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VIA ELECTRONIC SUBMITTAL

April 7, 2024

Rogelio A. Madan, AICP, Development & Resiliency Officer
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33131

Re: DRB24-1015 - Design Review for New One-story Bank and Temporary Parking Area

Dear Mr. Madan:

This law firm represents Santa Elena Holdings, LLC (the "Applicant"), owner of the property located at 1801 Alton Road (the "Property") in the City of Miami Beach (the "City"). Please allow this letter to serve as the Applicant's letter of intent in support of an application for design review including variances for parking lot standards and waiver of the long frontage standards (the "Application"). The Applicant's goal is to downsize the existing commercial use in order reimagine the irregular lot for future development.

Description of Property. The Property is located at the northeast corner of the prominent intersection of Alton Road and Dade Boulevard. The irregular shaped lot has access from 19th Street and Alton Road, and an existing bank drive-thru exit onto Dade Boulevard. The Miami-Dade County Property Appraiser's Office identifies the Property with tax Folio No. 02-3233-012-0090. See Exhibit A, Property Appraiser Summary Report.

The Property is within the CD-1, Commercial Low Intensity Zoning District. According to the Miami Beach

Historic Properties GIS Database, the Property is not located in a local historic district and the existing structure has no significant historical characteristics. The immediate surrounding area is a mix of multi-story retail and commercial uses. To the west of the Property is a four-story retail building, with a bank on the ground floor and structured parking. North and east of the Property are large convenience and grocery stores with surface parking. The Property is one of the remaining opportunities to provide urban infill, high quality development at this intersection.

Existing Structure. The Property is currently improved with a two-story concrete structure built in 1982. The structure is approximately 22,071 square feet of floor area, and there are fifty-five (55) surface parking spaces. The original intended use was a bank and offices, which has not changed in almost forty (40) years. See Exhibit B, Building Card. There have been internal renovations and improvements, and new signage for change of tenants.

On August 3, 2021, the Design Review Board approved redevelopment of the Property with adaptive reconfiguration of the existing office building, additional height and structured parking. See Exhibit C, DRB20-0553 Recorded Order. The anticipated project was not technically feasible, and the Applicant was not able to proceed.

Proposed Development. The Applicant is now reconsidering the opportunities to provide future urban infill for retail, commercial, or residential uses at this intersection. The Applicant's goal is to the demolish the existing retail and office uses and introduce a stunning, modern design to this prominent intersection with beautiful architectural details, materials, and landscaping. The development includes demolishing the existing structure and minimizing the footprint of the new building to a one-story and 5,000 square feet (the "Project"). The Project cost estimate is approximately $1 million. This will leave capacity on the site for the eventual development of an even more attractive project in the future, while maintaining the existing lease with the Applicant's bank tenant. The at-grade parking areas are shielded on all sides, except the area for ingress and egress, by an abundance of new trees and shrubbery. The existing surface parking spaces will remain with fifty-five (55), while the new temporary surface lot will add an additional twelve (12), bringing the total available parking spaces to sixty-seven (67) spaces.

The Project substantially complies with the CD-1 land development regulations for permitted height and FAR. This is an ideal location for redevelopment, as it will pose a positive impact on the surrounding neighborhood. The design enhances the pedestrian experience on Alton Road and Dade Boulevard, and provides a variety of shade trees. The color palette and materials provide iconic Miami Beach style and utility. It will benefit the

community by serving as a catalyst project to revitalize an iconic intersection and furthers the efforts to improve the streetscape. These improvements are essential to the viability of the building, the existing tenant, and the much-needed retail improvements at the intersection of two major thoroughfares in the City.

The modern design is sensitive to sea level rise and heat island effects, with cool tones, natural shading with eyebrows and landscaping. The proposed design includes extruding fins, that separate the storefront glazing windows from metal screen that decorates the top third of the structure. The proposed design eliminates some of the existing unnecessary internal spaces to maximize the efficiency of the leasable area and beautify the pedestrians' experience.

