

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: Chairperson and Members
Design Review Board

DATE: June 02, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB20-0522**
1910 Alton Road

An application has been filed requesting Design Review Approval for the construction of a new five-story mixed use building, including one or more variances, to exceed the maximum building height, to reduce the minimum garage clearance, and to reduce the required width of a two-way drive in order provide on-site loading, to replace a three story building.

RECOMMENDATION:

Approval with conditions

Approval of the variances with modifications

LEGAL DESCRIPTION:

Lot 2, Block 12-A of "ISLAND VIEW SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 9, at Page 144, of the Public Records of Miami-Dade County, Florida,

SITE DATA:

Zoning: CD-2
Future Land Use: CD-2
Parking District: 5
Lot Size: 8,000 SF
Proposed FAR: 15,997 SF/ 2.0*
Maximum FAR: 16,000 SF/ 2.0
*As represented by the applicant
Height:
Proposed: 53'-0" from BFE +1'
Maximum: 50'-0"
CMB Grade: 3.99' NGVD
Base Flood Elevation: 8.0' NGVD

Proposed Use: Mixed use
Required Parking: 13 Spaces
Provided Parking: 15 Spaces
Bicycle Racks: 15 provided

EXISTING STRUCTURE:

Year Constructed: 1935
Architect: August Geiger

SURROUNDING PROPERTIES:

North: Two-Story Commercial
South: One-story Commercial
West: FPL Station
East: Two-story Commercial

THE PROJECT:

The applicant has submitted plans entitled "1910 Alton Road", as designed by **Kobi Karp Architecture and Interior Design, Inc.**, dated April 6, 2020.

The applicant is proposing a new five (5) story mixed-use building to replace an existing two story structure.

The applicant is requesting the following variance(s):

1. A variance to exceed by 3'-0" the maximum allowed building height of 50'-0" in order to construct a new mixed use building up to 53'-0" as measured from 9.0' NGVD.

- Variance requested from:

Sec. 142-306. – Development regulations.

(a) The development regulations in the CD-2 commercial, medium intensity district is as follows: Maximum Building Height (feet): 50 feet.

The overall design of the building has shifted its massing towards the front portion of the site. This configuration allocates the program of the commercial, office, and residential uses of the building vertically in order to provide a significant buffer from the adjacent I-1, Industrial zoning district and specifically an open FPL station that encompasses more than 4 lots and directly abuts the rear of the property. In order to maximize the developable envelope and FAR permitted, the applicant is requesting a 3-foot height increase over the 50-foot restriction of building height. The City Charter limits the maximum height variance to 3'-0". Approval of the additional height would allow the proposal to feature floor to floor height of approximately 11'-0" for each of the four enclosed levels about the ground floor surface parking. This amount of height clearance for commercial properties is reasonable and not uncommon with modern construction for competitive commercial space.

Additionally, the ground floor has been designed to comply with the resiliency standards in the City. Staff has no objections to the variance request considering the location of the property and its proximity to the open-air FPL substation. Staff finds that the adjacent industrial district and specifically the FPL station may create a negative impact on the commercial and residential uses being more evenly distributed within the site. As such, staff recommends approval of variance request #1.

2. A variance to reduce 11'-0" from the minimum required width of 22'-0" for a two-way driveway, in order to locate loading spaces and provide a two-way driveway with 11'-0" in width.

- Variance requested from:

Sec. 130-64. Drives.

Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic.

The site falls within the eastern edge of the boundaries for Parking district No. 5 for the Sunset Harbour Neighborhood. The programmatic requirement for the new mixed-use building is 13 parking spaces, taking advantage of the alternative parking reduction methods to lower the overall requirement up to 50% and two off-street loading spaces. The applicant is proposing 15 parking spaces with mechanical parking lifts and loading spaces proposed on the ground floor. The loading spaces are proposed within the driveway at the front portion of the site; this location proximate to the front of the property may potentially create functional issues of the parking area. Additionally, there doesn't appear to be appropriate clearance for maneuvering within the site and the backup of the loading vehicles out of the site would be against the flow of traffic on Sunset Drive (as it is one-way, southbound). This protentional vehicular conflict and vehicular maneuverability problem has been noted in the traffic report provided by the traffic consultants, Kimley-Horn, dated April 6, 2020 that

dockmaster would be needed for the loading vehicles to exit the site as proposed in order to address the proposed maneuverability.

As previously noted, the site falls within Parking District No. 5. Based on the size of the project and the uses proposed, the proposed development can participate in the fee in lieu parking program (payment in lieu of providing the total number of required parking spaces on site). Staff finds that the 50-foot lot width of the property may create practical difficulties in order to provide all required parking. However, with the alternative payment allowed, staff cannot support the variance as proposed. Staff would not be opposed to this variance request conditioned to the elimination of some of the parking spaces and redesigning to area to provide adequate clearance for the loading vehicles to exit the site without backing up on the street. As such, staff recommends that the parking area be redesigned in order to support the variance.

