

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 11, 2023

FROM: Thomas R. Mooney, AICP
Planning Director



for TRM

SUBJECT: **DRB22-0897**

1656-1680 Alton Rd & 1677 West Avenue (“Main Parcel”), 1698 Alton Road & 1681-1683 West Avenue (“North Parcel”), & 1245 Lincoln Road (“South Parcel”), & abutting portions of Alton Court

An application has been filed requesting Design Review Approval for the construction of a new 7-story mixed-use / office building on the “Main Parcel”, including one or more waivers, and a variance from the maximum allowed building height, and minimum height required for the ground floor clearance, to replace all existing structures on the “Main Parcel”, and the retention of the existing structures on the “North Parcel” and “South Parcel”.

Note: This application was approved on October 11, 2023, with the exception of the variance request for ground floor clearance.

RECOMMENDATION:

Approval.

LEGAL DESCRIPTION:

See Exhibit “A”

BACKGROUND

On July 28, 2021, the City Commission approved Ordinance No. 2021-4436, which created the Alton Road Office Development Overlay. This overlay provides building height incentives to encourage the development of office buildings on the west side of Alton Road, between 8th Street and 11th Street, and between 14th Street and 17th Street.

On July 20, 2022, the City Commission approved Resolution No. 2022-32250, authorizing the vacation of portions of the Alton Court Right-Of-Way, generally located between Lincoln Road and 17th Street. On July 26, 2023, the City Commission approved Ordinance No. 2023-4565, which provides exceptions to the requirements of the Alton Road Office Height Overlay for the area between Lincoln Road and 17th Street.

On September 26, 2023, the Planning Board approved a conditional use permit (CUP) for a proposed development exceeding 50,000 SF and including mechanical parking.

HISTORY:

The application was approved by the Design Review Board on October 11, 2023, with the exception of a variance request for the ground floor height, which was continued to a date certain of December 11, 2023, and separately advertised for the December 11, 2023 meeting.

SITE DATA:

Zoning: CD-2
 Future Land Use: CD-2
 Lot Size:
 Main Parcel 60,000 SF
 North Parcel 39,500 SF
 South Parcel 15,000 SF
 Alley Way 5,550 SF
 Total Lot SF 120,000 (2.75 acres)

Main Parcel

Proposed FAR: 152,172 SF
 Maximum FAR: 120,000 SF / 2.0
 *Includes FAR from Alley, South Parcel

Height:

Proposed: 78'-0" / 7-Story **
 Maximum: 75'-0"

Highest Projection: 94'-6" **
 ** as measured from BFE + 2' freeboard

Grade: +6.44' NGVD
 Base Flood Elevation: +8.00' NGVD
 Adjusted Grade: +7.22' NGVD
 Finished Floor Elevation: +22'-9 NGVD
 (BFE+ 14'-9")
 First Floor Clearance: 12'-0" measured from BFE +2*

Surrounding Properties:

East: One-story commercial buildings
 North: Five-story hotel
 South: Two-story commercial building
 West: 12-Story residential building

THE PROJECT:

The applicant has submitted plans entitled "The Alton", prepared by **Foster + Partners and Kobi Karp Architecture and Interior Design**, dated August 7, 2023, as well as an addendum, submitted on December 4, 2023.

The proposal involves several parcels containing existing buildings, a parking lot and portions of the recently vacated alley within the block on the west side of Alton Road between Lincoln Road and 17th Street (development site). The proposed building is located to the east of Alton Court and is proposed to replace multiple existing buildings that front Alton Road. There is also one lot on the west side of the development site fronting West Avenue that currently has a parking lot, which will be converted to driveway access to the new building. The other buildings within the development site will remain with no modifications.

A breakdown of the project's development plan is delineated hereto:

Proposed Use: Main Parcel:
 Retail: 11,770 SF
 Restaurant: 5,000 SF
 Office: 89,610 SF
 Residential: 11,826 SF

The following variance was approved by the Board on October 11, 2023

1. A variance to exceed by 3'-0" the maximum allowed building height of 75'-0" in order to construct a new mixed use building up to 78'-0" as measured from +8' NGVD.

The applicant is requesting the following additional variance:

2. A variance to decrease by two (2') feet the minimum clearance of the ground floor, as measured from the design flood elevation to the underside of the underside of the slab above, from 14 feet to 12 feet.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the requirements of the City Code, with the exception of the requested waivers and variances.

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.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **multi-family residential** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
- b. 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
- c. 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 a variance for the ground floor clearance.
- d. 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 2.5.3.2.
Satisfied
- e. 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

- f. 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 a variance from the ground floor clearance.

- g. 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

- h. 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

- i. 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.