The addition of the temporary parking lot on this irregular shaped lot ensures that the tenants and guests have sufficient parking available and all loading can occur within the site. Ingress will remain the same, and the egress onto Dade Boulevard will be reduced in width and converted to a two-way driveway. This configuration ensures a minimum impact on the abutting neighboring uses.

Waiver of Long Frontage Standards. Section 7.1.2.2.f.2. of the Resiliency Code includes additional regulations for new construction with nonresidential uses on the ground floor on frontages with a width greater than 150 feet ("Long Frontage Standards"). While the Property is considered a Long Frontage, the site is extremely irregular in shape. Therefore, it is not possible to comply with all of the new Long Frontage.

The Applicant is taking as many measures as possible to ensure the new construction is above base floor elevation and the future sidewalk and crown of road can be properly harmonized. Alton Road and Dade Boulevard are major corridors with existing greenspaces between the vehicles, sidewalks, and storefronts. The Project maintains the existing character and ensures the reconstruction and new construction comply with the necessary minimum design flood elevation. The Applicant is proposing to increase sidewalk widths and provide the circulation zone as depicted on the Long Frontage Standards Table. Therefore, the Applicant is seeking a waiver of the Long Frontage Standards in the event that it is not possible to improve the FDOT rights of way as the Project anticipates in order to comply with the Long Frontage Standards.

Variance Requests. In order for the new construction to be compatible and maintain capacity for future development, the Project requires slight variances applicable to the treatment of the existing parking areas. Pursuant to Section 5.3.2. of the Resiliency Code, when parking is located outdoors, the parking length must be sixteen (16) feet with

two (2) feet of pervious area overhang, in place of wheel stops and defined by continuous concrete curb, for a total length of eighteen (18) feet. In this case, the existing parking spaces have concrete wheel stops and do not provide the two (2) feet of pervious area overhang ("Variance 1"). Therefore, a variance of Section 5.3.2. is necessary to maintain the existing parking areas.

Sections 5.3.12 and 4.2.9. of the Resiliency Code contain design and landscape requirements applicable to the temporary parking areas. A Variance of Section 5.3.12.d. is necessary to maintain the existing asphalt hardscape when temporary parking areas must consist of pavers set in sand, grass pavers, or similar semi-pervious material ("Variance 2"). Additionally, a Variance of Section 4.2.9.a.1 of the Resiliency Code is necessary to maintain the existing landscape borders around the parking areas when, at a minimum, the plan must include a five (5) foot wide landscaped area bordering the surface area along a property line, street, alley or sidewalk ("Variance 3"). The Project includes dense landscaping, with shade trees and shrubs, lining the parking areas. The proposed landscaping will do the most possible to adequately screen the parking area, consistent with Section 7.1.6.2 of the Resiliency Code.

Hardship Criteria. The Variances requested satisfy the hardship criteria pursuant to Section 2.8.3.a. of the Code, as follows:

1. **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;**

There are special conditions and circumstances that exist which are peculiar to the land and are not applicable to other land or buildings in the same zoning district. The Property is an existing, extremely irregular lot. The Variances all relate to the existing parking areas. The Applicant maintaining the existing circulation ensures a minimum impact on the abutting neighboring uses.

2. **The special conditions and circumstances do not result from the action of the applicant;**

The special circumstances, in this case, do not result from the actions of the Applicant. The Applicant is proposing adequate landscaping to buffer and minimize any impact to the existing and proposed surface parking.

3. **Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

The Code allows other similarly situated property owners to seek similar Variances to accommodate sensitive development for irregular lots. The Applicant is not gaining any additional massing as a result of these Variance and the design will enhance the existing pedestrian experience. There are no special privileges conferred to the Applicant, but rather necessary deviations of the strict Code to make viable use of the Property, prior to a future urban infill development with additional office, retail, or residential. The Code permits other similarly situated property owners to make similar requests to accommodate designs that contribute to the context of the neighborhood. Therefore, granting of the Variance in this case will not confer any special privilege on the Applicant.

