks, not to exceed three feet above the main roofline and not exceeding a combined deck area of 50 percent of the enclosed floor area immediately one floor below.

(8) Planters, not to exceed three feet in height above the main roofline.

The applicant is proposing to develop the roof of the residential building with a pool deck and planting area flush with raised swimming pool in order to accommodate the pool and create a pleasant and safe pool deck area. The decking and landscape planters are proposed to surround the pool, which is an allowable height exception under Section 142-1161 *Swimming pools, whirlpools or similar structures, which shall have a four-foot wide walkway surrounding such structures, not to exceed five feet above the main roofline.* The approval will ensure a uniform amenity level; the main roof line of 532' NGVD, or a 519'-0" residential tower does not increase with the request. As such, staff recommends approval of variance #5 and #6. Additionally, Section 142-1161 allows for other rooftop elements to be permitted higher than 3'-6" and up to 25'-0" from the main roofline when reviewed through the design review process. Staff does not have any objections to the proposed 13'-0" (156") height of the wind screens, where 36" is typically approved for a parapet wall. Additionally, the height of all of the allowable rooftop projections, including the mechanical equipment area and the architectural features, columns, and trellis; do not exceed 25'-0" above the height of the main roofline of the new residential tower.

7. A variance to reduce by 70 SF the minimum required unit size of 550 SF for new apartment units in order to construct forty (40) apartments with a unit size of 480 SF

- Variance requested from:

Sec. 142-306. - Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Minimum Apartment Unit Size (Square feet): New Construction: 550

The proposed residential tower will contain 337 units, 40 of which are proposed as "studio" apartments, dispersed throughout the "lower" floors of the tower, levels 05-24. The overall average unit size is 1,282 SF, which is well above by 60% the minimum standard of 800 SF as the tower is envisioned with larger more luxurious residential spaces. The project's proposed total FAR for the site is within the allowable building area and the density of the tower is under the density thresholds established by the Land Use Element of the Comprehensive Plan. The proposed smaller size units constitute only 12% of the total unit count; however, since there is no clear hardship for the new construction of a hi-rise tower on 85,180 SF site and since the proposed Alton Road Gateway Ordinance has recently been adopted and modified to amend the zoning regulations to accommodate this proposal, staff recommends denial of variance #7.

8. A variance to exceed by 95 SF the maximum sign area of 15 SF for a detached sign in order to construct a monument sign with a sign area of 110 SF facing Alton Road.
9. A variance to exceed by 95 SF the maximum sign area of 15 SF for a detached sign in order to construct a monument sign with a sign area of 110 SF facing 6th Street.

10. A variance to exceed by 95 SF the maximum sign area of 15 SF for a detached sign in order to construct a monument sign with a sign area of 110 SF facing West Avenue.
11. A variance to exceed by 95 SF the maximum sign area of 15 SF for a detached sign in order to construct a monument sign with a sign area of 110 SF facing 5th Street.
 - Variances requested from:

Sec. 138-19. - Detached sign.

Detached signs are signs not attached to or painted on a building, but which are affixed to the ground. A sign attached to a surface detached from a building, such as a fence or wall, shall be considered a detached sign. All sides of a detached sign displaying signage will be calculated towards the max area.

Design Standards per District, Maximum area, CD2: 15 square feet • 5 feet if on perimeter wall.

The applicant is proposing four monument signs at each of the more prominent corner intersections of the multiblock site: the northeast corner of 5th Street and West Avenue, the southeast corner of 6th Street and West Avenue, the southwest corner of 6th Street and Alton Road integrated with a water feature, and the northwest corner of 6th Street and Alton Road. As designed, the four structures are proposed as simple address lettering, individually mounted on a 10'-0" high rusticated wall seemingly to create a clear distinction between public and private property. The design of the address signs blocks the view corridors and building entrances with a clear line of sight from both inside and outside.



500 ALTON - TYPICAL RENDERED SIGNAGE ELEVATION

Additionally, Section 138-19 allows for the monument signs to be permitted higher than 5'-0" and up to 10'-0" from Grade when reviewed through the design review process. Staff does not believe the proposed signage endeavors to a high quality standard that would warrant the excessive size **or height.**



Staff would have been supportive of the address signs had the design reflected the signage illustrated in the above rendering (sheet A4-06), which demonstrates a more artistic approach to signage and is a more proper design that effectively uses the built environment as a natural surveillance to eliminate blind spots or hiding areas that would be a result of a 10'-0" barrier-like wall sign. This rendering appears to be for illustration purposes only, as subsequent plans do not detail such signage. Staff recommends denial of the variances pertaining to the size of the signage (#8-11). Staff also recommends that any monument sign be limited to 5'-0" in height.

