

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 3, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23214
1698 Alton Road and 1681-1683 West Avenue

The applicant, 1681 Ventures LLC, is requesting Design Review Approval for the construction of a five-story mixed use building, including variances to reduce the required pedestal and tower front, rear, side and sum of the side setbacks and to exceed the maximum building height. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

The project includes a parking garage and construction to be located above the adjacent alley, pursuant to Section 118, Article IV, Section 142, Article II of the City Code.

RECOMMENDATION:

Continue to June 7, 2016

LEGAL DESCRIPTION:

See Exhibit "A"

SITE DATA:

Zoning: CD-2
Future Land Use: CD
Lot Size: 39,404 SF (includes 2,000 SF of alley)
Existing FAR: 2,121 SF
Proposed FAR: 78,806 SF (2.0)*As represented by the applicant
Permitted FAR: 78,808 SF (2.0)
Height:
Proposed: **63'-0" (68.0' NGVD) / 5-Story**
***Variance required**
Maximum: 60'-0" / 5 stories
Highest Projection: 75'-0" (80.0' NGVD)
Proposed Uses:
 Retail/Service: 26,021 SF
 Residential Units: 35
Parking spaces provided: 204 spaces
Parking spaces required: 174 spaces
Loading spaces required: 3
Grade: +3.31' to 5.26' NGVD
Base Flood Elevation (BFE): +8.00' NGVD
Difference: Varies 4.69' to 2.74' NGVD
Adjusted Grade: Varies
First Floor Elevation: Varies +5.00' to +5.87' NGVD

SURROUNDING PROPERTIES:

East: One-story retail
North: Five-story residential building / hotel conversion
Five-story hotel building
South: Two-story retail building
City surface parking lot
West: Fourteen-story residential building

EXISTING STRUCTURE:

1698 Alton Road: (±2,121 SF)
Year Constructed: 1965
Architect: Jerome Filer
Use: Gasoline service station

THE PROJECT:

The applicant has submitted plans entitled "Mixed-Use Development on 17th and West Avenue", as prepared by **Touzet Studio**, signed, sealed and dated March 14, 2016.

The mixed-use project is proposed to span over a portion of the Alton Court alley. The required alley vacation and sale of air rights still requires approval by the City Commission, and is currently pending before the Land Use Committee and Finance Committee.

Further, in accordance with section 142-303 of the City Code, new construction of structures 50,000 square feet and over in the CD-2 zoning district must receive a Conditional Use approval from the Planning Board, whose review shall be the first step in the approval process prior to the review of the Design Review Board. The item was reviewed by the Planning Board on April 19, 2016 Planning Board meeting (PB File No. 2284) and was continued to a date certain of May 24, 2016.

The applicant is requesting the following variance(s):

1. A variance to reduce the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with residential uses at the front property line, setback 0', facing Alton Road.
2. A variance(s) to reduce the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with residential uses at the front property line, setback 0', facing West Avenue.
 - Variance(s) requested from:

Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

Pedestal and tower (non-oceanfront), Front: 0'. Residential uses shall follow the RM setbacks. (See sections 142-156, 142-218 and 142-247.)

Sec. 142-156, 142-218, 142-247. - Setback requirements.

The setback requirements for the RM residential multifamily districts are as follows:
Pedestal Front: 20'-0"

The mixed-use development proposes commercial uses at the ground level with two floors of parking located above and two floors of residential uses located above the parking floors. The CD-2 district allows commercial uses and required parking to be located at zero setback from the front property line; however, any residential components are required to be setback 20'-0" from the front property line for structures up to 50'-0" high. The applicant is proposing the residential floors to be located at zero setback fronting both Alton Road and West Avenue, which requires two separate variances. The approval of the variances will allow the two upper residential levels of the structure(s) to be setback flush with the ground floor commercial element of the mixed use development.

Within the immediate area, residential uses can be found that are at zero setback along front and side street property lines, specifically, in the five-story building located directly across 17th Street. This structure was constructed in 1923, as a hotel, and as such has set an urban context precedent for nearly 100 years. Further, another new hotel has been built across 17th street, at 1231 17th Street, increasing the residential component in the area. The project proposes a successful transition and balance between the commercial district on the east side and the residential districts on the west side. Finally, there is an additional two-story building on the east side of Alton Road that has residential uses located at zero setback along the front property line facing Alton Road.