4. **Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the provisions of the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. The Applicant's goal is to keep the existing tenant and make way for a future project. The existing and proposed parking area will be beautifully landscaped, well-lit, and have sufficient maneuverability. There is not adequate area to provide an a full five (5) foot wide landscape border around all the existing parking areas. Also, it would be extremely difficult and harmful to the surrounding area to change the Property's existing hardscape. Many of the properties on Alton Road and Dade Boulevard have asphalt parking lots and do not have lush landscaping. This site will be an oasis for pedestrians. Strict compliance with the land development regulations would be an unnecessary and undue hardship on the Applicant.

5. **The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure**

The Variances relate to the same special conditions that prevents strict compliance with the Code. The Property is an extremely irregular lot with existing vehicular accesses on three (3) different abutting roadways. The existing parking design, hardscape, and landscaped areas maintain the existing character of the commercial area and high-traffic

rights of way. Therefore, the Variances are the minimum variation of the Code that will make possible the reasonable use of the Property, with new one-story commercial building and surface parking.

6. **The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and**

Granting of the Variances will be in harmony with the general intent and purpose of these land development regulations. The proposed modifications to the Property allow for a one-story commercial structure and limited space for future development. The design includes a lush landscape plan that will drastically improve the current conditions.

7. **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 planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.**

The purpose of the low intensity commercial district is to allow a retail sales, personal services, shopping district, that are designed to provide service to surrounding residential neighborhoods. The Application is consistent with this purpose as it will maintain the existing bank tenant's operations, with ample parking and lush landscaping. Infill along the two major corridors in the CD-1 will minimize any potential impact on any residential areas.

Practical Difficulty. The innovative design does the most possible to keep the existing tenant within a beautiful, resilient new one-story building, provide sufficient parking, keep the existing traffic pattern, and provide dense landscaping where possible. There are multiple practical difficulties that must be addressed in order to make practical use of the Property. The Property is extremely irregular in shape and has vehicular access on three (3) different roads. It is difficult to provide sufficient maneuverability, parking, and the additional required landscape buffers within these characteristics. With the space available, the Applicant is providing dense landscaping. The Applicant's goal is to maintain sufficient room for a future project that will further enhance this mixed-use, commercial area.

Sea Level Rise and Resiliency Criteria. The Project advances the sea level rise and resiliency criteria in Section 7.1.2.4 of the Code, as follows:

1. A recycling or salvage plan for partial or total demolition shall be provided.

A recycling and salvage plan for any proposed demolition will be provided at permitting.

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Hurricane proof impact windows will be provided.

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

The Applicant will provide, where feasible, passive cooling systems.

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

New landscaping provided will be Florida-friendly and resilient.

5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

Sea level rise projections are being considered. The Project includes a concrete base along the ground floor, a raised sidewalk, and an increased first floor ceiling height to ensure the Project can adapt as the abutting roads are raised.

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.

All of the new construction anticipates raising of the public rights of way and adjacent lands. The ground level of the new addition will be at base flood elevation plus one (1) foot, and the improvements includes a sloped sidewalk along Alton Road.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

The existing ground floor areas will be elevated to BFE plus one (1) foot.

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.

Wet or dry flood proofing systems will be provided where habitable space is located below base flood elevation.

10. Where feasible and appropriate, water retention systems shall be provided.

Water retention systems and areas will be provided.

11. Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement materials and/or porous pavement materials will be utilized.

12. The design of each project shall minimize the potential for heat island effects on-site.

The Applicant proposes a green roof and additional landscaping around the perimeter of the site to minimize potential for heat island effects on-site.

Conclusion. Granting of this design review Application, with associated Waiver and Variances, is in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations and will enhance the function and aesthetic of this major intersection. Approval will also make room on the Property for a beautiful new urban infill development in the future.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this Application. If you have any questions or comments with regard to the Application or this letter, please contact me at (305) 377-6238.

