

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: Chairperson and Members
Design Review Board

DATE: April 4, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB22-0873
1920 Alton Road

An application has been filed requesting Design Review Approval for the construction of a new a five-story mixed-use building including a height variance, a variance from the minimum height of the ground level, and a variance from the minimum required off-street loading spaces.

RECOMMENDATION:

Approval with conditions.

Approval of variances No. 1 & 2.

LEGAL DESCRIPTION:

Lot 3, 4, and 5, Block 12-A, "Island View Addition", according to the map or plat thereof, as recorded in Plat Book 9, at Page 144, of the Public Records of Miami-Dade County, Florida.

BACKGROUND HISTORY:

On November 22nd, 2022, the Planning Board approved an application for a Conditional Use Permit for the construction of a new five-story mixed use building exceeding 50,000 square feet including two restaurants with more than 100 seats and a floor area in excess of 3,500 square feet, pursuant to Chapter 118, Article IV of the City Code. [PB File No. PB22-0556].

This subject application came before the Board on December 6, 2022, and was continued to a date certain of February 7, 2023, in order to address concerns expressed by the Board. On February 7, 2023, the application was continued to a date certain of April 4, 2023, in order to address the ongoing concerns expressed by the Board.

SITE DATA:

Zoning: CD-2
Future Land Use: CD-2
Parking District: 5
Lot Size: 25,538 SF
Proposed FAR: 51,058.6 SF/ 1.9*
Maximum FAR: 51,076 SF/ 2.0

*As represented by the applicant

Height:

Proposed: 58'-0", BFE +5'
Maximum: 55'-0"
CMB Grade: 4.5' NGVD
Base Flood Elevation: 8.0' NGVD

Proposed Use: Mixed-Use
Required Parking: 56 Spaces
Provided Parking: 44 Spaces
Bicycle Racks: 75 Provided
Scooter Parking: 3 Provided
Showers: 3 Provided

EXISTING STRUCTURE:

Year Constructed: 1939
Original Architect: Rob E. Collins
With recent modern alterations

SURROUNDING PROPERTIES:

North: Five Story Mixed Use Building
South: New 5th Story Mixed Use
Development (under construction)

West: FPL Station
East: City Public Fountain

THE PROJECT:

The applicant has submitted plans entitled "1920 Alton Road", as designed **Gensler Related**, dated 2023.03.12.

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 55'-0" in order to construct a new mixed use building up to 58'-0" as measured from 13.0' NGVD.
2. A variance to reduce by 2'-0" the minimum required interior height of 12'-0" at the ground level in order to measure the maximum building height allowed of 55'-0" from based flood elevation plus minimum freeboard and provide an interior height of 10'-0" as measured from 13.0' NGVD.
3. ~~A variance to reduce by one (1) the minimum required off street loading spaces of three (3), in order to construct a new five story mixed use building with two (2) loading spaces on the premises.~~ **Variance Withdrawn**

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, as it relates to Variance Nos. 1 & 2.

Additionally, as it relates to Variance Nos. 1 & 2, 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. The circulation zone shall include a minimum ten-foot wide "clear pedestrian path," free from obstructions, including, but not limited to, outdoor cafés, sidewalk cafés, handrails, and door swings. The clear pedestrian path shall be delineated by in-ground markers that are flush with the path, including differing pavement tones, differing pavement type, or by another method approved by the planning director. Provide the material finish of the pedestrian path and pavement type.
2. The parallel transition areas" between the raised circulation zone and lower-level sidewalks, street crossings, intersections, and driveways shall be not contained steps, switchbacks ramps, or handrails.
3. Where the landscape transition area is adjacent to on-street parking, access steps shall be provided between parking spaces so that each parking space has access to the circulation zone generally from either the front end or rear end of the vehicle. Steps shall be no wider than n 36 inches, not included handrails.
4. Street and pedestrian lighting fixtures shall be located within the landscape transition area.
5. Provide the dimensions of the scooter parking on the second-floor level. Include the dimensions of the parking spaces throughout the entire garage area.
6. 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. Three loading spaces are required internally within private property. Variance has been requested for additional loading space.