Staff believes that the proposed five-story mixed-use building would have far less of a negative impact to the surrounding area than if a five-story commercial building was constructed, with regards to increased parking, heightened noise from uses and deliveries, and increased urban traffic. Staff finds that the existing commercial uses surrounding the property, such as the retail spaces and restaurants, are service-related to the residential use and would not have a negative impact on the new residential units located at the property line. In addition, should the residential use be setback the required 20'-0" from the front, a more negative impact would occur on the units adjacent to the south property if a five-story strictly commercial building with zero setback is constructed, as the balconies and views of the residential units would be limited and blocked by the commercial building. Further, the approval of the setbacks will provide a greater sense of enclosure for the width of the 70'-0" right-of-way that is currently framed by the historic hotel to the north. Based on these conditions staff finds that there are practical difficulties that justify the variances requested.

3. A variance to reduce the minimum required tower front setback of 33'-0" for residential uses in order to construct a building with residential uses up to the front property line, setback 0', facing Alton Road.
4. A variance to reduce the minimum required tower front setback of 33'-0" for residential uses in order to construct a building with residential uses up to the front property line, setback zero feet, facing West Avenue.
 - Variance(s) requested from:

Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as

follows:

Pedestal and tower (non-oceanfront), Front: 0'. Residential uses shall follow the RM setbacks.(See sections 142-156, 142-218 and 142-247.)

Sec. 142-218. Setback requirements.

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Tower, Front: 20'-0" + 1'-0" for every 1'-0" increase in height above 50'-0", to a maximum of 50'-0", then shall remain constant.

These two variance requests are associated with the previous variances #1 and #2 for the front setback. Variance requests #1 and #2 pertain to the "pedestal" of the building, defined as the structure's height up to 50'-0". Variance requests #3 and #4 apply to the "tower" of the building, defined as the structure's height above 50'-0". As such, the residential uses located above 50'-0" are required the additional setback from the front, based on the tower portion of the building, in this case, a total setback of 33'-0" is required for the 5th floor of the building. The applicant is proposing the same setback from the ground floor to the 5th floor at zero setback fronting Alton Road and West Avenue. The majority of the residential uses are placed on the 4th and 5th floors. This location in height creates a reasonable buffer from the commercial uses. Staff finds that as previously noted in variances #1 and #2 practical difficulties exist that justify the variances requested.

5. A variance to reduce the minimum required street side setback of 8'-0" for residential uses in order to construct a building with residential uses up to the property line, setback zero feet, facing 17th Street. (Located at 1698 Alton Road).
6. A variance to reduce the minimum required street side setback of 12'-0" for residential uses in order to construct a building with residential uses up to the property line, setback zero feet, facing 17th Street. (Located at 1681-1683 West Avenue)

- Variance(s) requested from:

Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

Pedestal and tower (non-oceanfront), Side, facing a Street: 10'-0" when abutting a residential district, unless separated by a street or waterway otherwise 0'. Residential uses shall follow the RM-1, 2, 3 setbacks.(See sections 142-156, 142-218 and 142-247.)

Sec. 142-156, 142-218, 142-247. - Setback requirements.

The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:

Pedestal, Tower, Side Facing a Street — Sum of the side yards shall equal 16% of lot width, Minimum: 7'-6" or 8% of lot width, whichever is greater.

The residential uses require a street side setback based on the width of the property. The site is proposed to be a unified site containing 5 lots with two front property lines (West Avenue and Alton Road) and a total of three street frontages (17th Street, West Avenue and Alton Road). Because the development has an irregular shape, two different setbacks are required based on

the width of the lot facing Alton Road and the width of the lot facing West Avenue. This condition imposes practical difficulties to design a building that is compatible with its surrounding and also conforming to the zoning regulations. As required by the Code the building façade would have to be setback 8 feet for the building portion located on the east side and 12'-0" for the residential area located on the parcels fronting on West Avenue. The proposed setback of zero feet abutting 17th Street is more compatible with the existing residential use across the street also located at the property line. The residential uses are mostly located at the 4th and 5th floors which may reduce any negative impact of the commercial district. Staff finds that the irregular shape of the lot and the large size of the property with two lots fronting Alton Road and three lots fronting West Avenue create practical difficulties that justify the variances requested.