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Satisfied

- k. 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

- l. 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

- m. 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

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

- o. 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).

Satisfied

- p. 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

- q. 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

- r. 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

- s. The structure and site complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

Not Satisfied; see below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations 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 4 of the Land Development Regulations.
Partial Satisfied; the landscape plans will be reviewed in detail at the time of building permit.
- (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.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

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

Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing a new 6-story mixed use building fronting Alton Road. The subject development site is located on the west side of Alton Road between 17th Street and Lincoln Road and consists of several parcels that contain existing commercial buildings, a parking lot, and portions of the recently vacated alley. The new building is sited on the “main parcel”, replacing existing one- and two-story retail buildings, and fronts Alton Road.

The project was reviewed and approved by the Board on October 11, 2023, except for a variance request for the ground floor height, which was continued to a date certain of December 11, 2023, and separately advertised for the December 11, 2023 meeting.

VARIANCE REVIEW

The applicant is requesting the following variance:

1. A variance to decrease by two (2') feet the minimum clearance of the ground floor, as measured from the design flood elevation to the underside of the underside of the slab above, from 14 feet to 12 feet.
 - Variance requested from:

Section 1.2.1 General Definitions.

Height of building means the vertical distance from the design flood elevation to the highest point of a roof, as defined below:

The highest point of a roof is as follows:

- a *The highest point of a flat roof;*
- b *The deck line of a mansard roof;*
- c *The average height between eaves and ridge for gable hip and gambrel roofs; or*
- d *The average height between high and low points for a shed roof.*

For new, nonresidential development, the height of the ground floor shall comply with the minimum height of nonresidential ground floors, as defined in this section.

Minimum height of nonresidential ground floor means the minimum elevation of the underside of the ceiling of the ground floor of a nonresidential use, which shall be located a minimum of 14 feet above the design flood elevation.

And from:

Section 7.1.2.2(g).ii. The nonresidential First Habitable Level shall have a minimum floor-to-ceiling height of 14 feet above DFE.

The applicant is proposing a mixed-use structure with commercial uses on the ground floor, parking on the second and third floors, residential units on the third level, and class A offices within the upper three floors. As part of the Resiliency Code, a minimum of 14 feet is required above the height of the design flood elevation or in this case, 8'-0" N.G.V.D. for non-residential uses on the ground floor. The applicant has designed the ground floor with a height of 12 feet above the design flood elevation of 8 feet NGVD.

The project has been in the design development stage for over a year. This was partly due to code changes that were spearheaded by the applicant to take advantage of the height afforded to projects incorporating residential units that do not allow short term rentals. When the application was first submitted to the Board the land development regulations required a minimum of 12 feet for the ground level for non-residential uses, as noted by the previous definition below:

Sec. 114-1. - Definitions.

Minimum height of nonresidential ground floor means the minimum elevation of the underside of the ceiling of the ground floor of a nonresidential use, which shall be located a minimum of 12 feet above the design flood elevation.

While the applicant is providing a clearance of 12 feet from an elevation of 8 feet NGVD, the actual first floor level is located at an elevation of 6'-3" NGVD, resulting in an overall ground floor height of approximately 16 feet (from top of ground floor slab to underside of slab above). For reference, the street level is located at an elevation of approximately 4'-9" NGVD and the alley is located at an elevation of approximately 3'-9" NGVD.

Staff believes that the ground floor height proposed provides sufficient clearance to adapt to future street raisings, by providing flexibility for an additional ~5 feet from the current street elevation to the proposed design flood elevation (DFE) of 10 feet NGVD, with a clearance of 12 feet from that DFE. Changes to the land development regulations after the application was submitted have resulted in a practical difficulty for the design of the project, and as such, staff recommends approval of the variance, as requested.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends that 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 criteria and Sea Level Rise criteria, and practical difficulty and hardship criteria.

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“Exhibit A”

Legal Description per Survey

Main Parcel

FOLIO: 02-3234-017-0160

LOTS 2 AND 3, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0170

LOTS 4 AND 5, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0180

LOT 6, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0050

LOT 15, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0190

LOTS 7 AND 8, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

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North Parcel

FOLIO: 02-3233-017-0040

LOT 14, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0030

LOTS 12 AND 13, AND THE 20 FEET OF ALLEY LYG. & E ADJ. CLOSED PER RES #2016-26489, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0200

LOTS 9 AND 10, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

South Parcel

FOLIO: 02-3233-017-0100

LOTS 20 AND 21, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 11, 2023; December 11, 2023

PROPERTY: **1656-1680 Alton Rd & 1677 West Avenue (“Main Parcel”), 1698 Alton Road & 1681-1683 West Avenue (“North Parcel”), & 1245 Lincoln Road (“South Parcel”), & abutting portions of Alton Court**

FILE NO: DRB22-0897

IN RE: An application for Design Review Approval for the construction of a new 6-story mixed-use / office building on the “Main Parcel”, including one or more waivers, and a variance from the maximum allowed building height, and minimum height required for the ground floor clearance, to replace all existing structures on the “Main Parcel”, and the retention of the existing structures on the “North Parcel” and “South Parcel”.