On April 10, 2019, the City Commission adopted amendments to the Alton Road Gateway Development Regulations. These revised regulations have resulted in the following variances (#12-#16) being withdrawn:

12. A variance to permit building to be located twenty (20) feet from West Avenue where thirty-five (35) feet would be required.
13. A variance to reduce of up to five (5) feet reduction in ten (10) foot wide clear pedestrian path to accommodate street trees.
14. A variance of three (3) feet to permit building to be located seventeen (17) feet from MacArthur Causeway / 5th Street where twenty (20) feet is required.
15. A variance to permit commercial building to be up to forty (40) feet in height where twenty-five (25) feet is required.
16. A variance to permit underground utility structures and elevated pedestrian walks in City park space where none are permitted.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variances #1-7, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, only as it relates to variances #1-7, as noted, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the

terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

- The Planning Board will review a new Conditional Use Permit for the construction of a mixed-use development exceeding 50,000 SF, pursuant to PB18-0251. This item is scheduled for the April 30, 2019 Planning Board meeting.
- **SETBACK:** There is a proposal pending before the City Commission that will modify the setback requirement along West Avenue from 35 feet to 20 feet and the required setback along 5th Street would be reduced from 20 feet to 17 feet.
- **HEIGHT:** There is a proposal pending before the City Commission that will modify height requirements for non-residential from 25 feet to 40 feet.
- **CLEAR PEDESTRIAN PATH:** There is a proposal pending before the City Commission that will modify the requirement for the “clear pedestrian path” along West Avenue, Alton Road, and 5th Street/Mac Arthur Causeway from a minimum width of 10 feet to 5 feet.
- **GREEN SPACE:** There is a proposal pending before the City Commission that will modify the requirement to allow for elevated pedestrian walkways and to permit underground utility structures and elevated pedestrian walks in City park space where none are permitted to be constructed over the green space.
- Approval of a rooftop parapet/windscreen at 156” tall (typ. 42”)
- Approval of permit four (4) monument signs to be up to 10’-0” in height from CMB Grade
- **FAR:** Revise calculations. FAR diagrams and calculations shall be revised. Shaded FAR drawings to be provided and shall be required for all floor plans that clearly delineate the square footage of the project counted towards the total FAR.

- According to the applicant's letter of intent, the proposal consists of substandard sized residential units with a minimum 475 SF of area, however, all plans submitted indicate 40 units sized with 480 SF of area.
- Section 142-307. Setback Requirements. The interior side setback for parking shall be 5'-0". Plans do not indicate the proposed interior side setback for the Floridian parking.

This 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, including final parking calculations and a concurrency review.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **residential and commercial use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

ACCESSIBILITY COMPLIANCE:

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction.) The above noted comments shall not be considered final accessibility review or approval. These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

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 Satisfied; the applicant is requesting multiple variances from the Board.
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 Satisfied; the applicant is requesting multiple variances from the Board.

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 Satisfied; the applicant is requesting multiple variances from the Board.
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.
Not Satisfied; the applicant is requesting multiple variances from the Board.
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.
Not Satisfied; the applicant is requesting multiple variances from the Board.
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.
Not Satisfied; the applicant is requesting multiple variances from the Board.
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 Satisfied; Surface parking is completely incongruous with a sustainable, urban park
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.
Satisfied
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 Satisfied
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Satisfied

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.
Satisfied
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 Satisfied; the applicant is requesting multiple variances from the Board.
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.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
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.
Satisfied
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 Satisfied
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.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Satisfied; Information was not provided regarding passive cooling systems.
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Satisfied
- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
- (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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Not Satisfied; The configuration of the driveways and ramps with the streets must allow for the raising of the streets if necessary.
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
- (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
- (10) In all new projects, water retention systems shall be provided.
Not Satisfied; The applicant did not provide information concerning water

retention.

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The entire subject development site consists of the entire 500 block and most portions of the 600 and 700 blocks, on the west side of Alton Road and east side of West Avenue. The overall site is predominantly vacant, with the former 7-Eleven building and two surface parking lots, all to be removed in advancement of this development. As part of the Development Agreement and vacation of 6th Street a 3.0 parcel will be developed as a public park. All lots are zoned CD-2 and located within the recently adopted Alton Road Gateway overlay district. The applicant is proposing a new residential tower and parking structure on the 500 block and a new two-story retail pavilion structure on the adjacent 600 Block, all connected by a series of elevated pedestrian walkways. The elevated paths lead above ground to many interesting observation points and outdoor areas. A new city park is also proposed and will be referenced throughout the analysis but will be reviewed independently under the companion application DRB18-0362.

Firstly, staff must note that the architect has been tasked with one of the most challenging sites in Miami Beach. The architect has designed a sophisticated residential tower and garage structure sited onto the irregularly shaped assemblage of lots to the satisfaction of many stakeholders. A significant architectural focal point has been provided at the main entrance to South Beach, albeit a dramatic one, that mitigates the adverse impact of the dominating Fifth Street Flyover, which runs parallel and wraps around to the southeastern end of the site.

After many productive meetings with the architect, staff is supportive of the overall massing and architectural language of the project, particularly the intersecting components that create the elevated pathways and engage into the open spaces. This project will transform the site from a desolate vehicular and construction "no-man's land" into a vibrant, pedestrian oriented streetscape that happens "above eye level", a worthy entryway to the West Avenue neighborhood. The proposed development of the southern portion of the property, located south of 6th Street, will consist of a private residential tower with accessory facilities. The proposed development north of 6th Street will consist of the following three concepts (i) approximately 15,000 square feet of commercial space, referred to as the retail pavilion and flex space surface parking lot; (ii) an approximately 3.0-acre public park (to be reviewed under companion application DRB18-0362; and (iii) a surface parking lot serving the Floridian condominium.

