

# MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: Chairperson and Members  
Design Review Board

DATE: December 6, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director

*MD For TRM*

SUBJECT: **DRB21-0676, 1790 Alton Road**

An application has been filed requesting Design Review Approval for the construction of a new 5-story mixed-use building, including one or more waivers and variances for the width of a drive aisle due to the location of loading spaces. The application will also require Conditional Use approval from the Planning Board for mechanical parking and for a restaurant exceeding 100 seats with an occupancy greater than 125 (but less than 199).

**RECOMMENDATION:**

Approval with conditions.

**LEGAL DESCRIPTION:**

Lot 1, Block 17-A of "ISLAND VIEW SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 6, at Page 115, of the Public Records of Miami-Dade County, Florida, less beginning at the northwesterly corner of Lot 1; thence south along the westerly line of Lot 1 for 169.41 feet to a point where the westerly line of Lot 1 intersects the northerly line of Dade Boulevard; thence northeasterly along the northerly line of Dade Boulevard for 65.7 feet to a point; thence northwesterly along a line deflecting 90 degrees to the left for 65.95 feet to a point; thence northerly along a line deflecting to the right 29 degrees 22'37" for 79.65 feet to a point being on the southerly line of 18<sup>th</sup> Street for 24.9 feet to the point of beginning, together with all the appurtenances therunto belonging in anywise appertaining. (Special Warranty Deed, dated October 15<sup>th</sup> 1993, recorded in Official Records Book 16367, Page 4229, Miami-Dade County Records).

**BACKGROUND:**

Various projects for the subject site have been approved by the Board over the past decade, however nothing has been constructed. The most recent approval was on July 7, 2020, for the construction of a single-story retail bank building.

On September 20, 2022, the Planning Board issued a Conditional Use approval for the subject site, including mechanical parking and a restaurant exceeding 100 seats with an occupancy greater than 125 (but less than 199), pursuant to PB22-0548.

**HISTORY:**

This application came before the Board on October 4, 2022, and was continued to a date certain of November 1, 2022, in order to address the concerns expressed by the Board and staff. On November 1, 2022, this application was reviewed by the Board and continued to a date certain of December 6, 2022, in order to address the continued concerns expressed by the Board.

**SITE DATA:**

Zoning: CD-2  
Future Land Use: CD-2  
Parking District: 5  
Lot Size: 10,331 SF  
Proposed FAR: 20,107 SF/ 1.94\*  
Permitted FAR: 20,662 SF/ 2.0

\*As represented by the applicant

Height:

Proposed: **55'-0" from BFE +5'**  
(68' NGVD)

Maximum: **55'-0"**\*

Highest Projection: +18'-0"  
(86'-0" NGVD)

**\*DRB WAIVER**

CMB Grade: 5.4' NGVD

Base Flood Elevation: 8' NGVD

Proposed Use: Mixed-Use  
12 Residential units  
180-seat restaurant

Required Parking: 19 Spaces  
Provided Parking: 19 Spaces\*

\*Mechanical lifts

**SURROUNDING PROPERTIES:**

North: Five-Story 2018 Commercial

South: Five-story Hotel

Under Construction

West: One-story 1965 Commercial

East: Two-story 1982 Office

**THE PROJECT:**

The applicant has submitted plans entitled "1790 ALTON ROAD", as designed by **Studio Mc+G Architecture**, signed, sealed, and dated 11/07/2022. The applicant is proposing a new five-story mixed-use development that is predominately residential and features accessory restaurants and mechanical parking.

The applicant is requesting the following waiver(s):

1. The height of the proposed structure is 55'-0" in accordance with Section 142-306 Maximum Building Height (Feet).

The applicant is requesting the following variance(s):

1. A variance from Section 130-64 of the City code, to reduce by 10'-0", the minimum required width of 22'-0" for an interior drive aisle, in order to provide a reduced drive aisle width of 12'-0", during times the proposed loading zones are occupied.

**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, excluding requested variance(s) :

- Maximum Building Height (Feet): 5'-0" (except as provided in Section 142-1161). Notwithstanding the above, the Design Review Board in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.
- Planning Board review and approval is required for proposed mechanical parking.
- Planning Board review and approval / Conditional Use Permit is required for the second-floor restaurant as it exceeds 100 seats and occupancy exceeds 125.
- The proposed design of the second-floor restaurant with outdoor space exceeds the maximum allowed occupancy load of 199. The design of the outdoor area shall be

revised to include 75% landscaped roof deck or whatever percentage is required for the proposed restaurant to comply with the required occupancy load.