LEGAL: See Exhibit “A”

APPLICANT: BH The Alton 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 2.1.3.1 of the Land Development Regulations. 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 not consistent with Design Review Criteria i in Section 2.5.3.1 of the Land Development Regulations.
- 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 and 4 in Section 7.1.2.4(a)(i) of the Land Development Regulations

- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings for the proposed mixed-use building shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The plans shall be further detailed to show compliance with the Resilience and Adaptation Standards as outlined in Section 7.1.2.2, subject to the review and approval of staff.
 - b. The project shall comply with the requirements of the Alton Road Office Development Overlay, Section 7.2.11.10, in a manner to be reviewed and approved by staff.
 - c. The design of the landscape planters and terraces on all elevations shall be fully detailed and developed, in a manner to be reviewed and approved by staff.
 - d. The garage level shall be fully screened from the exterior, in a manner to be reviewed and approved by staff.
 - e. The design for the portion of the north elevation that is visible above the height of the existing mixed-use building located at the intersection of 17th Street and Alton Road, shall be further developed and detailed, in a manner to be reviewed and approved by staff.
 - f. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, as well as on the roof deck, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - h. Consistent with the plans presented, all rooftop lighting shall consist of a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - i. The final design details and pattern of the hardscape and exterior walkways 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. Final details of all proposed storefront systems and associated details shall be provided for all ground floor elevations on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - k. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
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 the Board. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. All existing overhead utility lines abutting the alley shall be relocated underground and all utility poles shall be removed.
 - b. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - c. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - d. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2” or greater shall be approved by the City Urban Forester prior to any tree work.
 - e. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
 - f. The proposed and existing trees located within the right of way shall be subject to the review and approval of Green Space and CIP.
 - g. 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.

- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- j. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

II. Variance(s) and Waiver(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 75'-0" in order to construct a new mixed use building up to 78'-0" in height. (Variance approved on 10/11/2023).

2. A variance to decrease by two (2') feet the minimum clearance of the ground floor, as measured from the design flood elevation to the underside of the underside of the slab above, from 14 feet to 12 feet. (Variance approved on 12/11/2023).
- 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.

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.

- D. 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.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of

certiorari.

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

- A. As a condition of the variance approved herein, the property owner shall voluntarily elect, at the owner’s sole discretion, to execute a restrictive covenant running with the land, in a form approved by the planning director and city attorney affirming that, in perpetuity, no portion of the proposed new building on the property shall be leased or rented for a period of less than six months and one day.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant Section 7.1.3.2 of the Land Development Regulations. This fee is set as a percentage of the cost of construction.
- D. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- E. 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.
- F. All allowable construction signage shall be in accordance with Section 6.3.2 of the Land Development Regulations.
- G. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- H. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- I. The contractor(s) shall ensure that the street and the alley directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and alley areas before leaving at the end of each day.

- J. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- K. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- L. 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.
- M. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- N. 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.
- O. 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.
- P. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- Q. 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 "The Alton", prepared by **Foster + Partners and Kobi Karp Architecture and Interior Design**, dated August 7, 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

1656-1680 Alton Rd & 1677 West Avenue (“Main Parcel”), 1698 Alton Road & 1681-1683 West Avenue (“North Parcel”), & 1245 Lincoln Road (“South Parcel”), & abutting portions of Alton Court December 11, 2023

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 (**October 11, 2023**), 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, 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.

{NOTARIAL SEAL}

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

Approved As To Form:
City Attorney’s Office: _____ ()

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

“Exhibit A”

Legal Description per Survey

Main Parcel

FOLIO: 02-3234-017-0160

LOTS 2 AND 3, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0170

LOTS 4 AND 5, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0180

LOT 6, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0050

LOT 15, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0190

LOTS 7 AND 8, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

North Parcel

FOLIO: 02-3233-017-0040

LOT 14, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0030

LOTS 12 AND 13, AND THE 20 FEET OF ALLEY LYG. & E ADJ. CLOSED PER RES #2016-26489, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0200

LOTS 9 AND 10, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

South Parcel

FOLIO: 02-3233-017-0100

LOTS 20 AND 21, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,