The elliptical tower rises uniformly to its coordinated height of 519'-0" and is designed with 337 residential units that range in size from studios to four-bedroom units, exceeding 2,300 SF. The average unit size is 1,282 SF. These disparate sizes are intended to ensure a diverse and vibrant mix of residents. The tower sits upon a four-level parking pedestal that engulfs the site primarily in the southern half of the site and defines the edge conditions of the 500 Block. It is unfortunate that the existing concrete flyover will block significant portions of the proposed structure. Sited in the northeast corner of the block and set at a 45 degree axis alignment on the site to maximize vistas at the higher levels, the tower's podium has been "wrapped" by an elevated pathway that rises from grade at the northwest corner of the 500 Block. The tower has

a consistent floorplate of 17,500 SF at each level inclusive of the outdoor balconies, which, with the exception of the double height sky level amenity floor at level 34, surround the oval form and provide 360 degree vistas and an outdoor component to every unit. Previous versions of the sky lobby depicted various architectural treatments that were more pronounced and identifiable, and more interesting, from the stoic enclosed glass area seen as part of this application.

The 6th Street easement is the formal vehicular entrance into the 500 Block as well as to the retail pavilion on the 600 Block. A landscaped circle has been designed within the center of the street to serve a dual purpose to signify the entrances to the areas as well as an effective means to slow traffic along the road. All of the paving materials for the vehicular entrances to the residential tower, flex space parking of the retail pavilion and the street and sidewalk along 6th Street have been selected to be of a consistent material. At the eastern end of 6th Street on Alton Road, an elevated viewing platform is designed at an elevation 33' NGVD and physically connects the elevated outdoor program at the base of the tower and pedestal to the elevated food and beverage establishment at the second level of the retail pavilion, which affords views into the public park.

A two-story retail pavilion has been configured in the southeast corner of the 600 Block and is proposed with ground floor terraces, retail spaces and a second level restaurant. A breezeway at the ground level is oriented in the east-west axis and leads pedestrians from the sidewalk into the pavilion and out onto the green flex lawn space programmed with 28 parking spaces. Staff has consistently voiced very serious concerns with the proposal to locate a surface parking lot adjacent to the proposed city park space. There is ample room within the 500 block to accommodate all required parking for the proposed residential tower and any parking that may be required for the retail pavilion. It should also be noted that within Parking District No. 6, there are numerous ways to reduce and eliminate minimum parking requirements. Staff believes that providing parking within the 600-700 blocks is not necessary for the following reasons:

- There is a fully accessible, public parking facility immediately across the street at 5th and Alton, as well as a publicly accessible parking structure less than 2 blocks to the north at 9th and Alton.
- The site is located within Parking District No. 6, which has no parking requirements for smaller, neighborhood uses.
- The park and limited commercial uses should be designed to promote and accommodate non-vehicular forms of modality such as walking, cycling and transit. The City has re-prioritized its transportation modality hierarchy, specifically to highlight pedestrian movement and walkability, as well as promote non-vehicular forms of transportation. Placing a surface parking lot within an urban park is completely counter to this effort. Users of the park, and the accessory retail building, should be encouraged to walk, trolley, use a ride-share, or bike to access the park.
- Surface parking is completely incongruous with a sustainable, urban park. Additionally, structured parking, either above or below limited commercial buildings, create design and access limitations, particularly for non-vehicular modes of transportation.

Staff firmly believes that the introduction of the surface parking lot prevents the retail pavilion from being able to fully integrate, engage and provide activation for the park space, as it creates a physical barrier in the form of a suburban- strip mall parking lot. Even new construction of

buildings, citywide, does not emulate failed suburban models such as this. As the proposed park is within an urban area, with a fully defined street and sidewalk grid, its design should reflect its setting.

Staff would not be opposed to a one-way drive, entering from 6th Street and exiting onto Alton Road, to accommodate ride-share drop-off and pickup. Such a drive would allow for the flex areas to consist of primarily pervious landscape area and would create a far superior integration between the west of the pavilion and the park. Loading and sanitation pickup can still occur in the dedicated loading spaces on the north side of the retail pavilion, which will be fully accessible from Alton Road, or from the dedicated on-street loading space on the north side of 6th Street.

The ocular form of the retail pavilion is architecturally interesting, but staff has concerns about access and barriers that would be necessary to prevent falls from the sloped green roof. Large planting areas line the outdoor terraces of the second level seating areas along Alton Road and internal to the site; staff would want to ensure ample comfort provided by shade and green space, but also notify the safety of the pedestrians by minimizing interaction with curved areas. The applicant is proposing to provide numerous access points throughout the second level that would facilitate pedestrian flow from east to west and from north to south around the elevated path system. Pedestrians would be able to walk around the perimeter, as well as through the establishment during hours when the development is open to the public. In all, a great effort has been shown to design a pathway system that would be incorporated into the project in order to encourage pedestrian access.