Sincerely,



Michael J. Marrero

CC: Emily K. Balter, Esq.
Peter Shoemaker, Esq.

Exhibit A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 03/17/2024

PROPERTY INFORMATION

Folio	02-3233-012-0090
Property Address	1801 ALTON RD MIAMI BEACH, FL 33139-1504
Owner	SANTA ELENA HOLDINGS LLC
Mailing Address	1415 20 ST #406 MIAMI BEACH, FL 33139
Primary Zone	6100 COMMERCIAL - NEIGHBORHOOD
Primary Land Use	1813 OFFICE BUILDING - MULTISTORY : OFFICE BUILDING
Beds / Baths /Half	0 / 0 / 0
Floors	2
Living Units	0
Actual Area	
Living Area	
Adjusted Area	25,030 Sq.Ft
Lot Size	47,312 Sq.Ft
Year Built	1982



ASSESSMENT INFORMATION

Year	2023	2022	2021
Land Value	$11,828,000	$10,408,640	$9,935,520
Building Value	$10,000	$10,000	$10,000
Extra Feature Value	$0	$0	$0
Market Value	$11,838,000	$10,418,640	$9,945,520
Assessed Value	$11,460,504	$10,418,640	$9,945,520

BENEFITS INFORMATION

Benefit	Type	2023	2022	2021
Non-Homestead Cap	Assessment Reduction	$377,496		

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION

ISLAND VIEW SUB PB 6-115
E50FT OF LOT 6 & LOT 10 LESS
N2.8FT & ALL LOT 11 BLK 11
LOT SIZE IRREGULAR
OR 14848-576 1290 1

TAXABLE VALUE INFORMATION

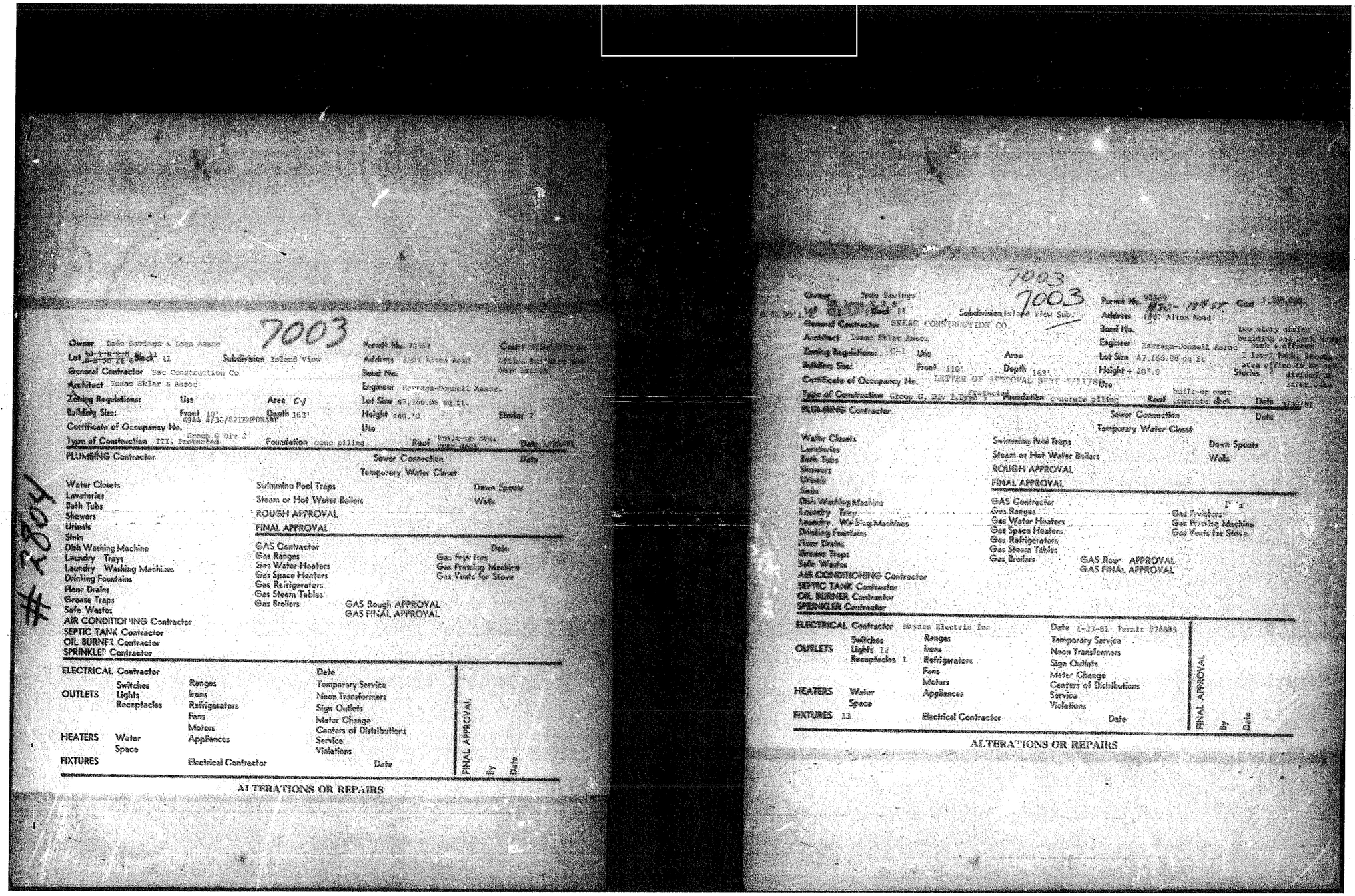
Year	2023	2022	2021
COUNTY			
Exemption Value	$0	$0	$0