7. A variance to reduce the minimum required pedestal sum of the side setbacks of 16'-0" for residential uses in order to construct a building with residential uses up to both side property lines, setback zero feet, and a sum of the side setbacks of 0'. (Located at 1698 Alton Road)
8. A variance to reduce the minimum required pedestal sum of the side setbacks of 24'-0" for residential uses in order to construct a building with residential uses up to both side property lines, setback zero feet, and a sum of the side setbacks of 0'. (Located at 1681-1683 West Avenue)

- Variance(s) requested from:

Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

Pedestal and tower (non-oceanfront), Side, facing a Street: 10 feet when abutting a residential district, unless separated by a street or waterway otherwise none. Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247.)

Sec. 142-156, 142-218, 142-247. - Setback requirements.

The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:

Pedestal, Tower, Side Facing a Street — Sum of the side yards shall equal 16% of lot width, Minimum: 7.5 feet or 8% of lot width, whichever is greater.

These variances are associated with variances #5 and #6. The reduction of the required sum of the side setbacks are triggered by the proposed street side setbacks. The applicant proposes zero setback on the interior sides abutting the adjacent properties to the south. Two sum of the side setbacks are required for the property based on the irregular shape of the lot. This variation of the side setbacks is also reflected on the interior side. Staff finds that the irregular shape of the lot with two fronts and two different lot widths create practical difficulties for the applicant to develop the mixed-use building. The location of the residential floor at the 4th and 5th level creates a buffer that mitigates any negative impact on the residential area. The residential use abutting the property line to the south, would be less impacted by a future commercial building that could be constructed up to the property line which may cause the residential units to be enclosed and facing a blank wall. In summary, staff is supportive of variance #7 and #8.

9. A variance to reduce the minimum required tower interior side setback of 9'-4" for residential uses in order to construct the 5th floor of a building containing residential uses up to the south property line, setback zero feet. (Located at 1698 Alton Road)
 10. A variance to reduce the minimum required tower interior side setback of 13'-4" for residential uses in order to construct the 5th floor of a building containing residential uses up to the south property line, setback zero feet. (Located at 1681-1683 West Avenue)
- Variance(s) requested from:

Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

Pedestal and tower (non-oceanfront), Side, facing a Street: 10'-0" when abutting a residential district, unless separated by a street or waterway otherwise none. Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247.)

Sec. 142-156, 142-218, 142-247. - Setback requirements.

The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:

Tower, Side Interior — The required pedestal setback plus 0.10 of the height of the tower portion of the building.

These variances are associated with variances #5 and #6. The applicant proposes zero setback on the interior sides abutting the adjacent properties to the south. Two different interior side setbacks are required for the tower portion of the building, in this case for the top 13'-0" of the building. Based on the irregular shape of the lot, the portion fronting Alton Road requires 9'-4" from the south property line and the portion fronting West Avenue requires 13'-4" from the south property line. This variation of the side setbacks creates practical difficulties that justify the variances requested. The irregular shape of the lot with two frontages and two different lot widths create practical difficulties for the applicant to develop the mixed-use building. The residential use abutting the property line to the south would be less impacted by a future commercial building that could be constructed up to the property line. With the required setback the front of the residential units might be enclosed and facing a blank wall. In summary, staff is supportive of variances #9 and #10.

11. A variance to reduce the minimum required rear setback of 5'-0" for commercial uses in order to construct a building at 0' setback from the rear property line.
- Variance requested from:

Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows: Pedestal and tower (non-oceanfront), Rear: 5'-0".

Commercial uses are required to be setback 5'-0" from the rear property line. This requirement is intended for properties that share the same rear property line. In this particular instance, the subject property has a buffer of 20'-0" from the adjacent properties in the form of an existing

alley that runs along the rear of the adjacent properties. However, alleys are not considered a 'street' for zoning purposes and as such a 5'-0" setback is required. A variance request of this kind (for the reduction of the setback abutting an alley) has been previously approved by the Historic Preservation Board, Design Review Board and Board of Adjustment on numerous occasions. Throughout the City, properties that abut alleys have been recognized as a site condition that contains an element, the alley, which imposes difficulties associated with the required rear setback. Most recently, similar variances have been approved for other properties in the commercial district along Lincoln Road. Staff finds that the existing alley creates practical difficulties for the applicant that justifies variance #11.

12. A variance to exceed by 3'-0" the maximum building height allowed of 60'-0" for the construction of a building up to 63'-0" in height.

- Variance requested from:

Sec. 142-306. - Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum building Height (Feet): Mixed - Use and Commercial Buildings that include structured parking for properties located on the west side of Alton Road from 6th Street to Collins Canal: 60'-0".