Staff believes that in a project of this magnitude, which uses a relatively simple palate of materials and finishes, the selection of the best materials and finishes, as well as meticulous attention to detail, is critical to the success of the project. Particularly, the exterior finish, color selection and materiality of the parking garage pedestal needs to be carefully studied and selected. Given that the parking podium is adjacent to the residential tower Bentley Bay, its exterior skin should be of a material that adequately and extensively screens vehicular activities along levels 0-4. Such a dynamic and monumental form is most suitable for a high quality and exciting architectural feature. It should be noted that while alluring renderings have been provided for the project, they do not, at times, reflect the reality of the ground floor interaction between the pedestrian and the garage at street level and the acknowledgement that portions of the area will be unusually heavily shaded due to the heights of the proposed tower and elevated ramping systems.

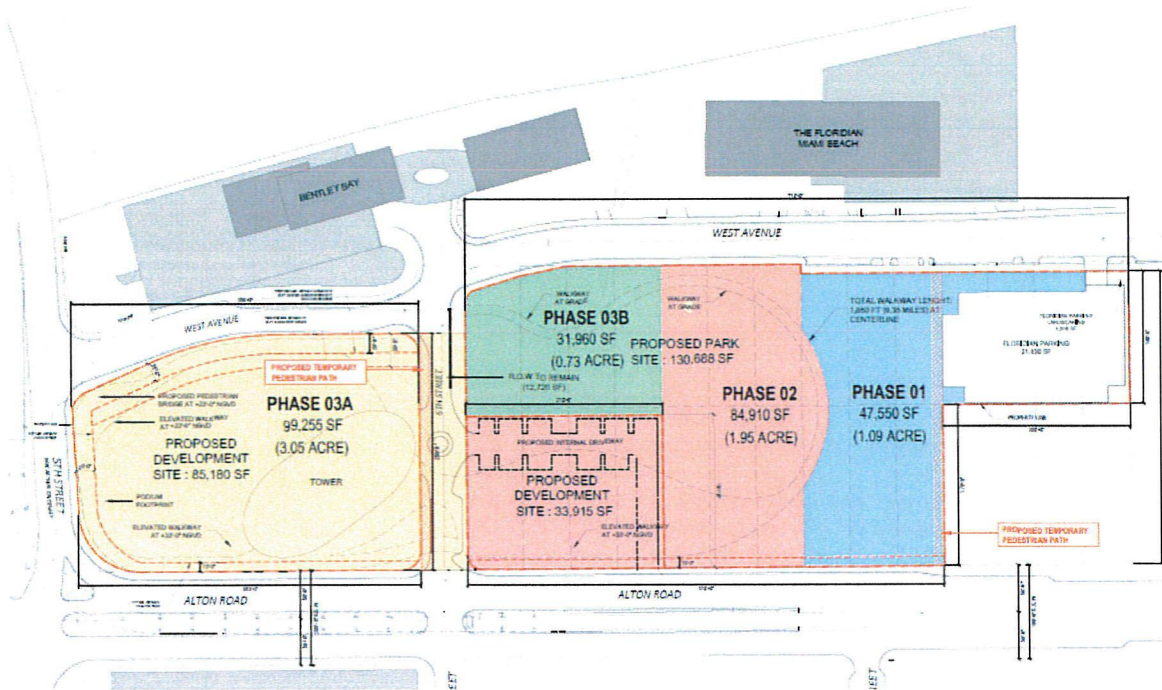
Finally, but very importantly, the applicant has had multiple meetings with FDOT in order to determine if there is a way that a successful above-street level pedestrian crossing of 5th Street could be achieved. To this end, as a reference, the proposal includes connection to the 5th Street Pedestrian Bridge, which if realized, can directly link these two vital areas of South Beach that were historically linked prior to the construction to the flyover. It would also conveniently link the public baywalk north and south of 5th Street.

Overall staff is supportive of the design development of the project and is appreciative to the applicant and architect for a high level of cooperation. However, staff strongly encourages the applicant to re-think the surface parking lot proposed to the west of the retail pavilion. While a relatively small part of the overall development project from a land area standpoint, it has an enormous negative impact on the overall aesthetics, form, use, and urban character of the project. In order to fully complete this project, and not create a future eyesore within the park, the removal of this suburban relic, and replacement with an appropriate integration of the park, will

be essential. Staff recommends approval of the project with the exception of the surface parking “flex space” which should be eliminated.

PHASED DEVELOPMENT PROJECT REVIEW

- Phase 1, limited to a portion of the park improvements, shall be defined as depicted on the submitted plans. The Applicant shall complete construction of Phase 1 within the earlier of: (i) eighteen (18) months following the Board’s approval of Application DRB18-0362 and the expiration of all appeal periods to such issuance with no appeals to such issuance having been filed (or, in the event an appeal is filed, the same has been resolved (by judgement, settlement or otherwise)) on terms and conditions acceptable to the Applicant in its sole and absolute discretion), or (ii) thirty (30) months after the effective date of the Development Agreement;
- Phase 2, limited to a portion of the park improvements, shall be defined as depicted on the submitted plans. The Applicant shall (i) commence construction (consisting of clearing, grubbing, erection of construction fencing and/or drainage improvements) of Phase 2 within forty-eight (48) months after the Board’s approval of Application DRB18-0362 and the expiration of all appeal periods to such issuance with no appeals to such issuance having been filed (or, in the event an appeal is filed, the same has been resolved (by judgement, settlement or otherwise) on terms and conditions acceptable to the Applicant in its sole and absolute discretion) and (ii) complete construction of the Public Park elements of Phase 2 no later than eighteen (18) months following the commencement of construction of Phase 2;



- Phase 3, limited to a portion of the park improvements, shall be defined as depicted on the submitted plans. The Applicant shall complete construction of Phase 3 within ninety-six (96) months of the effective date of the Development Agreement; and

The Applicant shall apply for full building permits for the private development improvements, including the residential building, the commercial building, pedestrian improvements on the Applicant's land, and the Floridian parking lot within ninety-six (96) months after the Effective Date of the Development Agreement. At the point the Public Park improvements are completed, the deadline for filing application(s) for full building permits for the private improvements shall be extended to twenty-five (25) years following the Effective Date of the Development Agreement.

