

MIAMI BEACH

PLANNING DEPARTMENT

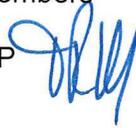
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 03, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0207
1698 Alton Road and 1681-1683 West Avenue

The applicant, 1681 Ventures LLC, is requesting Design Review Approval for exterior alterations to the ground floor façade of a new five-story building including changes to the storefronts to include the installation of commercial display walls on the primary storefront façade along 17th Street and to install signs including variances to exceed the maximum aggregate area allowed for multiple signs. Additionally, the applicant is requesting Design Review Approval for the installation of an artistic super graphic on the side (south) elevation above the ground floor of the new 5-story building.

RECOMMENDATION:

Denial of the requested modification

LEGAL DESCRIPTION:

See Exhibit "A"

HISTORY:

On May 03, 2016, pursuant to DRB File No. 23214, the DRB approved a project for a five-story mixed use building, including the following variances,

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.

An application was approved by the Planning Board at the May 24, 2016 for new construction greater than 50,000 square feet in the CD-2 zoning district.

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

On February 06, 2017, pursuant to DRB16-0089, the DRB approved design changes including modifications to previously approved variances and granted the following variance:

13. A variance to reduce 6" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide parking spaces at with an interior drive aisle of 21'-6.

On March 06, 2018 pursuant to DRB17-0207, the DRB approved exterior alterations to the ground floor façade of the new five-story building.

SITE DATA:

| | |
|------------------|--|
| Zoning: | CD-2 |
| Future Land Use: | CD |
| Lot Size: | 39,404 SF (includes 2,000 SF of alley) |
| Approved FAR: | 77,421 SF (2.0)* |
| Height: | 63'-0" (68.0' NGVD) / 5-Story Variance previously approved |

Maximum: 60'-0" / 5 stories
Highest Projection: 75'-0" (80.0' NGVD)
Approved Uses:
Retail/Service: 28,009 SF *
Residential Units: 23 residential units*
Parking spaces provided: 190 spaces*
Parking spaces required: 187 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

***As represented by the applicant**

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

THE PROJECT:

The applicant has submitted plans entitled "17th and West Avenue", as prepared by **Stantec**, dated January 5, 2018.

The applicant is requesting modifications to a previously approved design, including changes to the ground floor storefront system, the installation of a signage program requiring variances and the incorporation of an artistic super graphic in the form of a painted mural on portions of the south façade. Additionally, some of the design alterations proposed affect the conditions within the recorded Final Order.

The applicant originally requested the following variance(s) for the Trader Joe's signage program in the **West Avenue and 17th Street block** but withdrew all four at the March 06, 2018 DRB meeting

1. ~~A variance to exceed by 10.4 sf the maximum aggregate area allowed of 67 sf for signs facing 17th Street in order to install a wall sign with 72.4 sf (SIGN C) and a projecting sign with 5 sf (SIGN D) and provide a total aggregate area of 77.4 sf.~~
2. ~~A variance to exceed by 0.9 sf the maximum aggregate area allowed of 76.5 sf for signs facing West Avenue in order to install a wall sign with 72.4 sf (SIGN A) and a projecting sign with 5 sf (SIGN B) and provide a total aggregate area of 77.4 sf.~~

The applicant is requesting the following variance(s) for the general tenant signage program in the **Alton Road and 17th Street block** but withdrew all four at the March 06, 2018 DRB meeting:

3. ~~A variance to exceed by 10.4 sf the maximum aggregate sign area allowed of 20 sf for~~

~~retail no. 5 facing Alton Road in order to install a wall sign with 20 sf and a projecting sign with 5 sf and provide a total aggregate area of 25 sf.~~

- ~~4. A variance to exceed by 10.4 sf the maximum aggregate sign area allowed of 20 sf for retail no. 6 facing Alton Road in order to install a wall sign with 20 sf and a projecting sign with 5 sf and provide a total aggregate area of 25 sf.~~

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.

- Sec. 138-172:** Schedule of sign regulations for principal and accessory use signs. One sign per street frontage for each licensed principal and licensed accessory use, however, multiple signs for the same licensed establishment may be permitted through the design review procedure if the aggregate sign area does not exceed the maximum size permitted under this subsection.

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:

- The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
- 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 size of the signs require multiple variances.
- 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 size of the signs require multiple variances.

