

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: April 30, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0251. 500 Alton Road, 1220 6th Street. 630 - 650 Alton Road, 659 - 737 West Avenue.**

An application has been filed requesting a Conditional Use approval for the construction of a new 45-story residential tower at 500 Alton Road and a commercial structure on the 600 block of Alton Road, with the total area exceeding 50,000 square feet, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

RECOMMENDATION

Approval with conditions

HISTORY

December 12, 2018 The City Commission approved an amendment to the Land Development Regulations to establish the Alton Road Gateway Area Development Regulations for the CD-2 zoning district. This amendment was a companion to a development agreement that allowed for a street vacation (6th Street between Alton Road and West Avenue) to create a large unified development site which will accommodate a 519-foot-tall tower and a three (3) acre public park between 500 and 700 Alton Road.

ZONING / SITE DATA

Future Land Use: CD-2 – Commercial, medium intensity
Zoning: CD-2 – Commercial, medium intensity

Legal Description: See exhibit "A"

Land Uses: See Zoning/Site map at the end of this report.
North: Apartment and Commercial buildings
South: Apartment building
East: Commercial buildings
West: Apartment building

Lot Size: 286, 149 SF*
Maximum FAR: 2.0 = 572,298 SF*
Proposed FAR: 571,000 SF*

Maximum Height:	Block 500: 519' - 0" above BFE + 5' *
	Block 600: 25' - 0" above BFE +5' *
Proposed Height:	Block 500: 519' - 0" above BFE +5' *
	Block 600: 38' - 0" above BFE +5' * (Variance Required)
Proposed Uses:	Block 500: Residential – 337 Units *
	Block 600: Retail 7,120 SF and 290 seats restaurant *
Parking:	Residential Parking spaces: 502 Required 504 Provided
	Retail Parking spaces: 24 Required 28 Provided (600 Block)
	Restaurant Parking spaces: 73 Required (290/4) 73 Provided
	Total Provided Spaces: 605 Spaces (577 in 500 Block)
	Floridian Parking Spaces: 76 Required 76 Provided
	Loading Spaces 7 Required 8 Provided
Bicycle Parking:	Short Term: 67 Required 68 Provided
	Long Term: 344 Required 355 Provided

* As represented by the applicant's zoning data.

THE PROJECT

The applicant has submitted revised plans entitled "500-600-700 Alton Road", as prepared by Arquitectonica, Sherri K. Gutierrez as registered Architect, dated March 11, 2019. The proposal consists of a new 45-story residential tower at 500 Alton Road, a commercial structure and a three (3) acre public park on the 600 Alton Road Block.

The proposal is scheduled to be considered by the Design Review Board on May 07, 2019 (File No. DRB18-0354 and DRB18-0362.)

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

- 1. The use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the Comprehensive Plan, as the CD-2 Category permits **commercial uses; apartments; apartment hotels, hotels, hostels, and suite hotels.**

- 2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; however, a concurrency analysis will be performed at the time of building permit application. See the Memorandum from the Transportation Department.

- 3. Structures and uses associated with the request are consistent with this Ordinance.**

Partially Consistent – The proposed project appears to comply with most zoning regulations; however, any inconsistencies must be corrected prior to obtaining a building permit. In addition, the Design Review Board application includes variances to reduce the width of the clear pedestrian path, to exceed the maximum building height for non-residential structures, to permit underground utility structures and elevated pedestrian walks

in City park space where none are permitted, to exceed the maximum sign area for monument signs, to reduce the landscape requirements and to reduce the required rear setback for a surface parking lot, to allow triple stacking of vehicles, to reduce the minimum unit size for residential units, and to exceed the maximum height for roof deck and planters above the main roof line.

These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

4. Public health, safety, morals and general welfare will not be adversely affected.

Partially Consistent – The proposed project should not adversely affect the general welfare of nearby residents and businesses, provided protections are put in place to ensure that the proposed commercial uses do not have a negative impact on the adjacent areas.

5. Adequate off-street parking facilities will be provided.

Consistent – The proposed uses require 599 spaces. Per plans submitted by applicant the proposed project will provide 605 spaces.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Consistent - The proposed project is not expected to adversely affect surrounding values provided appropriate safeguards are put in place to mitigate any potential negative impacts.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

Consistent – The proposed uses for the project are permitted in the CD-2 zoning district. While there are other buildings over 50,000 SF, in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled.

**COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES
50,000 SQUARE FEET AND OVER**

Pursuant to Section 118-192(b), in reviewing an application for conditional use for new structures 50,000 square feet and over, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

Consistent – The applicant's operations plan outlines the hours of operation, number of employees and provides characteristics of the proposed project.