3. A variance to reduce by 4'-0" the minimum required interior height of 12'-0" at the ground level in order to measure the maximum building height allowed of 50'-0" from based flood elevation plus minimum freeboard and provide an interior height of 8'-0" as measured from 9.0' NGVD.

- Variance requested from:

Sec. 114.1. – Definitions.

Height of building means the vertical distance from the lowest floor according to the following, as applicable:

- (a) When the minimum finished floor elevation is located between grade and based flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the minimum finish floor elevation to the highest point of the roof.*
- (c) For commercial properties, height shall be measured from the based flood elevation, plus freeboard, provided that the height of the first floor shall be tall enough to allow the first floor to eventually be elevated to base flood elevation, plus freeboard, with a future minimum interior height of at least 12 feet as measured from the height of the future elevated adjacent right-of-way as provided under the city's public works manual.*

The new mixed-use building is designed with the ground floor elevation at 5.0' NGVD, which is an elevation height that falls within the CMB Grade elevation at this location (3.99' NGVD) and base flood elevation (8' NGVD). The City Code requires that the maximum building height of 50'-0" shall be measured from 5.0' NGVD, as the elevation of the first floor (see Sec. 114.1.a. above). However, the applicant is requesting a variance from subsection Sec. 114.1.c. above in order to measure the building height from BFE+1' or 9.0' NGVD. In this case, as noted above, the first floor is required to have a minimum interior height of 12'-0" in order to continue as a usable space when adjacent streets and sidewalks are elevated in the future.

In this case, as the applicant is proposing lifts to satisfy required parking, in the future, when the first floor is elevated, the lifts would not be operable, as the 8'-0" in height proposed would not be enough interior space to continue using lifts and the property would become non-conforming regarding required parking. As such, staff is not supportive of this variance as proposed. Staff would not be opposed to this variance request if the parking lifts were eliminated, or at a minimum the approval of the variance be conditioned on the satisfaction of

payment in lieu of providing parking if the first floor is elevated and the lifts are removed. In summary, staff would recommend approval of this variance #3 with conditions.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, 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:

1. Section 130-63. The 22'-0" driveway cannot include the column behind the handicap space, as it is directly at the center of the space. So, it does not comply with the 22'-0" space for perpendicular parking. Section 130-63. Modify location of the column.
2. Section 130-38. The project shall comply with this section and requires approval from the Planning Board for the mechanical lifts.

3. The removal of on-street parking spaces shall be approved by the Parking Department.
4. Pursuant to Section 142-874 Required enclosures: Mechanical equipment. All mechanical equipment located above the roof deck shall be enclosed or screened from public view.
5. URBAN HEAT ISLAND ORDINANCE Sec. 130-69. - Commercial and noncommercial parking lots. 3) Open- air parking lots, open to the sky, shall be constructed with (i) a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or ii) porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

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

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the applicant is requesting three (3) 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 three (3) 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 three (3) 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 three (3) 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 three (3) 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 three (3) 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; the applicant is requesting three (3) variances from the Board.
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Not Satisfied; the applicant is requesting three (3) variances from the Board.
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; a lighting plan has not been submitted.
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 three (3) 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 Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

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

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (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.

Satisfied

- (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

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

Not Satisfied

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

Not Satisfied

ANALYSIS:

DESIGN REVIEW

The applicant is proposing to construct a new five-story mixed-use building midblock along Alton Road within the eastern boundaries of the Sunset Harbour neighborhood. The original two-story structure was built in 1935 by noted architect August Geiger and served as a Masonic Temple. Through the years, it served as a facility for Judaic studies. The rectangular lot is located on Alton Road, at the tail end of Sunset Drive. Just removed from Alton Road, the site benefits from the pedestrian calm of Sunset Drive yet is clearly visible from Alton Road. The program consists of a blend of art gallery, office and a private residential penthouse. The applicant is proposing to use a mechanical parking lift system, which will be reviewed by the Planning Board (PB20-0357). The applicant is also requesting three variances from the Board.

The proposed new building is designed in a contemporary, Neo-Brutalist style, with expansive planes of materiality and repetitive modular elements. The primary façades, front and rear, are predominately clad in wood textured panels and feature a grid of rectangular openings that are expressed in full glazing, inlaid within clad walls, and fully open as screening to a top floor terrace. This grid is further articulated by projecting and recessing volumes that unfold along the front and rear façades and provide a Jenga block-like play of voids and solids. Along the front (east) elevation the design introduces within its' voids terraces of landscaping planters that soften the bold, wood-like panel finish of the facade. In contrast, the side elevations, with a zero' setback, are flush to the lot line as solid planes of wall, clad along the north as coral stone and along the south as wood textured material.