The building is proposed 3'-0" higher than the maximum allowable height of 60'-0". This increase is triggered by the irregular shape of the lot and its unusual size that creates difficulties in order to provide parking with the required clearances and turning radius for two-way traffic. The residential floors are proposed with a standard height of 11'-8", and the additional height is located at the parking levels to facilitate utilities and vehicle ramps. Staff finds that again, the size of the lot and its irregular shape creates the need for variance #12.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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 the requested variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **mixed use** is **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, aside from the requested variances as noted herein this application:

1. The shared terraces on the south side of the fifth floor units, as presently designed, must be included towards total FAR calculation.
2. The project has, at minimum, 12 surplus parking spaces (that are not open to the sky) that need to be counted towards total FAR calculations.
3. **Section 130-101 B:** For new construction of multi-family, hotel, and commercial buildings utilizing enclosed structures for the storage and/or parking of vehicles, all required loading spacing shall be located internally.
4. A Conditional Use Permit is required, pursuant to Article IV Section 118, and Article II Section 142 of the Miami Beach City Code, for the construction of a commercial building exceeding 50,000 square feet, including parking. (**PB File No. 2284**).
5. Interior two-way driveway on the fourth floor does not comply with the minimum width of 22'-0" (adjacent to the parallel parking spaces).
6. Planters, required parking and the pool area located within the City's property should be removed. Only vehicular and residential circulations should be located within the alley air right area.
7. The awning/eyebrow encroaching into the public right of way may require approval from the Public Works Department and City Commission.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the proposed project requires several variances to be granted by the Design Review Board and the vacation of a portion of an alley must be approved by the City Commission.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the proposed project requires several variances to be granted by the Design Review Board and the vacation of a portion of an alley be must approved by the City Commission.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Not Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; the proposed project requires several variances to be granted by the Design Review Board and the vacation of a portion of an alley must be approved by the City Commission.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.

Not Satisfied; the proposed project requires several variances to be granted by the Design Review Board and the vacation of a portion of an alley must be approved by the City Commission.

7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.

Not Satisfied; the proposed project requires several variances to be granted by the Design Review Board and the vacation of a portion of an alley must be approved by the City Commission.

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

Not Satisfied; the proposed project requires several variances to be granted by the Design Review Board and the vacation of a portion of an alley must be approved by the City Commission.

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not satisfied; a lighting plan has not been provided

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

Not Satisfied; the landscape plan is insufficient.

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Not Satisfied; a well decorated wall or other screening method should be introduced along the parking levels to ensure minimal light spillage.

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Not Satisfied; the proposed project requires several variances to be granted by the Design Review Board and the vacation of a portion of an alley must be approved by the City Commission.

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper

floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not satisfied; a roof plan showing the location of mechanical equipment and details of the associated screening have not been provided
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

ANALYSIS

DESIGN REVIEW

The site currently contains a vacant gas station to the east and a privately owned parking lot to the west. These parcels are presently separated by the Alton Court alley. The applicant has petitioned the City Commission to vacate a portion of the alley and acquire air rights from the City, in order to allow the building to span the alley, while maintaining full vehicular access through the alley at street level. At the time of this writing, the City Commission has not yet formally discussed or approved the transference of the alleyway's air rights. It is important to note that the proposed project has been reviewed by the Planning Board on April 19, 2016 under File No. 2284 with regard to important issues related to the operations of the project, including parking, traffic, deliveries, sanitation and security. Due in part to concerns regarding the construction over the alley, the Planning Board continued the application to the May 24, 2016 meeting.

Staff is highly supportive of the modern design vocabulary proposed, which will establish an iconic addition to Alton Road. The subject building is proposed to be 5-stories with a rooftop pool deck. As presently designed, the structure will contain 28,142 square feet of retail space on the ground floor, of which 13,722 square feet is expected to be used as a grocery store. The building would also contain 36 residential units, of which 16 are to be located on the fourth floor and 20 on the fifth floor. Parking for the building is to be located on the second, third, and fourth floors. Staff would also note that as currently proposed there are several areas that were not counted towards FAR. These areas include the 12 surplus parking spaces and the proposed shared terrace along the south façade. Staff's recommendation to remove the parking spaces

above the alley will remove approximately 18 spaces without affecting the required parking or the FAR.