During the construction, pedestrian east-west passage from West Avenue to Alton Road has been contemplated with two alternating secure safe temporary pedestrian passage paths. Staff would recommend that at all times, a safe east-west passage be maintained during all phases of construction.

As depicted on the plans, staff is supportive of the phasing schedule and recommends approval of the phased development project.

VARIANCE REVIEW

See 'Project' section of the analysis. Staff recommends approval of variances #1-6, and denial of variances #7-11. The remaining variances are no longer necessary.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends that the requested variances #7-11 be **denied**, the variance requests #1-#6 be **approved**, and the design be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise and Practical Difficulty and Hardship criteria.

TRM/JGM

ZONING/SITE MAP

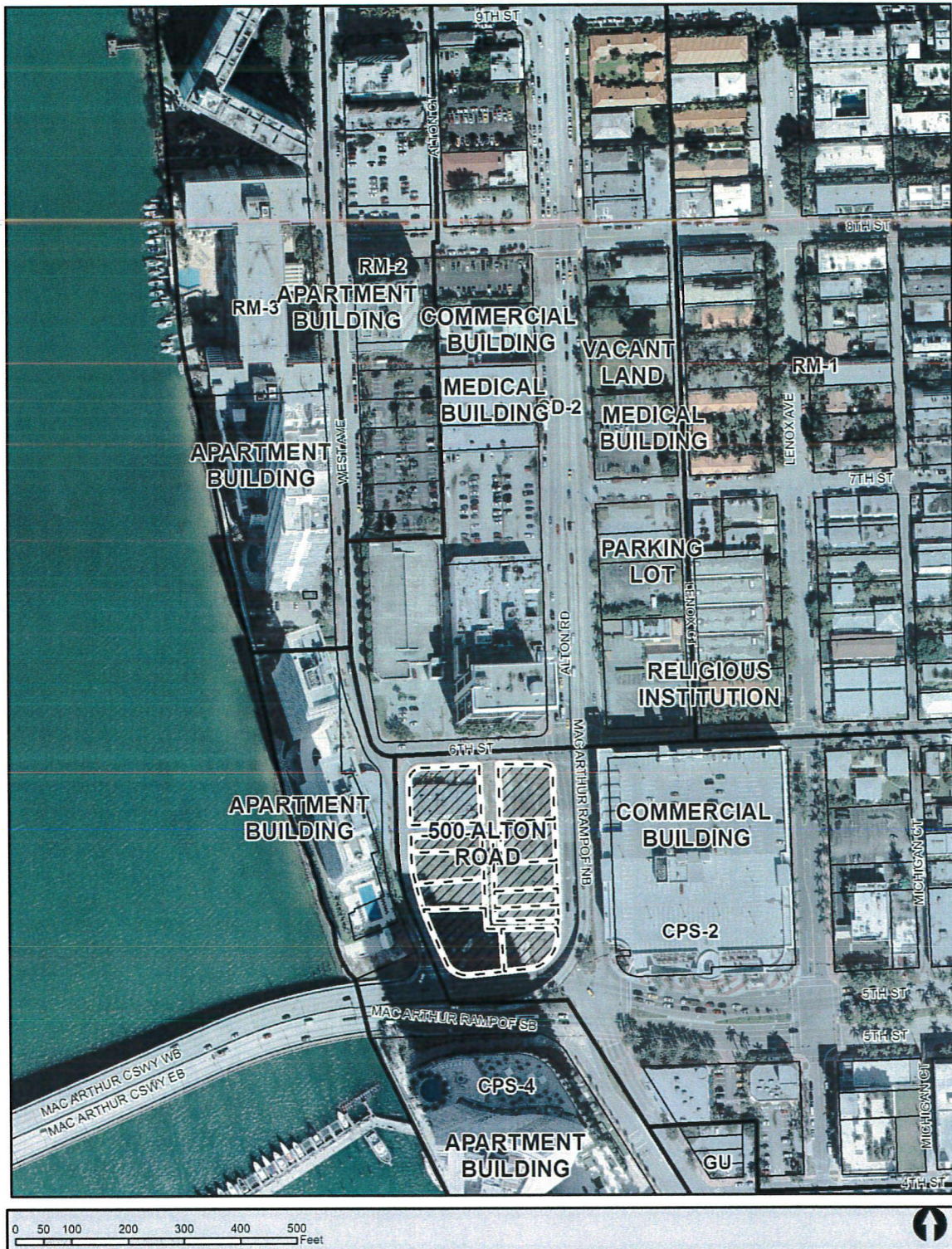


EXHIBIT 'A'

