

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 5, 2021

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB21-0664
3900-4000 Alton Road

An application has been filed requesting Design Review Approval for the construction of a new 9-story multifamily building on the vacant portion of the site.

RECOMMENDATION:

Continuance to a future date.

LEGAL DESCRIPTION:

See attached 'Exhibit A'

BACKGROUND:

On August 3, 2021, this application was reviewed by the Board and continued to a date certain of October 5, 2021 in order to address the concerns expressed by the Board and staff.

SITE DATA:

Zoning:	RM-2
Future Land Use:	RM-2
Lot Size:	
Parcel A	49,083 SF*
Parcel B	99,240 SF*
Total	148,323 SF*

*As indicated on submitted survey

Existing FAR:	72,775 SF 0.49
Site Proposed FAR:	282,340 SF 1.9
Site Maximum FAR:	296,646 SF 2.0
Tower Proposed FAR:	198,405 SF
Proposed Height:	85'-0" / 8-story
Maximum Height:	85'-0"
CMB Grade:	6.03' NGVD

Proposed Units:	176 Units
Existing Parking:	35 Spaces
Proposed Parking:	254 Spaces
Required Parking:	241 Spaces

EXISTING STRUCTURE:

4000 Alton Road (Talmudic College)
Year Constructed: 1965
Architect: R. Clayton Jr.
3900 Alton Road

SURROUNDING PROPERTIES:

West: Biscayne Bay
North: Julia Tuttle Causeway
South: I-95 Ramps
East: One-story commercial | St. Patrick's Church | Single family residential

THE PROJECT:

The applicant has submitted revised plans entitled "3900 Alton Road – DRB Re-Submittal File No. 21-0664", by **Arquitectonica**, dated, signed, and sealed September 13, 2021. The

applicant is requesting Design Review approval for the construction of a new multi-family residential building on a vacant portion of an existing site.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the applicable sections of the City Code.

- Sec. 130-69. URBAN HEAT ISLAND ORDINANCE. - 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.
- Sec. 130-101. Space requirements and location.
A.B. For the new construction of multi-family, hotel, and commercial buildings utilizing enclosed structures for the storage and/or parking of vehicles, all required loading spaces shall be located internally.

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.
Satisfied
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.
Satisfied
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.
Satisfied
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.

Partially Satisfied; Some further refinement of the exterior building surfaces and architectural elements is required in order visually break down the massing of the building volume.

5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.

Satisfied

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.

Partially Satisfied; See No. 4 above.

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; See Nos. 4 & 6 above.

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 proposed 30 foot driveway within the front yard is excessive and should be reduced.

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; Additional details are required in order to ensure that any lighting does not have a negative impact on adjacent properties.

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; See No. 4 above.
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 Satisfied; See No. 4 above.
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; The proposed loading must be fully enclosed (including a solid roof) in order to comply with Section 130-101 of the City Code.
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.
Satisfied

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 or salvage plan shall be submitted at permitting.
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.
Satisfied
10. In all new projects, water retention systems shall be provided.

Satisfied

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.

Satisfied

ANALYSIS:

DESIGN REVIEW

The subject site is challenging as it is located on the south side of the Julia Tuttle Causeway (I-195) exit to 41st Street and east of the Alton Road onramp to the causeway, with its frontage to the east on Alton Road, facing St. Patrick's Church. The unified parcel is comprised of vacant land, the Talmudic University, and FDOT land (which will be incorporated into the site). The application was presented to the Board on August 3, 2021 and continued to the October 5, 2021 meeting to allow for the architect to address concerns with the design.

The applicant is proposing a new nine-story residential building with 176 units ranging from studios of 550 SF to 3-bedroom units of up to 1,500 SF, along with 2 levels of covered parking and amenities. The proposed design of the building conforms to the unique configuration of the site, with its bar-like massing running along the southern property line and its short end obliquely angled at the front and rear. The building includes two floors of parking, with the tower extruding upwards in a u-shape, opening southwards. With the ground floor dedicated to covered parking, the residential units commence on the 2nd floor. The project also features an amenity deck on the 2nd floor and a mechanical roof top.