Taxable Value	$11,460,504	$10,418,640	$9,945,520
SCHOOL BOARD			
Exemption Value	$0	$0	$0
Taxable Value	$11,838,000	$10,418,640	$9,945,520
CITY			
Exemption Value	$0	$0	$0
Taxable Value	$11,460,504	$10,418,640	$9,945,520
REGIONAL			
Exemption Value	$0	$0	$0
Taxable Value	$11,460,504	$10,418,640	$9,945,520

SALES INFORMATION

Previous Sale	Price	OR Book-Page	Qualification Description
09/29/2014	$8,000,000	29336-2422	Qual by exam of deed
07/21/2010	$4,000,000	27372-2563	Corrective, tax or QCD; min consideration
09/25/2008	$100	27372-2550	Other disqualified
09/25/2008	$0	26972-1773	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

Exhibit B



7003

Owner Dade Savings & Loan Assoc
Lot 32-1-11-2-8 & 11 Block 12 Subdivision Island View
General Contractor Sac Construction Co
Architect Isaac Sklar & Assoc
Zoning Regulations: Use Area C-1
Building Size: Front 10' Depth 163'
Certificate of Occupancy No. 4944 4/30/82TEMPORARY
Type of Construction III, Protected Foundation conc piling Roof built-up over conc deck Date Approved
PLUMBING Contractor Sewer Connection Date
Temporary Water Closet

Permit No. 70592 Cost $160,000.00
Address 1501 Alton Road
Bond No.
Engineer Zavaras-Donnell Assoc.
Lot Size 47,166.08 sq.Ft.
Height +40.'0 Stories 2
Use