The design of the primary facades is dynamic, while the side elevations are overly simplified with minimal movement. Staff recommends further articulation of the side elevations and its materiality, as they are overwhelming on such large expanses of wall. The proposed building is entirely clad in materiality and staff believes it would benefit from the integration of simpler finishes, especially along the side elevations and the wood panel clad front elevation, which is slightly austere. Furthermore, staff recommends further articulation of the planar movement along the front façade, integrated with landscaping, to better define the repetitive undulating volumes as well as soften the elevation.

In summary, staff is generally supportive of the design and recommends its approval with the design direction provided herein, and/or additional input and directions from the Board.

VARIANCE REVIEW

As identified under the 'Project' description of the analysis, staff is supportive of variance #1 due to the unique location of the property abutting the large FPL station and the significant increase in setback of the residential and commercial uses proposed from the rear. Staff is not supportive of variance #2, as proposed, due to the negative impact of the proposed location of the loading spaces right at the front within the driveway. As other options are available to mitigate conflicts in the parking functionality in the future, staff recommends that the approval of variance #2 be conditioned upon modifications to the program. Staff would also recommend approval of variances #3 conditioned to modifications.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved with conditions**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria. However, should the Design Review Board move to approve the application, staff recommends that such approval be subject to the conditions enumerated in the attached draft Final Order.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 02, 2020

PROPERTY/FOLIO: 1910 Alton Road 02-3233-022-0020

FILE NO: DRB20-0522

IN RE: An application has been filed requesting Design Review Approval for the construction of a new five-story mixed use building, including one or more variances, to exceed the maximum building height, to reduce the minimum garage clearance, and to reduce the required width of a two-way drive in order provide on-site loading, to replace a three story building.

LEGAL: Lot 2, Block 12-A of "ISLAND VIEW SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 9, at Page 144, of the public records of Miami-Dade County, Florida.

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, 8, 9, 12 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, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 1910 Alton Road shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. URBAN HEAT ISLAND ORDINANCE Sec. 130- 69. - Commercial and noncommercial parking lots. 3) Open- air parking lots, open to the sky, shall

be constructed with (i) a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or ii) porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.

- b. The design of the north and south side elevations shall be further refined with movement and articulation, as well as simplified in materiality, 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 front, east elevation shall be further refined with movement and articulation of its projecting volumes, as well as in materiality, 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 front, east elevation shall incorporate more landscape planters in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The final color and finish of the 'coral stone' cladding 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.
- f. The final color and finish of the 'wood-like' cladding 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.
- g. The final color, finish and design details of the 'metal' screening 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.
- h. 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.
- i. The final design of the proposed bulb-out and driveway radius shall be submitted based on use and maneuverability and industry standards to prevent any safety concerns to vehicular traffic and /or pedestrians, subject to the review and approval of Public Works Department and the Transportation Department.
- j. As proposed, there will be some obstruction from sight visibility in the proposed driveway requiring the use of convex mirrors. A The applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the design and proximity of the driveway to the right-of-way.

- k. Relocation of the curb inlet shall be the responsibility of the applicant.
 - l. During the permitting phase, the pavement marking plans shall account for a stop sign and stop bar on Sunset Drive before merging with Alton Road.
 - m. 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.
 - n. 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 plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
 - d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
 - e. 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.

- f. All stormwater runoff must be retained within private property and the any proposed on-site stormwater system must hold a 10-year, 24-hour rainfall event with an intensity of 8.75 inches of rainfall.
- g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. 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.
- j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. 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.
- l. 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.
- m. 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):

1. A variance to exceed by 3'-0" the maximum allowed building height of 50'-0" in order to construct a new mixed use building up to 53'-0" as measured from 9.0' NGVD.
 2. A variance to reduce 11'-0" from the minimum required width of 22'-0" for a two-way driveway, in order to locate loading spaces and provide a two-way driveway with 11'-0" in width.
 3. A variance to reduce by 4'-0" the minimum required interior height of 12'-0" at the ground level in order to measure the maximum building height allowed of 50'-0" from based flood elevation plus minimum freeboard and provide an interior height of 8'-0" as measured from 9.0' NGVD.
- B. The applicants have submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, 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 applicants have submitted plans and documents with the application that indicate the following, 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** variance requests #1 and #2 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 architect shall redesign the parking area in order to allow maneuvering of loading vehicles on the property.
3. The first floor shall be increased in height to provide an interior space of 12'-0" as measured from BFE+1 (9.0' NGVD).
4. In the future, if the first floor is elevated and lifts become unusable, the owner shall satisfy the payment in lieu to provide parking, as required.

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

- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. If applicable, 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.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.

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

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

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1910 Alton Road", as designed by **Kobi Karp Architecture and Interior Design, Inc.**, dated April 6, 2020, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions 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 Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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_____.

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