LEGAL DESCRIPTION

LAND DESCRIPTION: (BLOCK 500)

LOTS 2 THROUGH 16, INCLUSIVE, A PORTION OF LOTS 1, 17, 18 AND 19 AND THAT CERTAIN 15 FOOT VACATED ALLEY LYING WITHIN SAID LOTS, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11;

THENCE NORTH $89^{\circ}37'30''$ EAST ALONG THE NORTH LINES OF SAID LOTS 10 AND 11, A DISTANCE OF 210.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF $89^{\circ}59'39''$ AND AN ARC DISTANCE OF 31.41 FEET;

THENCE SOUTH $00^{\circ}22'51''$ EAST ALONG THE EAST LINE OF SAID LOTS 1 THROUGH 10, A DISTANCE OF 277.46 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET, A CENTRAL ANGLE OF $87^{\circ}00'49''$ AND AN ARC DISTANCE OF 99.47 FEET;

THENCE SOUTH $86^{\circ}38'28''$ EAST, A DISTANCE OF 112.67 FEET TO A POINT ON A NON-TANGENT CURVE (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH $19^{\circ}33'06''$ WEST);

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 29.30 FEET, A CENTRAL ANGLE OF $46^{\circ}06'19''$ AND AN ARC DISTANCE OF 23.58 FEET;

THENCE NORTH $24^{\circ}20'35''$ WEST ALONG THE WESTERLY LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 73.04 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 335.75 FEET, A CENTRAL ANGLE OF $23^{\circ}57'44''$ AND AN ARC DISTANCE OF 140.42 FEET (THE LAST DESCRIBED BARING AND DISTANCE IF BEING ALONG THE WEST LINE OF SAID LOTS 16, 15 AND 14);

THENCE NORTH $00^{\circ}22'51''$ WEST ALONG THE WEST LINE OF SAID LOTS 13, 12 AND 11, A DISTANCE OF 130.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF $90^{\circ}00'21''$ AND AN ARC DISTANCE OF 31.42 FEET TO

THE POINT OF BEGINNING.

TOGETHER WITH: (BLOCK 600)

A PORTION OF LOTS 1 AND 2, AND LOTS 3 THROUGH 14, INCLUSIVE, AND LOTS 23 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH $89^{\circ}37'30''$ WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 111.13 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF $73^{\circ}36'39''$ AND AN ARC DISTANCE OF 19.27 FEET;

THENCE NORTH $16^{\circ}45'51''$ WEST, A DISTANCE OF 51.32 FEET;

THENCE NORTH $11^{\circ}41'42''$ WEST, A DISTANCE OF 50.99 FEET;

THENCE NORTH $00^{\circ}22'51''$ WEST ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 250.00 FEET;

THENCE NORTH $89^{\circ}37'30''$ EAST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 10.00 FEET;

THENCE NORTH $00^{\circ}22'51''$ WEST ALONG A LINE 10 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 350.00 FEET;

THENCE NORTH $89^{\circ}37'00''$ EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 140.00 FEET;

THENCE SOUTH $00^{\circ}22'51''$ EAST ALONG THE EAST LINE OF SAID LOTS 14 THROUGH 11, A DISTANCE OF 200.00 FEET;

THENCE NORTH $89^{\circ}37'30''$ EAST ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 170.00 FEET;

THENCE SOUTH $00^{\circ}22'51''$ EAST ALONG THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 495.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF $90^{\circ}00'21''$ AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH $89^{\circ}37'30''$ WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: (6TH STREET)

A PORTION OF 6TH STREET AS SHOWN ON "AMENDED PLAT OF FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID "AMENDED PLAT OF FLEETWOOD SUBDIVISION";

THENCE NORTH 89°37'30" EAST ALONG THE SOUTH LINE OF LOT 32, BLOCK 2 OF SAID "AMENDED PLAT OF FLEETWOOD SUBDIVISION" AND THE NORTH RIGHT OF WAY LINE OF SAID 6TH STREET, A DISTANCE OF 155.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 85.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF SAID 6TH STREET AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°59'39" AND AN ARC DISTANCE OF 31.41 FEET;

THENCE SOUTH 89°37'30" WEST ALONG THE NORTH LINE OF LOT 10 AND LOT 11 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND THE SOUTH RIGHT OF WAY LINE OF SAID 6TH STREET, A DISTANCE OF 210.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE SOUTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 31.42 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 70.00 FEET;

THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 2, NORTH 89°37'30" EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE. LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI/DADE COUNTY, FLORIDA; CONTAINING 286,149 SQUARE FEET OR 6.5691 ACRES MORE OR LESS.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 07, 2019

FILE NO: DRB18-0354

PROPERTY: **500 Alton Road, 630 Alton Road, 650 Alton Road, 1220 6th Street, 659-737 West Avenue**

APPLICANT: South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, 1220 Sixth, LLC and KGM Equities, LLC

LEGAL: See attached exhibit 'A'

IN RE: The Application for Design Review Approval for the construction of a new residential tower and new retail pavilion structure on the adjacent 600 Block, including variances to reduce the front setback requirements along West Avenue and along 5th Street, to reduce the width of the clear pedestrian path, to exceed the maximum building height for non-residential structures, to permit underground utility structures and elevated pedestrian walks in City park space where none are permitted, to exceed the maximum sign area for monument signs, to reduce the landscape requirements and to reduce the required rear setback for a surface parking lot, to allow triple stacking of vehicles, to reduce the minimum unit size for residential units, and to exceed the maximum height for roof deck and planters above the main roof line. This project is proposed to take place in three (3) phases as a phased development project. This application is subject to the approval of a conditional use approval pending before the Planning Board.