Water Closets		Swimming Pool Traps	Down Spouts
Lavatories		Steam or Hot Water Boilers	Walls
Bath Tubs		ROUGH APPROVAL	
Showers		FINAL APPROVAL	
Urinals			
Sinks		GAS Contractor	Date
Dish Washing Machine		Gas Ranges	Gas Fryers
Laundry Trays		Gas Water Heaters	Gas Pressing Machine
Laundry Washing Machines		Gas Space Heaters	Gas Vents for Stove
Drinking Fountains		Gas Refrigerators	
Floor Drains		Gas Steam Tables	
Grease Traps		Gas Broilers	GAS Rough APPROVAL
Safe Wastes			GAS FINAL APPROVAL
AIR CONDITIONING Contractor			
SEPTIC TANK Contractor			
OIL BURNER Contractor			
SPRINKLER Contractor			

#7003

ELECTRICAL Contractor Date

OUTLETS	Switches	Ranges	Temporary Service
	Lights	Irons	Neon Transformers
	Receptacles	Refrigerators	Sign Outlets
		Fans	Meter Change
		Motors	Centers of Distributions
HEATERS	Water	Appliances	Service
	Space		Violations
FIXTURES		Electrical Contractor	Date

FINAL APPROVAL By Date

ALTERATIONS OR REPAIRS

7003

Owner Dade Savings
Lot 32-1-11-2-8 & 11 Block 12 Subdivision Island View Sub.
General Contractor SKLAR CONSTRUCTION CO.
Architect Isaac Sklar Assoc
Zoning Regulations: C-1 Use Area
Building Size: Front 110' Depth 163'
Certificate of Occupancy No. LETTER OF APPROVAL SENT 7/11/80
Type of Construction Group G, Div 2,Type Foundation concrete piling Roof built-up over concrete deck Date Approved
PLUMBING Contractor Sewer Connection Date
Temporary Water Closet

Permit No. 80101 Cost $ 1,200,000.
Address 1501 Alton Road
Bond No.
Engineer Zavaras-Donnell Assoc
Lot Size 47,166.08 sq ft
Height + 40'.0 Stories 4
Use two story atrium building and four story office tower

Water Closets		Swimming Pool Traps	Down Spouts
Lavatories		Steam or Hot Water Boilers	Walls
Bath Tubs		ROUGH APPROVAL	
Showers		FINAL APPROVAL	
Urinals			
Sinks		GAS Contractor	
Dish Washing Machine		Gas Ranges	Gas Fryers
Laundry Trays		Gas Water Heaters	Gas Pressing Machine
Laundry Washing Machines		Gas Space Heaters	Gas Vents for Stove
Drinking Fountains		Gas Refrigerators	
Floor Drains		Gas Steam Tables	
Grease Traps		Gas Broilers	GAS Rough APPROVAL
Safe Wastes			GAS FINAL APPROVAL
AIR CONDITIONING Contractor			
SEPTIC TANK Contractor			
OIL BURNER Contractor			
SPRINKLER Contractor			

ELECTRICAL Contractor Haynes Electric Inc Date 1-23-81 Permit #76885

OUTLETS	Switches	Ranges	Temporary Service
	Lights 12	Irons	Neon Transformers
	Receptacles 1	Refrigerators	Sign Outlets
		Fans	Meter Change
		Motors	Centers of Distributions
HEATERS	Water	Appliances	Service
	Space		Violations
FIXTURES	13	Electrical Contractor	Date

FINAL APPROVAL By Date

ALTERATIONS OR REPAIRS

Building Permits:

#17429-Sklar Construction-Temporary Pre Fab building for Bank office and temporary parking area-$30,000-1-28-80

17770 Williams Paving Co. TEMPORARY Parking Lot, replace sidewalk & gutter $7675. 2-12-80

#18149 - One Sign Shop 3 Dade Savings elevations non illuminated wall signs 90 s.f. 30'. 3/25/80

#04516 Bayamo Air Condition 5 a/c conditions units 1-28-80
#19250 The Sign Shop/erect signs/$4,500/11-12-80

#M0-5292--Miami Elevator Co.--1 Elevator--"7/81

#21317 12/8/81 Morton Roof Corp reroof 200 squares $28,000.