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, the applicant is requesting two (2) variances. 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, the applicant is requesting two (2) variances. 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; however, the applicant is requesting two (2) variances. See Staff Analysis
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; however, the applicant is requesting two (2) variances. See Staff Analysis
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; however, the applicant is requesting two (2) variances. See Staff Analysis
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.
Satisfied; however, the applicant is requesting two (2) variances. 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.
Satisfied; however, the applicant is requesting two (2) variances. 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, the applicant is requesting two (2) variances. 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.
Satisfied; a lighting plan has 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).
Satisfied; however, the applicant is requesting two (2) variances. See Staff Analysis
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.
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.

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 at the corner of Alton Road and 20th Street, within the eastern boundaries of the Sunset Harbour neighborhood. The original building on the site, constructed in 1939 and designed by architect Rob E. Collins, was a church theater; in 1961 the structure was converted into a funeral home. More recently the building went through extensive interior and exterior façade modifications, including the removal of the decorative vent blocks and circular arches, as part of a conversion to retail and restaurant tenant spaces.

The site is unique in that it benefits from the pedestrian character of the Sunset Harbour Neighborhood yet is clearly visible from Alton Road. The proposed development consists of two restaurants on the ground floor level, with three residential units and office spaces on the upper levels. The parking is located on the second floor and includes short and long-term bicycle parking, as well as scooter parking. The applicant has received a conditional use approval from the Planning Board for a structure greater than 50,000 square feet, and two restaurants with more than 100 seats and 3,500 square feet of floor area.

The proposed new building has been designed in a contemporary style, with expansive clear glazing, copper metal plate soffits, and decorative perforated metal panels that screen the mechanical equipment on the rooftop and the parking garage level on the second floor. The

primary façades, front (east) and north elevation feature recessed glazed volumes that break up the massing that is predominantly shifted along the street frontages. Contrary to this, the west and south elevations contain a smooth stucco finish with a zero setback that are flush to the lot lines and amplify the abundant glazing along the upper floors. While the south elevation abuts a new building under construction, also with a zero setback, portions of the west elevation will be visible above the adjacent FPL site to the west. Because of this, staff previously recommended additional design development of the west elevation.

VARIANCE REVIEW

The applicant is requesting the following variance(s):

1. A variance to exceed by 3'-0" the maximum allowed building height of 55'-0" in order to construct a new mixed use building up to 58'-0" as measured from 13.0' 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): 55 feet.

The applicants are proposing a mixed-use development with the primary volume and massing located towards the front elevation of the site along Alton Road. The proposed layout shifts the commercial, office, and residential uses of the building to provide a substantial transition zone from the adjacent I-1, Industrial zoning district that currently encompasses an open FPL substation. The FPL substation abuts the proposed development at the rear of the property. Since the developable envelope and floor configuration has been moved towards the east elevation, the applicant is requesting a 3-foot height increase over the maximum permitted height of 55 feet. The City Charter limits the maximum height variance to 3'-0".

The proposed additional height would allow for floor-to-floor heights of approximately 13'-0" for each of the three enclosed levels above the ground floor. This amount of interior height clearance is typically sought for higher end office uses and is considered a necessary component for competitive commercial spaces.

Although the increased height is not proposed for the ground level, this floor has been designed to comply with applicable resiliency standards. Staff has no objection 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 substation create practical difficulties in allowing the even distribution of commercial and residential uses within the site. As such, staff recommends approval of variance request No. 1.

2. A variance to reduce by 2'-0" the minimum required interior height of 12'-0" at the ground level in order to measure the maximum building height allowed of 55'-0" from based flood elevation plus minimum freeboard and provide an interior height of 10'-0" as measured from 13.0' NGVD.

- Variance requested from:

Sec. 142-306. - Development regulations.

Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet

of height, not to exceed a maximum height of 55 feet. In order to utilize the additional height, the first floor shall provide at least 12 feet in height, as measured from the base flood elevation plus maximum freeboard to the top of the second-floor slab.

