

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.

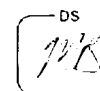
APPLICANT: Alton Office Holdings II, LLC

ORDER

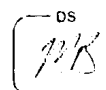
The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

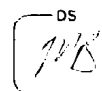
- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information 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 mechanical equipment shall be lowered in height and its foot print reduced, to the extent possible, subject to the review and approval of staff.
- g. The rooftop railing shall be aligned with the exterior glazing of the floor below, subject to the review and approval of staff.
- h. 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.
- i. 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.
- j. 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.

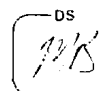


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- k. The final color and finish of the 'wood' soffits on the ground floor shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - l. The final design details 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.
 - m. 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.
 - n. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan 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. Artificial landscaping shall not be permitted anywhere on the site.
 - b. The landscape plans shall be modified to be reflective of the landscaping shown on the provided renderings and architectural plans, including all landscape planters, and shall include detailed sections with irrigation, subject to the review and approval of staff.
 - c. The width and depth of the planter around the mechanical equipment shall be sufficient to support a variety of landscaping, including varying heights, in a manner to be reviewed and approved by staff.
 - d. 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.
 - e. 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.

- f. 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.
- g. 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.
- h. 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.
- i. 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.
- 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.

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.

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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.

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- 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.

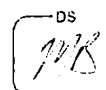
IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were 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 5/2/2023 | 12:08 PM EDT

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

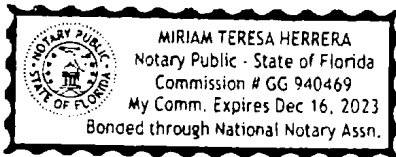
DocuSigned by:

Michael A. Belush

BY: DEC3ECF2EB68404
Michael Belush, AICP
Planning & Design Officer
For Chairman

STATE OF FLORIDA)
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COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 10 day of May 2023 by Michael Belush, Planning & Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Notary *Miriam Herrera*
Print Name Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-23
Commission Number: 66940469

{NOTARIAL SEAL}

Approved As To Form: Steven Rotstein (5/2/2023 | 11:29 AM EDT)
City Attorney's Office: E8854D966D7D409

Filed with the Clerk of the Design Review Board on: Jessica Gonzalez (5/8/2023 | 6:04 PM EDT)
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