#M05621 2/1/82 Sun Gold Inc - 750 gallon oil interceptor
#21514 1/18/82 Lavender Glass Corp (SAC Const) glass & windows as per plans only $80,000.
#22620 - Electromedia - Sign construction - 54.54 sq.ft. 8/13/82 ("A" SIGN)
#22620 - Electromedia - Sign construction - 54.54 sq.ft. 8/13/82 ("B" SIGN)
#22620 - Electromedia - Sign construction - 54.54 sq. ft. 8/13/82 ("C" SIGN)
#22620 - Electromedia - Sign construction - 24.00 sq. ft. 8/13/82 ("D" SIGN)

#.2796 9/16/82 Electromedia - erect 5 'D & D' EPPM1 20 ft. designated directional signs $850
#24692 11/10/83 - Warren Fence Co - erect 5' high chain link fence 134 l.f. Zoned C-1 $367
#25935 9/20/84 Acolite Sign Co - change of copy only (4 signs as previous approved City Comm 1982) $1,500.
#M06981 9/28/84 R. Palacios & Co - 2 R.T. 25 T air cond wind central heat, air cond central, mech ventilation, duct work 42S, 6T, 3R, 3 fan coil units to exist CN.S. computer A/C
#26156 12/13/84 J.M. Montgomery Roof - furnish labor and materials to float 2 new air cond curbs and 1 curb mech vent into the exist roofing $582.
#26247 11/29/84 Aida Bao Caffigna telephone room $2,000.
#M07087 12/17/84 Southern Atlantic Serv - 1-2 ton air cond central
#**891381 9/18/84 Aida Bao Garciga - interior partitions 2nd fl. $50,000.
#M07266 4/16/85 R. Palacios & Co - 1½ ton air cond central tel rm
#27166 7/18/85 J.M. Montgomery Roof - reroof 4 sqs $381.

Plumbing Permits:

7003

#P2281 Right Way Plumbing 1 water servi e, 1 sewer conn. 2-20-80

#P5434 7/28/81 Gallett Plumb - 3 rgh, 3 set drinking fountain, 5 rgh, 5 set floor drain, 12 rgh, 12 set lavatory, 2 rgh, 2 set sink slop, 3 rgh, 3 set urinal, 11 rgh, 11 set water closet, 3 heater, new installation, 5 hose bibbs, 1-750 gallon tank, 8 roof inlet

#61796 10/5/84 Guys Plumb - 1 rgh, 1 set sink svs.

Electrical Permits:

76171 Gamma Electric - 4 temp. service 2-20-80
1/15/81 - 077119 - Summit Elect Corp - 1service temp
#77521 10/19/81 Summit Elect Corp - 25 switch outlets, 100 light outlets, 60 receptacles, 1200 service size in amps 2 water heater, 1 motor-01 hp, 1 motor -508 hp, 75 ton air cond. 1-10 kva transformers, 5 special purpose 6 outlets commercial, 292 fixtures lamps, 4 fixed. HP fans

#77537 10/26/81 Summit elect Corp - 100 light outlets

#78190 2/8/84 Manny's Electric - pay phone
#79715 9/20/84 Acolite Sign Co - 1 sign tubes, 1 sign transformer
#79738 10/1/84 Wilson Elect - 20 switch, 70 light outlets & 60 recept
#79906 12/17/84 Wilson Elect - 5 switch. 45 light outlets, 20 recept, 4 appliance outlets, 45 fixtures, 1-60 amp panel & feeder
#79935 11/5/84 Wilson Elect - 2 motor. 0-1 hp. 2 duct, 15 kw heater

DocuSign Envelope ID: A5BA25E5-CE6E-43CA-82C4-80760FB42790

Exhibit C

CFN: 20210647045 BOOK 32712 PAGE 1997
DATE:08/31/2021 07:31:20 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: August 3, 2021

PROPERTY/FOLIO: **1801 Alton Road** **02-3233-012-0090**

FILE NO: DRB20-0553

IN RE: An application for Design Review Approval for the reconfiguration and storefront addition to an existing office building, including one or more waivers.