The new mixed-use building has been designed with the CMB Grade elevation at this location (4.5' NGVD) and base flood elevation (8' NGVD). The City Code requires that in order to allow an additional five feet of height for the maximum building height of 55'-0", the first floor shall be at least 12' in height, as measured from base flood elevation plus maximum freeboard to the top of the second-floor slab.

In regard to the first-floor requirement, the ground level has a 15' clearance from the base flood elevation of 8'-0" N.G.V.D. to the underside of the second-floor slab and 17' from the retail/restaurant level at 7'-0" N.G.V.D. If the height was measured at base flood elevation, the applicant would meet the minimum 12' height requirement. However, since the code states that the height of the building shall be measured from base flood elevation plus freeboard (13'-0" N.G.V.D.), a variance is being requested to reduce the minimum interior height at the ground level by two feet, in order to provide Class A offices with 13' ceiling heights at each level above the garage.

Staff finds that the unique mix of uses within the proposal, in relation to a somewhat constrained site, constitute practical difficulties that justify the granting of this variance. Additionally, the approval of the variance will allow the continued use of the garage when roadways are elevated in the future. As such, staff recommends the Board approve variance request No. 2.

In summary, staff is supportive of Variance No. 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 also supportive of Variance No. 2, as it will allow the continued use of the garage when roadways are elevated in the future.

Staff had previously recommended denial of Variance No. 3 as a loading space can be provided in the second level parking garage. The applicant has withdrawn this variance request.

February 7, 2023 Update

The plans were modified in an attempt to address the concerns previously expressed by the Board, including a redesign of the balconies with a more typical balcony slab and glass handrail. The roof of the balconies at the uppermost floor was set back from the balcony below, and the railing for the roof deck was setback farther from the roof edge. Additionally, a green roof was incorporated into the project, as previously recommended by staff, and the previously requested loading zone variance was withdrawn.

April 4, 2023 update

The applicant has modified the design to address staff and Board concerns. The following is a summary of the proposed design changes:

- The northern façade, facing 20th Street, has been set back an additional 2'-0".
- The balconies facing 20th Street have been revised to step back multiple feet per floor, reducing the depth of the top floor by 9'.

- The glass balcony rail on Level 2 – Amenity Deck, has been setback beyond a landscape planter.
- The continuous eyebrow at the roof deck level facing 20th Street has been removed, minimizing the impact of the buildings massing on the main elevation and also visually separating the office and residential uses.
- The balcony profiles have been thinned out and detailed with a slab edge that slopes away from the ground.
- Landscape plantings have been incorporated into the design of the building by providing landscaped edges at the parking level and within the recesses of the building. The landscaped planters at the 2nd floor balcony and the roof level have been updated with taller shrubs that better complement the living green roof.
- The overall palate of the project has been lightened with softer toned metal panels and wood soffits at the ground levels.

Notwithstanding these modifications, staff would continue to recommend that the design of the residential portion of the project be further developed and differentiated from the office portion. The Board had previously requested that the applicant explore this concept, yet no design modifications have been made to distinguish between these two uses. At a minimum, the window glazing should be developed to include solid materials or panels for the bathrooms and closets, which currently have showers and toilets abutting the exterior glazed curtain wall.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved with conditions**, including **approval of Variances Nos. 1 & 2**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria, and Practical Difficulty and Hardship criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: April 4, 2023

PROPERTY/FOLIO: **1920 Alton Road 02-3233-022-0030**

FILE NO: DRB22-0873

IN RE: An application for Design Review Approval for the construction of a new a five-story mixed-use building including a height variance, a variance from the minimum height of the ground level, and a variance from the minimum required off-street loading spaces.