The retail bays will be directly accessible from the sidewalk along either 17th Street or Alton Road. Additionally, the western large retail bay that is intended for a grocery store will have pedestrian access from Alton Court alley. There will be direct elevator access from the parking garage into the large retail bay. There will also be an elevator lobby on the eastern side of the building, fronting 17th Street, to allow access from the sidewalk to the parking garage for other customers. Residents will be able to access the building through the residential lobby on the ground floor or through the parking garage.

In general, the application should fit well within the context of the surrounding neighborhood. Staff believes the overall project has the potential to enhance the quality and character of the surrounding area. However, staff has some significant concerns, with the portion of the project proposed over the alley. Staff is supportive of having a vehicular ramp connecting the two buildings over the alley since this does provide a more functional and urban sensitive way to provide the required parking. However, staff would recommend that the center portion of the project be modified by removing all parking spaces, rooftop deck spaces and amenities that are located over the alley. Specifically staff recommends that only vehicular and open pedestrian connections should be permitted to span the existing alley. Both the Planning and Public Works Departments have serious concerns with any other type of use(s) proposed to be located over the alley.

The applicant has submitted noteworthy and highly sophisticated concept drawings. However, staff does have some additional concerns with the execution of this concept, as adequate details and non-rendered elevations have not been provided. The project, as depicted in the renderings, has been designed with a diverse array of materials, shifting volumes and architectural elements that work together to form a complemented and cohesive, well-articulated design. The architect has provided some movement in the massing of the structure which also helps alleviate the impact of this structure into the existing urban context of its surrounding area. Additionally the use of the differentiating exterior materials assists in breaking up the massing and giving each layered volume a unique identity. Staff would note that the success of the massing of the architecture will depend on the high quality and diversity within the selection of the proposed materials and finishes.

The applicant has begun to address staff's concerns regarding the detailing of the expansive southern elevation by proposing painted rectilinear fields that continue the faceted effect. However, staff would strongly recommend additional design development of the elevation, given the visibility and size of the wall. In this regard, it is suggested that portions of the wall be setback a minimum of 4'-0" to allow for the physical break up of the solid masonry wall, and to create stronger visual interest when traveling northbound on West Avenue. More importantly, the West Avenue south elevation, which corresponds mostly to the garage ramp and parking spaces is next to a city surface lot. The south elevation is completely exposed and visible from the south along West Avenue, yet designed as the most utilitarian portion of the project.

Staff has additional minor concerns regarding the final details for the parking and ramping aspect of the project, particularly with the potential negative impact upon the neighboring residential property to the west and the overall aesthetic of the entry ramp. A well designed and opaque screening mechanism will need to be fully explored and installed along the ramp and

parking areas of the western portion of the entrance ramp and parking levels to ensure minimal nuisance to the residential properties. The applicant will also need to address minimizing the potential spillage of headlights and tire screeching from the vehicles. Further, along West Avenue staff would recommend that the “start” of the slope ramp be internalized within the shell of the building and be setback 3'-0" from the edge of the retail component.

In summary, to fully address the issues herein, staff is recommending that the application be continued, in order to address the following specific areas:

- All uses with the exception of open vehicular and open pedestrian circulation shall be removed from the portions of the structure proposed above Alton Court.
- A redistribution of the roof-top amenities into two smaller areas on two separate roof-tops.
- The architect shall redesign the residential lobby component of the project to better engage the street and create a more prominent presence.
- The architect shall further study and develop the southern façade; specifically, the overall massing of the structure and blank walls shall be substantially refined.
- The entrance ramp shall be internalized within the shell of the building and be setback a minimum of 3'-0" from the edge of the retail component along West Avenue.
- A true “green” roof shall be incorporated that encompasses 50% of the rooftop area(s) with plant beds of sufficient size to accommodate trees and landscaping.

VARIANCE REVIEW

The site contains 39,000 SF of lot area from the aggregation of 5 platted lots and a portion of the alley. This creates a property with two fronts, two different street side setbacks and two different sum of the side setbacks and two different interior side setbacks for residential use, as well as three street frontages. These site conditions are practical difficulties for the applicant to develop the mixed-use building and multiple variances are requested. Staff finds that the shape of the lot and its size justify the variances requested in order to develop the site with an urbanly responsive, mixed-use building. Staff recommends approval of all variance requests, conditioned upon revisions to the design of the project as noted above.