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; the location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines.
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 location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines.
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 location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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 location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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.
Satisfied
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. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
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; The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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).
Satisfied
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.
Not Satisfied; the location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
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.
Not Satisfied; the location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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.
Not Satisfied

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Not Satisfied
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Satisfied
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Satisfied
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

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

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

On March 06, 2018, the Design Review Board reviewed a project for exterior alterations to the ground floor façade of a new five-story building including changes to the storefronts to include the installation of commercial display walls on the primary storefront façade along 17th Street and to install signs including variances to exceed the maximum aggregate area allowed for multiple signs. Additionally, the applicant is requesting Design Review Approval for the installation of an artistic super graphic on the side (south) elevation above the ground floor of the new 5-story building.

The following proposed changes were approved at the March 06, 2018 meeting for the **Alton Road and 17th Street Block:**

- Installation of a one foot high knee wall along portions of the ground floor window storefronts;
- Installation of a portion of the ground floor window storefronts to be setback further than other portions;
- Installation of an artistic super graphic in the form of a painted mural along a portion of the south façade of the building as conditioned in the original Final Order DRB File No. 23124 dated May 03, 2016: *IC1i. An artistic super graphic 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.*

The following proposed changes were approved at the March 06, 2018 meeting for the **West Avenue and 17th Street block (TRADER JOE's):**

- Installation of a one foot high knee wall along portions of the ground floor window storefronts;
- Installation of new sliding door entrance to the western portion of the building;

The installation of the art display walls were not approved at the March 06, 2018 meeting and the proposed design alterations affect the conditions within the recorded Final Order. The following summarizes the most significant proposed design modifications as they impact the specific "block" of the two-corner mixed use project:

West Avenue and 17th Street block (TRADER JOE's)

- Installation of Trader' Joe's storefront windows display system along a portion of the 17th Street ground floor window storefront effectively blocking the transparency;

ART DISPLAY RETAIL WALLS

The applicant is proposing to install an art display within Trader Joe's storefront windows along 17th Street. The art display will block approximately 43% of the west building's façade on 17 Street, and 100% of Trader Joe's façade on that same street. As designed, the produce refrigerators are slated to be placed along the entire window wall system that fronts 17th Street, and in turn art display is proposed to conceal the refrigerators from the street view. Staff has concluded that significant revisions to the interior floor plan are in order and that a more suitable location for the food coolers would be towards the middle of the floor plan or against interior solid walls. These fixtures and the subsequent blocking of the exterior walls with the art display mechanisms simply cannot be located along the sidewalk elevations particularly at a length of 50'-0" along the retail storefronts in a new, unfinished commercial space.

Staff **STRONGLY OPPOSES** this design modification, as the blocking of storefront windows is inconsistent with the City of Miami Beach Design Guidelines and is incompatible with the previously approved design intent for the building. It is a citywide design policy that commercial storefronts remain clutter-free and allow for maximum transparency within the retail establishment to enhance the pedestrian experience. It is clear that the retail space has ample square footage to creatively design a furniture / fixture layout that does not compromise the storefront transparency along 17th Street. Additionally, the approval of such could lead to further proliferation and encouragement of future vendors blocking storefront. Staff **STRONGLY RECOMMENDS DENIAL** of this portion of the application.

RECOMMENDATION:

In view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria, staff recommends the design modification to install art display walls within the storefronts along 17th Street be **denied**.

TRM/JGM

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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 architect shall further refine the architecture along the alley elevation from 17th 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 or 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 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 satisfies 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", 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



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: March 06, 2018

FILE NO: DRB17-0207 (a.k.a. DRB16-0089, DRB File No. 23214)

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

APPLICANTS: 1681 Ventures LLC

LEGAL: See Exhibit "A"

IN RE: The Application for Design Review Approval for exterior alterations to the ground floor façade of a new five-story building including changes to the storefronts to include the installation of commercial display walls on the primary storefront façade along 17th Street and to install signs including variances to exceed the maximum aggregate area allowed for multiple signs. Additionally, the applicant is requesting Design Review Approval for the installation of an artistic super graphic on the side (south) elevation above the ground floor of the new 5-story building.