The site is accessed from Alton Road where a driveway and pedestrian pathway cross an internal drive to the main drop-off and entrance on the north elevation, which is internal to the site. The building is designed in a contemporary style, predominantly finished in stucco and featuring broad roof parapets with banded stucco relief that enhances the curved planes at the short ends of the building. The projecting balconies have been organized in a staggering pattern with rail details that alternate between glass accented with bronze metal and bronze metal pickets in an angular pattern. The ground floor has been revised with painted architectural stucco that striates in relief and color, creating a pattern of undulating stripes of varying hues that are most successful at the port-cochere. Bronze metal screens have been applied to the ground floor elevation facing south in a manner to break up the long façade. In general, staff is supportive of the proposed architectural stucco detailing that generates an undulating effect along the ground floor elevation, especially along the north elevation. However, due to the long expanse of the south elevation, the impact of the pattern is static. Staff recommends that the design team revisit the scale of the pattern and the metal screens, as well as incorporate planar movement in order to invigorate the southern ground floor elevation.

The revised design has been simplified in its concept and its material palette has been improved. However, given the overall long nature of the building volume and its architectural accents, staff recommends additional refinement in order to break up the relentless

horizontality of the massing and its details. These portions of the building rely too much on stucco scoring to provide interest and more variation is needed.

While the design may be adequate for book ends of the building, which are approximately 150 feet in length, the overall building is nearly 450 feet long, with the center portion of the building running over 250 in length along the south side. Staff believes that more effort is still needed to break down the overall massing with vertical recesses and planar movement. In order to further enhance the overall design and its compatibility with the neighborhood, staff has the following recommendations:

- The elevations and building volumes shall be further refined and advanced; this may include, but should not be limited to, changes in plane, both in plan and elevation, and to further break down the massing along the longer elevations.
- The central portion of the north elevation, which lacks architectural interest, shall be further refined with materiality and fenestration.
- The stair tower on the north elevation shall be further refined; staff recommends the incorporation of more varied and higher quality, non-stucco materials.
- The exterior of the ground floor and garage / podium shall be further refined; staff recommends the introduction of green walls or attached sculptural elements to provide some movement and break up the wall planes.
- In general, staff is supportive of the proposed architectural stucco detailing that generates a striating effect along the ground floor elevation, but given the length of the south elevation, staff finds that due to the width of the stucco bands the effect of the pattern gets lost. Staff recommends a thicker stucco pattern, especially on the long south elevation.
- The proposed girth of the eyebrows along the roofline of the building render the overall design dated; staff recommends incorporating thinner eyebrows, with a parapet that is setback from the edge of the eyebrows, following the footprint of the enclosed floor below.

While the overall design has improved, especially along the ground floor and parking garage, further refinement is needed along the expansive portions of the elevations. In summary, staff recommends that the application be continued to a future date, in order to allow for the applicant to address the recommend modifications noted above.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **continued** to a date certain of December 17, 2021. 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, which address the inconsistencies with the aforementioned Design Review criteria.

“Exhibit A”

LEGAL DESCRIPTION:

ALL OF LOT 53 AND A PORTION OF LOTS 52, 54 AND 55, BLOCK 1 OF NAUTILUS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8 AT PAGE 95, AND A PORTION OF LOT D OF RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35 AT PAGE 46 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND A PORTION OF SECTIONS 22 AND 27 IN TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 54 OF BLOCK 1 OF NAUTILUS SUBDIVISION; THENCE NORTH 09 DEGREES 11 MINUTES 22 SECONDS EAST, ALONG THE EASTERLY LINE OF SAID LOTS 52, 53 AND 54, ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF ALTON ROAD (STATE ROAD 907) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87090-2402 DATED 12-2009, SHEET 16 OF 18, FOR 228.03 FEET; THENCE NORTH 80 DEGREES 48 MINUTES 38 SECONDS WEST FOR 269.11 FEET; THENCE NORTH 09 DEGREES 11 MINUTES 22 SECONDS EAST FOR 144.42 FEET; THENCE SOUTH 55 DEGREES 48 MINUTES 22 SECONDS WEST, ALONG THE SOUTHEASTERLY, LIMITED ACCESS, RIGHT-OF-WAY LINE OF THE JULIA TUTTLE CAUSEWAY AS SHOWN ON STATE ROAD 112/I-195 OF SAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 87090-2402, SHEET 16 OF 18, FOR 301.90 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE TO THE NORTHEAST AND WHOSE RADIUS POINT BEARS NORTH 42 DEGREES 50 MINUTES 30 SECONDS EAST FROM THE RADIUS POINT OF THE FOLLOWING DESCRIBED CIRCULAR CURVE; THENCE SOUTHEASTERLY ALONG A 768.51 FOOT RADIUS, CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 06 DEGREES 58 MINUTES 09 SECONDS FOR AN ARC DISTANCE OF 93.48 FEET TO A POINT OF TANGENCY (SAID POINT BEING COINCIDENT WITH STATE ROAD NO. 907, STATION 17+34.46, AS SHOWN ON SAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87090-2402, SHEET 16 OF 18); THENCE SOUTH 54 DEGREES 07 MINUTES 39 SECONDS EAST FOR 218.45 FEET TO A POINT OF CURVATURE (SAID POINT BEING COINCIDENT WITH STATE ROAD NO. 907, STATION 15+16.00 AS SHOWN ON SAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87090-2402, SHEET 16 OF 18); THENCE SOUTHEASTERLY ALONG A 600.92 FOOT RADIUS CURVE LEADING TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09 DEGREES 57 MINUTES 10 SECONDS FOR AN ARC DISTANCE OF 104.39 FEET (LAST MENTIONED THREE COURSES BEING COINCIDENT WITH THE NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF ALTON ROAD (STATE ROAD NO. 25), AS SHOWN ON SAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP); THENCE SOUTH 76 DEGREES 03 MINUTES 16 SECONDS EAST FOR 72.65 FEET; THENCE NORTH 41 DEGREES 11 MINUTES 22 SECONDS EAST, ALONG THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF ALTON ROAD (STATE ROAD 907) AS SHOWN ON SAID RIGHT-OF-WAY MAP SECTION 87090-2402, FOR 48.00 FEET; THENCE SOUTH 80 DEGREES 48 MINUTES 38 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 54, FOR 26.00 FEET TO THE POINT

OF BEGINNING.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS AS DEFINED IN ARTICLE 1(C), A TEMPORARY NON-EXCLUSIVE EASEMENT FOR M-400 PHASE I CONSTRUCTION EASEMENT AS DEFINED IN ARTICLE 3(A), A NON-EXCLUSIVE EASEMENT FOR THE PURPOSES OF STORMWATER DRAINAGE AS DEFINED IN ARTICLE 6(B) AND A TEMPORARY NONEXCLUSIVE M-4000 CRANE SWING EASEMENT AS DEFINED IN ARTICLE 7(B) OF THAT CERTAIN EASEMENT AND OPERATING AGREEMENT EXECUTED BY AND BETWEEN TALMUDIC COLLEGE 4000 ALTON ROAD, INC. AND M-4000 ALTON OWNER, LLC, DATED OCTOBER 3, 2014 AND RECORDED OCTOBER 6, 2014 IN OFFICIAL RECORDS BOOK 29338, PAGE 3650, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND TOGETHER WITH ANY AND ALL RIGHTS IN AND TO THOSE CERTAIN COVENANTS, CONDITIONS AND LIMITATIONS CONTAINED IN THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS IN LIEU OF UNITY OF TITLE DATED OCTOBER 1, 2014, RECORDED OCTOBER 6, 2014 AT OFFICIAL RECORDS BOOK 29338, PAGE 3635, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; BUT ONLY TO THE EXTENT THEY ARE DETERMINED TO BE INTERESTS IN REAL PROPERTY.

LANDS SHOWN HEREON CONTAINING 99,240 SQUARE FEET, OR 2.278 ACRES, MORE OR LESS.