RECOMMENDATION

In view of the foregoing analysis, and inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, staff recommends that the application be continued to a date certain of June 7, 2016. However, should the Design Review Board move to approve the application, staff recommends that such approval be subject to the conditions enumerated in the attached draft Order.

TRM/JGM

F:\PLAN\SDRB\DRB16\05-03-2016\MAY16 Staff Reports\DRB 23214 1698 Alton Rd and 1681 West.MAY16.doc

EXHIBIT "A"

Lots 9 and 10, of Block 40, of the "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.

Containing 14,952 square feet or 0.34 Acres (Net Area), more or less, by calculations.

And

Lots 12-14, inclusive, Block 40, of the "Alton Beach Realty Company Subdivision," according to the plat thereof, as recorded in Plat Book 6, Page 165, of the Public Records of Miami-Dade County, Florida.

Containing 22,452 square feet or 0.52 Acres (Net Area), more or less, by calculations.

And

That portion of a 20 foot wide alley, commonly known as Alton Court, lying between the West Boundary of Block 40 of said Plat of "First Addition to Commercial Subdivision," according to the Plat thereof as recorded in Plat Book 6, at Page 30 of the Public Records of Miami-Dade County, Florida and the East Boundary Line of said Plat of "Alton Beach Realty Company's Plat of Subdivision of West half of Blocks 17, 40, and 45," according to the Plat thereof as recorded in Plat Book 6, Page 165 of the Public Records of Miami-Dade County, Florida, and bounded on the North by the South Right of Way Line of 17th Street, and bounded on the South by the Westerly prolongation of the South Boundary Line of Lot 9, Block 40 of said Plat of "First Addition to Commercial Subdivision" and up to the East Boundary Line of said Plat of "Alton Beach Realty Company's Plat of Subdivision of West half of Blocks 17, 40, and 45."

Containing 2,000 square feet or 0.05 Acres, more or less, by calculations.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 3, 2016

FILE NO: 23214

PROPERTY: **1698 Alton Road and 1681-1683 West Avenue**

APPLICANT: 1681 Ventures LLC.

LEGAL: See Exhibit "A".

IN RE: The Application for Design Review Approval for the construction of a five-story mixed use building, including variances to reduce the required pedestal and tower front, rear, side and sum of the side setbacks and to exceed the maximum building height. This item will require a Conditional Use application to be reviewed and approved by the Planning Board.

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 a 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, 5-9, 12, and 14 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. The Design Review approval is subject to the approval of air rights for the use of Alton Court by the City Commission.
 2. The proposed eyebrow that extend above and encroach within the City sidewalk may require revocable right-of way permit(s) to be obtained from the Public Works Department and approved by the City Commission.
 3. Revised elevation, site plan and floor plan drawings for the proposed mixed-use development at 1698 Alton Road and 1681-1683 West Avenue shall be

submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. The central portion of the project, above the alley, shall be modified by removing all parking spaces, deck space and amenities over the alley. All uses with the exception of open vehicular and open pedestrian circulation shall be removed from the portions of the structure located above Alton Court, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- b. The proposed shared balconies on the fifth floor shall be redesigned, or the square footages shall to be added to the FAR calculations.
- c. The interior two-way driveway on the fourth floor shall comply with the minimum width of 22'-0" at the portion adjacent to the parallel parking spaces.
- d. The entrance ramp shall be internalized within the shell of the building, shall be setback a minimum of 3'-0" from the edge of the retail component along West Avenue and shall incorporate a higher level of design and detail on the interior wall, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The architect shall redesign the residential lobby component of the project to better engage the street and create a more prominent presence and formal entrance lobby, 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 architect shall further refine the south side elevations and incorporate additional articulation through changes in plane, the introduction of projections and/or recesses and/or other architectural methods, in order to add more dimension, depth and movement to the elevations, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. Additional material finishes shall be introduced along the front elevation at the underside and side walls of the balcony projections as depicted in the front cover rendering, 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 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.

- i. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of ten (10') feet from the exterior walls of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes; however, shelving, partitions, and checkout counters, or similar objects, shall not be permitted to be flush to the exterior walls of the building facing any right-of-way.
- j. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
- k. Any future kitchen ventilation or mechanical venting shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
- l. 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.
- m. 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.
- n. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
- o. The interior walls of the first level of the parking garage entrance, ramps and loading areas, shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- p. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - q. Final details of all proposed storefront systems and associated details shall be provided for all of the structures 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.
 - r. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
 - s. 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.
 - t. 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.
4. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, 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 plan 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 home, 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 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. A true “green” roof shall be incorporated that encompasses 50% of the rooftop area(s) with plant beds of sufficient size to accommodate trees and landscaping.
- e. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. 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.
- g. The Backflow prevention device shall not be permitted within any area fronting a street or sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
- h. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. 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.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. 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.