LEGAL: The East 50 feet of lot 6, Lot 10 LESS the North 2.8 feet thereof, and all of Lot 11, Block 11, of THE ALTON BEACH REALTY COMPANY'S PLAT OF ISLAND VIEW SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 115. of the Public Records of Miami-Dade County, Florida , LESS those lands conveyed lo the City of Miami Beach by Deeds recorded in Deed Book 1343, Page 69 and Deed Book 1343, Page 74, of the Public Records of Miami-Dade County, Florida.

APPLICANTS: Santa Elena Holdings 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 2, 3, 4, 5, 6, 7, 8, 9, 12 and 19 in Section 118-251 of the Miami Beach Code.

C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 10 and 11 in Section 133-50(a) of the Miami Beach Code.

D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the reconfigured office building at 1801 Alton Road shall be submitted, at a minimum, such drawings shall incorporate the following:

CFN: 20210647045 BOOK 32712 PAGE 1998

DocuSign Envelope ID: A5BA25E5-CE6E-43CA-82C4-80760FB42790

a. The additional 5'-0" height waiver **shall be** approved as proposed.

b. The proposed URBAN HEAT ISLAND ORDINANCE Sec. 130-69. - Commercial and noncommercial parking lots. 3) Open- air parking lots, open to the sky, shall be constructed with (i) a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or ii) porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.

c. The accessible roof deck of the three-story structure shall not exceed 50% of the area of the floor below.

d. The three-story glass reveal where the existing building from the new building meet shall be approved as proposed.

e. The final design and siting of the concrete arches at the "urban garden" 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.

f. The final color and finish of the 'cast in place architectural concrete" 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. The final details, color and finish of the "perforated metal screen" shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

h. The final details, color and finish of the "architectural fin" 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.

i. The proposed "low E clear insulated glazing" shall not be reflective and its final color and details 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 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.

k. If there is some obstruction from sight visibility in the proposed driveways, the use of convex mirrors is required. The applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the design and proximity of the driveway to the right-of-way.

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l. The proposed curb cut on Dade Boulevard shall be reduced in width as indicated on the plans, in a manner to be reviewed and approved by staff.

m. The transition of sidewalk shall not include railings and shall instead include a landscape transition, in a manner to be reviewed and approved by staff.

n. The transition of the sidewalk within the right-of-way is subject to approval from Florida Department of Transportation (FDOT). If FDOT does not approve the transition, the design shall be modified to transitions within private property, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

o. 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.

p. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:

a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.

b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.

c. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed construction, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree

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performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.

d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.

e. All stormwater runoff shall be retained within private property and the any proposed on-site stormwater system must hold a 10-year, 24-hour rainfall event with an intensity of 8.75 inches of rainfall.

f. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.

g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.

k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

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

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Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

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

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

A. 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.

B. 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.

C. 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.

D. 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.

E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

F. 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.

G. 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.

H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

I. 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.

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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 "Commercial Addition to an Existing Commercial Building", as designed by **Gonzalez Architecture,** signed, sealed, and dated June 7, 2021, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated 8/23/2021 | 3:31 PM EDT.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

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

The foregoing instrument was acknowledged before me this 23rd day of August 2021 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.

LYDIA F. SACHER
MY COMMISSION # GG 956968
EXPIRES: February 10, 2024
Bonded Thru Notary Public Underwriters

Notary: _____
Print Name Lydia F. Sacher
Notary Public, State of Florida
My Commission Expires: February 10, 2024
Commission Number: GG 956968

{NOTARIAL SEAL]

Approved As To Form:
City Attorney's Office: _____ (8/23/2021 | 3:18 PM EDT)
DocuSigned by:
8D8C588CCAB8460

Filed with the Clerk
of the Design Review Board: _____ (8/24/21)