

**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 architect shall further refine the architecture along the alley elevation from 17<sup>th</sup> Street, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
- c. The applicant shall explore the extension of the frame around the upper floor to encompass the entire length of the Alton Road fronting parcel, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
- d. The proposed shared balconies on the fifth floor shall be redesigned, or the square footages shall to be added to the FAR calculations.
- e. 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.
- f. 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.
- g. 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.
- h. 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.

- i. An artistic supergraphic shall be installed along a portion of the south side elevations, location and design to be reviewed at a future meeting date as a separate application, in order to add more dimension, depth and movement to the elevations, in a manner to be reviewed and approved by the Design Review Board.
- j. 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.
- k. 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.
- l. 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.
- m. 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.
- n. 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.
- o. 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.
- p. 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.

- q. 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.
  - r. 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.
  - s. 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.
  - t. 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.
  - u. 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.
  - v. 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.
  - w. 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 application, 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 common the rooftop area(s) with plant beds of sufficient size to accommodate trees and landscaping.
- e. All overhead utility lines shall be relocated underground.
- f. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, with the exception of a small portion of slab to accommodate loading in the alley, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. 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.
- h. 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
- i. Street trees shall be required within the sidewalk 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.

- j. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- k. 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.
- l. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- m. 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.
- n. 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.
- o. 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 17<sup>th</sup> 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 17<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 17<sup>th</sup> Street and West Avenue", by Touzet Studio dated, signed, and sealed March 14, 2016, and supplemental sheets dated May 3, 2016 as prepared by Touzet Studio 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

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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 9<sup>th</sup> day of May, 2016.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

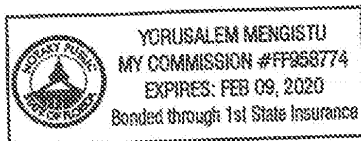
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR


STATE OF FLORIDA )

)SS

COUNTY OF MIAMI-DADE )

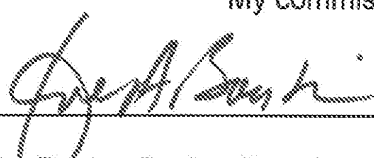
The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of May, 2016 by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



  
NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 2-9-20

Approved As To Form: 

City Attorney's Office: ( 5/5/16 )

Filed with the Clerk of the Design Review Board on 

( 5-9-16 )

## **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 17<sup>th</sup> 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.