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 inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 7, 9, 12, 17, and 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, 3, 6, 10, and 12 in Section 133-50(a) of the Miami Beach Code
- D. The project would remain consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
1. Revised elevation, site plan, and floor plan drawings for the proposed project within the 500-600-700 blocks of Alton Road shall be submitted; at a minimum, such drawings shall incorporate the following:
 - a. The proposed plans shall be revised to fully comport with the FAR requirements of the City Code. FAR diagrams and calculations shall be revised and to be reviewed and approved by staff as part of the building permit plans.
 - b. All the levels on the north west corner of the garage podium, a floor to ceiling wall that must be at least 75% solid shall be incorporated behind the proposed screen where the parking spaces are proposed, to minimize sound and lighting impacts to the adjacent residential buildings, 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 surface parking lot "flex space" to the west of the retail pavilion within the 600 block shall be eliminated and instead become fully integrated into the park space, in accordance with Condition No. 2 herein. A one-way drive, not to exceed 15'-0" in width, entering from 6th Street and exiting onto Alton Road, may be permitted, for the sole purpose of ride-share drop-off and pickup. Such driveway shall be secured and protected from the redesigned flex space by decorative bollards, 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 Floridian parking lot at the NW corner of the 700 block, including all drive aisles, parking space and parking space demarcations, shall consist of pavers set in sand, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Wheel stops, if provided, shall be minimal in dimensions. The portions of the park abutting this surface lot, including the entire south and west perimeter, shall be secured and protected by decorative bollards, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. During the construction, pedestrian east-west passage from West Avenue to Alton Road shall be provided in order to allow secure safe temporary pedestrian passage paths, at all times, during all phases of construction
 - f. The width of the walkways in all of the required yards may be approved as proposed.
 - g. The height of all allowable items identified within Section 142-1161 for

'Height regulation exceptions' shall not exceed 25 feet above the height of the roofline of the main structure.

- h. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, 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 details of exterior lighting 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.
 - j. The final design details and color selection of the "parking garage podium screening" proposed at portions of the parking podium 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.
 - k. Any fence or gate at the front and street side of the 500 block property shall be designed in a manner consistent with the architecture of the new structure, 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 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.
 - m. The final design details of the exterior materials and finishes 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.
 - n. 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.
 - 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.
2. 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. The redesigned "flex plaza" to the west of the retail pavilion shall fully integrate into the proposed park by incorporating a minimum of 50% open space pervious area. The remaining 50% area may consist of pavers set in sand or pervious open space. Vehicular storage of any kind shall be prohibited anywhere within this space.

- b. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- d. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
- e. 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.
- f. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, 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.
- h. 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.
- i. 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):

The following variance(s) were **approved** by the Board:

1. A variance to eliminate the required 5'-0" rear setback for a surface parking lot serving the Floridian parking lot in order to construct the parking area at 0' from the rear (east) property line.
2. A variance to waive the landscaping requirements of Section 126-11(a) for the surface parking lot serving the Floridian condominium.
3. A variance to waive the landscaping requirements of Section 126-11(b) for the surface parking lot serving the Floridian condominium.
4. A variance to allow the stacking of three (3) vehicles for tandem parking where a maximum of two (2) vehicles are allow for tandem parking.
5. A variance to increase by 2'-0" the maximum height of a roof deck of 3'-0" above the main roofline in order to install a 5'-0" high roof deck along the main roof line of the residential tower.
6. A variance to allow increase by 2'-0" the maximum height of a landscape planter of 3'-0" in order to install 5'-0' high landscape planters on top of and along the main roof line of the residential tower.

The following variance(s) were **denied** by the Board:

7. A variance to reduce by 70 SF the minimum required unit size of 550 SF for new apartment units in order to construct forty (40) apartments with a unit size of 480 SF.
8. A variance to exceed by 95 SF the maximum sign area of 15 SF for a detached sign in order to construct a monument sign with a sign area of 110 SF facing Alton Road.
9. A variance to exceed by 95 SF the maximum sign area of 15 SF for a detached sign in order to construct a monument sign with a sign area of 110 SF facing 6th Street.
10. A variance to exceed by 95 SF. the maximum sign area of 15 SF for a detached sign in order to construct a monument sign with a sign area of 110 SF facing West Avenue.
11. A variance to exceed by 95 SF the maximum sign area of 15 SF for a detached sign in order to construct a monument sign with a sign area of 110 SF facing 5th Street.

The following variance(s) were **withdrawn** by the Applicant:

12. A variance to permit building to be located twenty (20) feet from West Avenue where thirty-five (35) feet would be required.
13. A variance to reduce of up to five (5) feet reduction in ten (10) foot wide clear pedestrian path to accommodate street trees.