LYING AND BEING IN SECTION 22 AND 27, TOWNSHIP 53 SOUTH, RANGE 42 EAST, MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 5, 2021

PROPERTY/FOLIO: **3900-4000 Alton Road**
4000 Alton Road 02-3222-011-0430
3900 Alton Road 02-3222-011-0432

FILE NO: DRB21-0664

IN RE: An application has been filed requesting Design Review Approval for the construction of a new 9-story multifamily building on the vacant portion of the site.

LEGAL: See "Exhibit A"

APPLICANTS: M 4000 Alton Owner, LLC

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 4, 8, 9, 16, 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, 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 reconfigured office building at 3900-4000 Alton Road shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The proposed 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 loading area shall be fully enclosed within the garage structure, 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 north elevation shall be further refined with fenestration and introduction of quality non-stucco finishes, 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 south elevation shall be further refined with planar movement, 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 design of the stair tower shall further designed and detailed, in a manner to be reviewed and approved by staff.
- f. The design of the ground floor and level one of garage shall be further developed and detailed, including the introduction of non-stucco materials and finishes.
- g. The final details, color and finish of the metal railings 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. All glazing shall consist of a uniform color, subject to the review and approval of staff.
- i. 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.
- j. 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.
- k. 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.
- l. A dedicated right-turn lane shall be required on the westbound approach at the intersection of Alton Rd East and Alton Road West, located at the south

east corner of the site, as indicated in the Traffic Study provided by the applicant, in a manner to be reviewed and approved by staff.

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 construction, 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. All stormwater runoff shall 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.
 - f. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
 - g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

- h. 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.
 - i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - j. 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.
 - k. 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.
 - l. 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.
3. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
- a. A Declaration of Restrictive Covenant shall be required for the proposed basketball court over the utility easement with the 36" water main, prior to the issuance of a TCO.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Provide underground utility service connections and on-site transformer location, if necessary.
 - d. Provide back-flow prevention devices on all water services.
 - e. Provide on-site, self-contained storm water drainage for the proposed development.

- f. Provide a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
- g. Payment of City utility impact fees for water meters/services.
- h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8”.
- i. Right-of-way permit must be obtained from Public Works.
- j. All right-of-way encroachments must be removed.
- k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

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

- A. 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.
- B. This approval is subject to the formal conveyance from the Florida Department of Transportation (FDOT) to the Applicant concerning the adjacent portion of the Property ("FDOT Parcel"), determined by FDOT as surplus land and presently in the process of being transferred to the Applicant. No building permit for the proposed project shall be issued until after the conveyance of the FDOT parcel to the Applicant as confirmed by an opinion of title in a form to be reviewed and approved by staff and the City Attorney's Office.
- C. 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.

- D. 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.
- E. 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.
- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 "3900 Alton Road – DRB Re-Submittal File No. 21-0664", by **Arquitectonica**, dated, signed, and sealed September 13, 2021, 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 _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

“Exhibit A”

LEGAL DESCRIPTION:

ALL OF LOT 53 AND A PORTION OF LOTS 52, 54 AND 55, BLOCK 1 OF NAUTILUS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8 AT PAGE 95, AND A PORTION OF LOT D OF RE-SUBDIVISION OF LOTS 48, 49, 50 AND 51 OF BLOCK 1, NAUTILUS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35 AT PAGE 46 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND A PORTION OF SECTIONS 22 AND 27 IN TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 54 OF BLOCK 1 OF NAUTILUS SUBDIVISION; THENCE NORTH 09 DEGREES 11 MINUTES 22 SECONDS EAST, ALONG THE EASTERLY LINE OF SAID LOTS 52, 53 AND 54, ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF ALTON ROAD (STATE ROAD 907) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87090-2402 DATED 12-2009, SHEET 16 OF 18, FOR 228.03 FEET; THENCE NORTH 80 DEGREES 48 MINUTES 38 SECONDS WEST FOR 269.11 FEET; THENCE NORTH 09 DEGREES 11 MINUTES 22 SECONDS EAST FOR 144.42 FEET; THENCE SOUTH 55 DEGREES 48 MINUTES 22 SECONDS WEST, ALONG THE SOUTHEASTERLY, LIMITED ACCESS, RIGHT-OF-WAY LINE OF THE JULIA TUTTLE CAUSEWAY AS SHOWN ON STATE ROAD 112/I-195 OF SAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 87090-2402, SHEET 16 OF 18, FOR 301.90 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE TO THE NORTHEAST AND WHOSE RADIUS POINT BEARS NORTH 42 DEGREES 50 MINUTES 30 SECONDS EAST FROM THE RADIUS POINT OF THE FOLLOWING DESCRIBED CIRCULAR CURVE; THENCE SOUTHEASTERLY ALONG A 768.51 FOOT RADIUS, CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 06 DEGREES 58 MINUTES 09 SECONDS FOR AN ARC DISTANCE OF 93.48 FEET TO A POINT OF TANGENCY (SAID POINT BEING COINCIDENT WITH STATE ROAD NO. 907, STATION 17+34.46, AS SHOWN ON SAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87090-2402, SHEET 16 OF 18); THENCE SOUTH 54 DEGREES 07 MINUTES 39 SECONDS EAST FOR 218.45 FEET TO A POINT OF CURVATURE (SAID POINT BEING COINCIDENT WITH STATE ROAD NO. 907, STATION 15+16.00 AS SHOWN ON SAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87090-2402, SHEET 16 OF 18); THENCE SOUTHEASTERLY ALONG A 600.92 FOOT RADIUS CURVE LEADING TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09 DEGREES 57 MINUTES 10 SECONDS FOR AN ARC DISTANCE OF 104.39 FEET (LAST MENTIONED THREE COURSES BEING COINCIDENT WITH THE NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF ALTON ROAD (STATE ROAD NO. 25), AS SHOWN ON SAID FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP); THENCE SOUTH 76 DEGREES 03 MINUTES 16 SECONDS EAST FOR 72.65 FEET; THENCE NORTH 41 DEGREES 11 MINUTES 22 SECONDS EAST, ALONG THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF ALTON ROAD (STATE ROAD 907) AS SHOWN ON SAID RIGHT-OF-WAY MAP SECTION 87090-2402, FOR 48.00 FEET; THENCE SOUTH 80 DEGREES 48 MINUTES 38 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LOT 54, FOR 26.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN NON-EXCLUSIVE EASEMENT FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS AS DEFINED IN ARTICLE 1(C), A TEMPORARY NON-EXCLUSIVE EASEMENT FOR M-400 PHASE I CONSTRUCTION EASEMENT AS DEFINED IN ARTICLE 3(A), A NON-EXCLUSIVE EASEMENT FOR THE PURPOSES OF STORMWATER DRAINAGE AS DEFINED IN ARTICLE 6(B) AND A TEMPORARY NONEXCLUSIVE M-4000 CRANE SWING EASEMENT AS DEFINED IN ARTICLE 7(B) OF THAT CERTAIN EASEMENT AND OPERATING AGREEMENT EXECUTED BY AND BETWEEN TALMUDIC COLLEGE 4000 ALTON ROAD, INC. AND M-4000 ALTON OWNER, LLC, DATED OCTOBER 3, 2014 AND RECORDED OCTOBER 6, 2014 IN OFFICIAL RECORDS BOOK 29338, PAGE 3650, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND TOGETHER WITH ANY AND ALL RIGHTS IN AND TO THOSE CERTAIN COVENANTS, CONDITIONS AND LIMITATIONS CONTAINED IN THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS IN LIEU OF UNITY OF TITLE DATED OCTOBER 1, 2014, RECORDED OCTOBER 6, 2014 AT OFFICIAL RECORDS BOOK 29338, PAGE 3635, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; BUT ONLY TO THE EXTENT THEY ARE DETERMINED TO BE INTERESTS IN REAL PROPERTY.

LANDS SHOWN HEREON CONTAINING 99,240 SQUARE FEET, OR 2.278 ACRES, MORE OR LESS.

LYING AND BEING IN SECTION 22 AND 27, TOWNSHIP 53 SOUTH, RANGE 42 EAST, MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.