- Staff recommends further review and refinement of the programming at the first/street level, specifically at the south corner where the restaurant kitchen is proposed. Active ground floor coverage may be compromised by the proposed kitchen; an open kitchen may present concerns and an enclosed kitchen will render dead space
- The outdoor bar proposed on the upper roof deck is not permitted (**EVEN IF NOT OPEN TO THE PUBLIC**) and shall be removed.
- Miami-Dade County School Concurrency is required.

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; however, variances related to the width of the required drive aisle are requested. See Staff Analysis.**
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; however, variances related to the width of the required drive aisle are requested. See Staff Analysis.**
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; the application is requesting a waiver for a 5' height increase.**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Satisfied**
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.  
**Not Satisfied; the design of the second-floor outdoor restaurant terrace is expansive and may result in an occupancy load greater than what is allowed. See Staff Analysis.**
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 design of the second-floor outdoor restaurant terrace is expansive and may result in an occupancy load greater than what is allowed. See Staff Analysis.**
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; however, variances related to the width of the required drive aisle are requested. See Staff Analysis.**
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.  
**Not satisfied; the design of the second-floor restaurant terrace shall be further enhanced with landscape. See Staff Analysis**
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Not Satisfied; the design of the second-floor outdoor restaurant terrace is expansive and may result in an occupancy load greater than what is allowed. The design of the subject terrace must be revised. See Staff Analysis.**
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).  
**Satisfied**
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.  
**Not Satisfied; the south corner of the site is programmed on the first/street level with a kitchen that may pose concerns with active ground floor frontage. See Staff Analysis.**
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.  
**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.  
**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.  
**Satisfied**
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.  
**Satisfied**

**ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing to construct a new five-story mixed used building on a vacant corner lot within the eastern boundaries of the Sunset Harbour neighborhood. The irregular-shaped lot is defined by an acute corner and is bounded by 18<sup>th</sup> Street to the north, Alton Road to the east, and Dade Boulevard to the south.

The proposed five-story building is predominately programmed with residential units (for short term rental) and 2 restaurants. The first restaurant is located on level one and includes outdoor seating on 18<sup>th</sup> Street and Alton Road. The second restaurant is located on the second floor and extends to an outdoor terrace that is proposed at the southern edge of the building envelope. The remainder of the building is programmed with 12 'residential units' that will be housed on levels three to five. Based upon the documents submitted as part of the companion Planning Board application, these units are intended for short-term rentals. Although hotels are prohibited in the Sunset Harbour neighborhood, the short-term rental of apartment units is allowed. The rooftop of the five-story structure will feature a residential amenity deck with a pool, sun chairs and cabanas. Additionally, 19 parking spaces are proposed on the ground floor, with 18 spaces consisting of six, three-level vehicle lifts.

This irregular-shaped property is located at the southeast corner of the Sunset Harbor neighborhood. The ground floor of the building conforms to the acute angles of the site along the street edges, with floor to ceiling glass walls that face 18<sup>th</sup> Street and Alton Road. From the second level up, the building mass is pushed to the northern portion of the site, emphasizing its northeast corner. Rounded glass balconies and floor-to-ceiling glazing are sandwiched between a stucco concrete band/balcony at the second level and a floating roof canopy at the roof level. The stucco framed massing is further articulated with squiggling, thin columns.

Staff finds the proposed multi-use program is well-suited for the unique site and is supportive of the overall design in style and form. However, staff previously expressed concerns with the design of the proposed restaurants, specifically as it relates to the allowed occupancy load and the proposed second-floor outdoor terrace facing Dade Boulevard. Additionally, staff had previous concerns with how the kitchen area, exposed or enclosed, will impact the active street frontage of the site and recommended additional design development for this portion of the project.

### **VARIANCE(S) REVIEW**

The applicant is requesting the following variance(s):

1. A variance to reduce by 10'-0", the minimum required width of 22'-0" for an interior drive aisle, in order to provide a reduced drive aisle width of 12'-0", during times the proposed loading zones are occupied.

- 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. Notwithstanding the foregoing, for residential buildings with fewer than 25 units, drives shall have a minimum width of 18 feet for two-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those parking areas underneath a building or structure, the two-way curb-cut and driveway entrance shall have a minimum width of 12 feet.

The proposed development is in parking district No. 5, which provides a parking exemption for restaurants of less than 100 sets that have less than 3,500 square feet of floor area, as well as nonresidential uses above the ground floor, from parking requirements. However 19 parking spaces are required for the 12 residential units.

The project includes two (2) required loading spaces, however they are proposed to be located in the drive isle of the parking entrance. When the loading is in use, only one lane will be available to access the parking areas. Since the parking will be operated through a valet service, and there are a limited number of residential units, it is not expected that this will pose a significant problem for the operation of the building. Further, the Planning Board has limited the hours of loading to between 10am and 4pm. Due to the practical difficulties involved in providing off-street loading on this triangular site, and the reasons noted above, staff is supportive of the requested variance.