- m. 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.
- n. 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 from the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with residential use up to the property line facing Alton Road.
 - 2. A variance from the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with residential use up to the property line facing West Avenue.
 - 3. A variance from the minimum required tower front setback of 33'-0" for residential uses in order to construct a building with residential use up to the property line facing Alton Road.
 - 4. A variance from the minimum required tower front setback of 33'-0" for residential uses in order to construct a building with residential use up to the property line facing West Avenue.
 - 5. A variance from the minimum required street side setback of 8'-0" for residential uses located at 1698 Alton Road in order to construct a building with residential uses up to the property line facing 17th Street.
 - 6. A variance from the minimum required street side setback of 12'-0" for residential uses located at 1681-1683 West Avenue in order to construct a building with residential uses up to the property line facing 17th Street.

7. A variance from the minimum required pedestal sum of the side setbacks of 16'-0" for residential uses located at 1698 Alton Road in order to construct a building with residential uses up to both side property lines and a sum of the side setbacks of zero.
 8. A variance from the minimum required pedestal sum of the side setbacks of 24'-0" for residential uses located at 1681-1683 West Avenue in order to construct a building with residential uses up to both side property lines and a sum of the side setbacks of zero.
 9. A variance from the minimum required tower interior side setback of 9'-4" for residential uses located at 1698 Alton Road in order to construct the 5th floor of a building containing residential uses up to the south property line.
 10. A variance from the minimum required tower interior side setback of 13'-4" for residential uses located at 1681-1683 West Avenue in order to construct the 5th floor of a building containing residential uses up to the south property line.
 11. A variance from the minimum required rear setback of 5'-0" for commercial uses in order to construct a building up to the rear property line.
 12. A variance to exceed by 3'-0" the maximum building height allowed of 60'-0" for the construction of a building up to 63'-0" in height.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby grants the requested variance(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' noted above.

- A. 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.
- B. 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.
- C. The Applicant agrees that a project manager will be retained to ensure that all aspects of the development permitting and licensing processes are coordinated and consistent with the approved plans. The applicant agrees to submit the name and contact information for the project manager to the Planning Department within 90 days of the May 3, 2016 meeting. Failure to comply with this condition within the specified time shall result in notice and a hearing before the Board to extend the timeframe.
- D. 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 proximity of the new building to the public right-of way.

- E. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- F. 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.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled

"Mixed-Use Development on 17th Street and West Avenue", as prepared by Touzet Studio, dated, signed, and sealed March 14, 2016, 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 set forth in this Order. No building permit may be issued unless and until all 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 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 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 should 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 this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: _____

City Attorney's Office: _____ ()

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

EXHIBIT "A"

Lots 9 and 10, of Block 40, of the "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.

Containing 14,952 square feet or 0.34 Acres (Net Area), more or less, by calculations.

And

Lots 12-14, inclusive, Block 40, of the "Alton Beach Realty Company Subdivision," according to the plat thereof, as recorded in Plat Book 6, Page 165, of the Public Records of Miami-Dade County, Florida.

Containing 22,452 square feet or 0.52 Acres (Net Area), more or less, by calculations.

And

That portion of a 20 foot wide alley, commonly known as Alton Court, lying between the West Boundary of Block 40 of said Plat of "First Addition to Commercial Subdivision," according to the Plat thereof as recorded in Plat Book 6, at Page 30 of the Public Records of Miami-Dade County, Florida and the East Boundary Line of said Plat of "Alton Beach Realty Company's Plat of Subdivision of West half of Blocks 17, 40, and 45," according to the Plat thereof as recorded in Plat Book 6, Page 165 of the Public Records of Miami-Dade County, Florida, and bounded on the North by the South Right of Way Line of 17th Street, and bounded on the South by the Westerly prolongation of the South Boundary Line of Lot 9, Block 40 of said Plat of "First Addition to Commercial Subdivision" and up to the East Boundary Line of said Plat of "Alton Beach Realty Company's Plat of Subdivision of West half of Blocks 17, 40, and 45."

Containing 2,000 square feet or 0.05 Acres, more or less, by calculations.