14. A variance of three (3) feet to permit building to be located seventeen (17) feet from MacArthur Causeway / 5th Street where twenty (20) feet is required.
 15. A variance to permit commercial building to be up to forty (40) feet in height where twenty-five (25) feet would be permitted.
 16. A variance to permit underground utility structures and elevated pedestrian walks in City park space where none are permitted.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variances #1-6, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, only as it relates to variances #1-6, as noted, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

- C. The Board hereby **Approves** the Variance requests #1-6, and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the

application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

2. The residential units shall meet the minimum and the average unit size requirements of the Code.
3. The monument signs shall not exceed the maximum square footage size requirements of the Code. As designed, the height of the proposed monument signs shall not exceed 5'-0" in height when measured from CMB Grade.

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. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- 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. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- 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. 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.

- H. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- J. 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.
- K. 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.
- L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- M. 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 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 "500-600-700 Alton Road: Development Site" as prepared by **Arquitectonica**, dated signed and sealed March 11, 2019, and as approved by the Design Review Board, as determined by staff.

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. 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.

The Developer shall complete the construction of the Project in accordance with the phased construction schedule set forth in the Development Agreement, dated December XX, 2018, between the City of Miami Beach and 500 Alton Road Ventures, LLC, 1220 Sixth, LLC, South Beach Heights I, LLC and KGM Equities, LLC, as may be amended by the parties. Any failure to comply with the phased construction schedule set forth in the Development Agreement will result in the expiration of this Design Review Board application and this Order becoming null and void.

In accordance with Chapter 118 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. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

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 _____ day of _____ 20__ 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: _____

Approved As To Form:
City Attorney's Office: _____ ())

Filed with the Clerk of the Design Review Board on _____ ())

EXHIBIT 'A'

LEGAL DESCRIPTION

LAND DESCRIPTION: (BLOCK 500)

LOTS 2 THROUGH 16, INCLUSIVE, A PORTION OF LOTS 1, 17, 18 AND 19 AND THAT CERTAIN 15 FOOT VACATED ALLEY LYING WITHIN SAID LOTS, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINES OF SAID LOTS 10 AND 11, A DISTANCE OF 210.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°59'39" AND AN ARC DISTANCE OF 31.41 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 1 THROUGH 10, A DISTANCE OF 277.46 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET, A CENTRAL ANGLE OF 87°00'49" AND AN ARC DISTANCE OF 99.47 FEET;

THENCE SOUTH 86°38'28" EAST, A DISTANCE OF 112.67 FEET TO A POINT ON A NON-TANGENT CURVE (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 19°33'06" WEST);

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 29.30 FEET, A CENTRAL ANGLE OF 46°06'19" AND AN ARC DISTANCE OF 23.58 FEET;

THENCE NORTH 24°20'35" WEST ALONG THE WESTERLY LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 73.04 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 335.75 FEET, A CENTRAL ANGLE OF 23°57'44" AND AN ARC DISTANCE OF 140.42 FEET (THE LAST DESCRIBED BARING AND DISTANCE IF BEING ALONG THE WEST LINE OF SAID LOTS 16, 15 AND 14);

THENCE NORTH 00°22'51" WEST ALONG THE WEST LINE OF SAID LOTS 13, 12 AND 11, A DISTANCE OF 130.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 31.42 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: (BLOCK 600)

A PORTION OF LOTS 1 AND 2, AND LOTS 3 THROUGH 14, INCLUSIVE, AND LOTS 23 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 89°37'30" WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 111.13 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 73°36'39" AND AN ARC DISTANCE OF 19.27 FEET;

THENCE NORTH 16°45'51" WEST, A DISTANCE OF 51.32 FEET;

THENCE NORTH 11°41'42" WEST, A DISTANCE OF 50.99 FEET;

THENCE NORTH 00°22'51" WEST ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 250.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 10.00 FEET;

THENCE NORTH 00°22'51" WEST ALONG A LINE 10 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 350.00 FEET;

THENCE NORTH 89°37'00" EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 140.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 14 THROUGH 11, A DISTANCE OF 200.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 170.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 495.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH 89°37'30" WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: (6TH STREET)

A PORTION OF 6TH STREET AS SHOWN ON "AMENDED PLAT OF FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28,

PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID "AMENDED PLAT OF FLEETWOOD SUBDIVISION";

THENCE NORTH 89°37'30" EAST ALONG THE SOUTH LINE OF LOT 32, BLOCK 2 OF SAID "AMENDED PLAT OF FLEETWOOD SUBDIVISION" AND THE NORTH RIGHT OF WAY LINE OF SAID 6TH STREET, A DISTANCE OF 155.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 85.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF SAID 6TH STREET AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°59'39" AND AN ARC DISTANCE OF 31.41 FEET;

THENCE SOUTH 89°37'30" WEST ALONG THE NORTH LINE OF LOT 10 AND LOT 11 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND THE SOUTH RIGHT OF WAY LINE OF SAID 6TH STREET, A DISTANCE OF 210.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE SOUTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 31.42 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 70.00 FEET;

THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 2, NORTH 89°37'30" EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE. LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI/DADE COUNTY, FLORIDA; CONTAINING 286,149 SQUARE FEET OR 6.5691 ACRES MORE OR LESS.