LEGAL: Lot 3, 4, and 5, Block 12-A, "Island View Addition", according to the map or plat thereof, as recorded in Plat Book 9, at Page 144, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Alton Office Holdings II, 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 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. The circulation zone shall include a minimum ten-foot wide "clear pedestrian path," free from obstructions, including, but not limited to, outdoor cafés, sidewalk cafés, handrails, and door swings. The clear pedestrian path shall be delineated by in-ground markers that are flush with the path, including differing pavement tones, differing pavement type, or by another method approved by the planning director.
- b. The parallel "transition areas" between the raised circulation zone and lower-level sidewalks, street crossings, intersections, and driveways shall be not contained steps, switchbacks ramps, or handrails.
- c. Where the landscape transition area is adjacent to on-street parking, access steps shall be provided between parking spaces so that each parking space has access to the circulation zone generally from either the front end or rear end of the vehicle. Steps shall be no wider than 36 inches, not included handrails.
- d. Street and pedestrian lighting fixtures shall be located within the landscape transition area.
- e. 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.
- f. The rooftop railing shall be aligned with the exterior glazing of the floor below, subject to the review and approval of staff.
- g. The design of the residential portion of the project shall be further developed and detailed and differentiated from the office portion. At a minimum, solid materials or solid panels shall be included in all bathrooms and closets, in a manner to be reviewed and approved by staff.
- h. The design of the west elevation shall be further designed and developed with a level of articulation/design detailing, 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 color and finish of the 'perforated 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.
- j. The final color and finish of the 'wood' soffits on the ground floor shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- k. 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.
 - l. The final design of the 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 and Mobility Department.
 - m. 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 shall be prepared by and bear the seal of a Landscape Architect licensed to practice in the State of Florida. The corresponding landscape plans shall be submitted to and approved by staff. At a minimum, landscape plans shall comply with the Chapter 46 Tree Preservation and Protection Ordinance and the Chapter 126 Landscape Requirements Ordinance of the City of Miami Beach Code and shall incorporate the following:
- a. A living green roof shall be required, as shown on the plans, in a manner to be reviewed and approved by staff.
 - b. Prior to the issuance of a building permit, the applicant shall submit a tree survey and tree disposition plan that includes the approved tree protection fencing detail for existing mature trees and palms to remain. Such plans shall be subject to the review and approval of staff. A tree work permit shall be obtained prior to the removal of any existing trees and palms according to the Chapter 46 Ordinance.
 - c. In addition to the tree survey and tree disposition plan, a Tree Resource Evaluation Report prepared by an ISA Certified Arborist shall be submitted for the subject property. Every effort shall be made to protect and preserve existing mature trees on site. Architectural and site design shall be developed in such a way to protect, preserve, and retain existing specimen trees in their current location.
 - d. In new construction projects, street trees are required within the public right of way. Street trees are in addition to the required lot trees according to the Chapter 126 Landscape Ordinance. All proposed street tree plantings shall be reviewed and approved by the Public Works Department and a right of way permit shall be obtained prior to any plantings in the right of way.

- e. Suspended paver systems such as Silva Cells or equal shall be installed where street trees are planted in right of way sidewalk and other hardscape areas in a manner to be reviewed and approved by staff. Suspended paver systems shall be clearly delineated in the landscape plans. Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.
- f. Root guards or barriers shall be installed to protect utilities and structures within close proximity of proposed tree plantings. The root guards shall be clearly delineated in the landscape plans and shall be reviewed and approved by staff.
- g. Irrigation systems shall be designed and installed corresponding to the water requirements of the proposed plantings and as required in the Chapter 126 Landscape Ordinance. The irrigation system shall be extended into the public right of way. A rain shut off device is required to be installed as part of the irrigation system.
- h. 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.
- i. 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.
- j. 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 55'-0" in order to construct a new mixed use building up to 58'-0" as measured from 13'-0' NGVD.
 2. A variance to reduce by 2'-0" the minimum required interior height of 12'-0" at the ground level in order to measure the maximum building height allowed of 55'-0" from based flood elevation plus minimum freeboard and provide an interior height of 10'-0" as measured from 13.0' 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, #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.

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 "1920 Alton Road", as designed by **Gensler Related**, dated 3/13/2023, 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 _____.