**November 1, 2022 Update**

At the October DRB meeting, the Board expressed concerns with vertical wavy poles that extended from the second level terrace to the underside of the rooftop surrounding 3 sides of the building, and which acted as a very open brise-soleil. Additional details were requested, including a physical model for the Board to review at the next meeting. The applicant indicated that a model will be provided for review at the November meeting.

Additionally, the Board was concerned with the blank walls of the building along the southern half of the ground level. With the November submittal, the applicant revised the design of the ground floor to include a substantial amount of glazing along the southern corner. Staff was supportive of the revised design.

**December 6, 2022 Update**

At the November DRB meeting, the Board again expressed concerns with the design execution of the vertical wavy poles, and recommended the curve of each neighboring pole transition in a softer manner from one to the other. The applicant has updated the renderings to reflect this direction. However, staff would recommend that the prior design be utilized as it is much more dynamic and deliberate compared to the revised design. A comparison is provided below:





Latest proposal (above) vs prior proposal (below)



**RECOMMENDATION:**

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

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: December 6, 2022

PROPERTY/FOLIO: **1790 Alton Road** 02-3233-012-0700

FILE NO: DRB21-0676

IN RE: An application for Design Review Approval for the construction of a new 5-story mixed-use building, including one or more waivers and variances for the width of a drive aisle due to the location of loading spaces.

LEGAL: Lot 1, Block 17-A of "ISLAND VIEW SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 6, at Page 115, of the Public Records of Miami-Dade County, Florida, less beginning at the northwesterly corner of Lot 1; thence south along the westerly line of Lot 1 for 169.41 feet to a point where the westerly line of Lot 1 intersects the northerly line of Dade Boulevard; thence northeasterly along the northerly line of Dade Boulevard for 65.7 feet to a point; thence northwesterly along a line deflecting 90 degrees to the left for 65.95 feet to a point; thence northerly along a line deflecting to the right 29 degrees 22'37" for 79.65 feet to a point being on the southerly line of 18th Street for 24.9 feet to the point of beginning, together with all the appurtenances therunto belonging in anywise appertaining. (Special Warranty Deed, dated October 15th 1993, recorded in Official Records Book 16367, Page 4229, Miami-Dade County Records).

APPLICANTS: SOBE 18, 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 6, 7, 8, 9, 10, 11, 13, 16 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 shall be submitted, at a minimum, such drawings shall incorporate the following:
    - a. The additional 5'-0" height shall be permitted as proposed.
    - b. The proposed design of the second-floor restaurant outdoor terrace shall not be approved as proposed. The design of the terrace shall be developed with additional deck landscaping to limit the allowed area for restaurant seating and congregation.
    - c. Unless the City code is modified to allow an increase in seats, the number of exterior restaurant seats shall not exceed 40.
    - d. No fixtures or shelving shall be permitted within 5 feet of the storefront glazing on the ground floor (level 1), with the exception of counters or shelving located below the sills of the windows along the southern corner, in a manner to be reviewed and approved by staff.
    - e. The occupancy load of the two proposed restaurants shall each not exceed the maximum allowed of 199, unless the City code is modified to allow an increased occupancy.
    - f. The outdoor bar proposed on the upper roof deck is not permitted under any circumstances and shall be completely removed.
    - g. Miami-Dade County School Concurrency shall be required.
    - h. The backflow preventer shall be located to the rear elevation of the building, 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. The proposed vertical wavy poles of the brise-soleil shall only be connected to the building at the base and at the top of the poles, in manner consistent with the design presented at the **November 6, 2022 meeting**. The addition of any horizontal supporting members shall require the review and approval of the Design Review Board.
    - k. 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.

- i. 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. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
  - b. 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.
  - c. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
  - d. Any existing plant material within the public right-of-way may be required to be removed, as 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. 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 reduce 10'-0" from the minimum required width of 22'-0" interior drive aisle in order to provide an interior drive aisle of 12'-0".
- B. The applicant has 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 applicant has submitted plans and documents with the application that also 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** the Variance request(s), 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.

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

- A. In accordance with Section 142-111(c) of the City code, no signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 “1790 ALTON ROAD”, as designed by **Studio Mc+G Architecture**, signed, sealed, and dated 11/07/2022, 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  
Planning & Design Officer  
For Chairman



STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:  
Print Name  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

{NOTARIAL SEAL}

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

Filed with the Clerk of the  
Design Review Board on: \_\_\_\_\_ ( )