ORDER

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 4, 5, 6, 7, 9, 11, 13, and 15 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 5, 6, 7, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met

1. All of the original conditions of approval by this Board shall remain in full force and effect under the prior Final Orders dated February 06, 2017 for DRB16-0089, and dated May 03, 2016 for DRB File No. 23214 except as modified herein.
2. Revised elevation, site plan and floor plan drawings for the proposed project at **1698 Alton Road and 1681 West Avenue** shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The artistic super graphic component of the application in the form of a painted mural along portions of the south façade shall be approved as proposed.
 - b. The artistic mural shall be maintained by the applicant, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The proposed introduction of a one foot high kneewall shall be approved as proposed.
 - d. The proposed introduction of a façade recess along a portion the ground floor storefront component shall be approved as proposed.
 - e. The proposed installation of a sliding door entrance along West Avenue shall be approved as proposed.
 - f. The Trader's Joes artistic display walls along the 17th Street ground floor storefront shall not be approved. All storefront glass along 17th Street shall be clear and transparent. Fixtures of any kind shall be setback a minimum of 10'-0" from the interior of the glass along 17th Street.
 - g. The design of the Trader's Joes wall signage shall not be approved as proposed. The white backplate lightbox shall be removed in its entirety and redesigned as single row of individual backlit reverse channel character letters with a brushed aluminum finish that can each be backlit along the aluminum canopy eyebrow over the entrance at the corner of West Avenue and 17th Street.
 - h. 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.
 - i. 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.

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):

The following variances were **withdrawn** by the Applicant:

1. ~~A variance to exceed by 10.4 sf the maximum aggregate area allowed of 67 sf for signs facing 17th Street in order to install a wall sign with 72.4 sf (SIGN C) and a projecting sign with 5 sf (SIGN D) and provide a total aggregate area of 77.4 sf.~~
2. ~~A variance to exceed by 0.9 sf the maximum aggregate area allowed of 76.5 sf for signs facing West Avenue in order to install a wall sign with 72.4 sf (SIGN A) and a projecting sign with 5 sf (SIGN B) and provide a total aggregate area of 77.4 sf.~~
3. ~~A variance to exceed by 10.4 sf the maximum aggregate sign area allowed of 20 sf for retail no.5 facing Alton Road in order to install a wall sign with 20 sf and a projecting sign with 5 sf and provide a total aggregate area of 25 sf.~~
4. ~~A variance to exceed by 10.4 sf the maximum aggregate sign area allowed of 20 sf for retail no.6 facing Alton Road in order to install a wall sign with 20 sf and a projecting sign with 5 sf and provide a total aggregate area of 25 sf.~~

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 applicant 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. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- C. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to

maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

- D. If applicable, a Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- E. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- G. 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.
- 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "17th and West Avenue", as prepared by **Stantec**, dated January 5, 2018, and Supplemental sheets labeled "Super Graphic Location" on sheet E-2.3 dated 01/05/18 and distributed at the 03/06/18 Design Review Board meeting, and as approved by the Design Review Board, as determined by staff.

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

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

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

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

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____

JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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: February 06, 2017
FILE NO: DRB16-0089 (a.k.a DRB File No. 23214)
PROPERTY: **1698 Alton Road and 1681-1683 West Avenue**
APPLICANT: 1681 Ventures LLC.
LEGAL: See Exhibit "A"
IN RE: The Application requesting exterior and interior design modifications to a previously approved Design Review Approval for the construction of a five-story mixed use building, including modifications to previously approved variances. Additionally, the applicant is requesting a variance to reduce the width of a two-way driveway.

SUPPLEMENTAL 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. All of the original conditions of approval by this Board, as reflected in the Final Order dated MAY 5, 2016, pursuant to DRB File No. 23214, shall remain in effect except as modified herein.
 2. 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 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.

- b. 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.
- c. 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.
- d. 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.
- e. With the exception of any fresh air intake vents, any future kitchen ventilation or mechanical venting shall be chased through the interior of the building to the roof, or out onto Alton Court. In no instance, shall any kitchen or other use intake or exhaust vent or ducts be located along the primary façades fronting Alton Road, 17th Street, or West Avenue.
- f. 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.
- g. 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.
- h. 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.
- i. 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.



3. 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 greater amount of green space shall be incorporated along the building rooftop in the southwest portion of the site that aligns with the pooldeck and upper edge as presented and directed by the Design Review Board ~~that encompasses 50% of common the rooftop area(s)~~ with plant beds of sufficient size to accommodate landscaping, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - 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 tower rear setback of 22'-6" for residential uses in order to construct a pool deck and planters up to the rear property line. (Variance modification)
 2. ~~A variance to reduce 6" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide parking spaces at with an interior drive aisle of 21'-6". (Variance withdrawn)~~

- 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.
2. The siteplan shall be revised and comply with the minimum required width of 22'-0" for interior drive aisle for 90° parking.

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 "17th and West Avenue", as prepared by **Stantec**, dated November 10, 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



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.