The letter of intent (LOI) indicates that it is currently estimated to incorporate 7,210 SQ. FT. of retail and 290-seat restaurant(s), although leasing changes may result in a different mixed of uses, the LOI doesn't indicate the tenant selection, however the operational plan

proffered hours and other operational restrictions to be imposed on prospective tenants to minimize the impact to surrounding residents.

2. **Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.**

Partially Consistent– The plans indicate that loading will take place from the provided loading spaces, four (4) of them contained within the building in 500 Block and two (2) on Sixth Street near the commercial structure. The operational plan includes hours of operation for deliveries, staff is recommending conditions relative to the servicing of the proposed uses. See delivery and Sanitation Analysis.

3. **Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.**

Consistent – The scale of the proposed project is compatible with nearby buildings and the CD-2 zoning district's allowable development. However, the scale, massing, architecture and compatibility issues will be further discussed at Design Review Board meeting. Staff is recommending conditions to minimize potential adverse impacts.

4. **Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.**

Consistent – The proposed 605 spaces satisfies the parking requirements for the proposed development. The lobby level at 500 block provides access to the residential drop-off areas and loading area (six (6) loading spaces and trash pick-up location). The parking is distributed from the basement level to the podium level four (4) for a total of 577 spaces, including 5 accessible spaces and 12 spaces for electric vehicles.

On the 600 block there are two surface parking areas, one for the required parking for the commercial pavilion with 28 spaces and another one located at the north west corner of the property to serve the Floridian Condominium with 76 parking spaces. See Parking Analysis.

5. **Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.**

Consistent – The plans indicate that the residential tower lobby at the ground floor will have a pedestrian access from 6th street. The ground floor commercial spaces are located directly along Alton Road on the 600 Block, these spaces will be directly accessed from the sidewalk, the public park and from the on-site parking area.

Access to the parking spaces on the residential tower is by valet or self-parking for some of the residential units, a valet station is located on the ground floor at the residential tower drop-off area on the 500 block.

The 600 block has a valet station for the commercial structure that have the option to park on the 73 spaces located at the residential tower, see floor plans and the valet operation plan.

6. **Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.**

Consistent – The applicant proposes to provide 24 hour security. There will be staff or security personnel available and cameras will be provided throughout the property in order to assist with security.

7. **Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.**

Consistent – Traf Tech Engineering was retained by the applicant to conduct an update of the previously approved traffic study. The City Transportation Department conducted the review. See the Memorandum from the Transportation Department for additional information.

8. **Whether a noise attenuation plan has been provided that addresses how noise shall be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.**

Partially Consistent – The parking garage on the podium level 02-04 has minimal openings to the residential building on the west, however staff is concerned that the proposed screen on the west side is too transparent and could potentially let the sound and light escape from the cars, impacting the residential building (The Bentley Bay) on the west side of the property. See sound analysis.

The applicant does not anticipate any significant noise from the operation from trash pick-up and loading location as these operations are located internally on the first floor. The trash room is enclosed and air-conditioned.

9. **Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

Consistent – For the residential tower, loading areas and a fully enclosed air-conditioned trash room are proposed to be contained within the building with access to Alton Road, sanitation is proposed to occur from 8:00 AM to 6:00 PM per operational plan.

For the commercial structure on 600 block, two dedicated loading spaces have been located along the north side of 6th Street, trucks can use these spaces or the internal drive of the commercial building, a fully enclosed trash room is located within this structure on the north side, sanitation is proposed to occur from 8:00 AM to 6:00 PM.

Staff is recommending to limit sanitation and loading times to: 9:00 AM to 4:00 PM to prevent extra traffic on Alton Road during afternoon rush hours.

Neither the operations plan nor the LOI indicate a cleaning and maintenance plan that would monitor the property and adjacent rights-of-way to maintain them clean and free from debris. Staff is recommending additional conditions to ensure that sanitation functions do not impact surrounding areas. See Delivery and Sanitation Analysis.

- 10. Whether the proximity of the proposed structure to similar size structures and to residential uses create adverse impacts and how such impacts are mitigated.**

Consistent – The project, as 519' foot tall, forty-five (45) story building on the 500 block and the limited commercial structure and the 3 acres open space park proposed on the 600 block, would serve as an appropriate transition from the open space park on the north west side of this property and the other tall buildings that primarily surround this area. Therefore, adverse impacts are not expected from the proposed project due to proximity to similar structures.

- 11. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

Consistent – The CD-2 zoning district allows the scale of development proposed. While there are other buildings of this scale in the surrounding vicinity, negative impacts from a cumulative effect are not expected.

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:

Note: The applicant did not respond to Sea Level Rise criteria on the Letter of Intent

- (1) A recycling or salvage plan for partial or total demolition shall be provided.**
Not Consistent. A recycling plan must be provided as part of the submittal for a demolition permit to the building department.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.**
Not Consistent. Windows must be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**
Not Consistent. Information was not provided regarding passive cooling systems.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**
Not Consistent. All new landscaping must consist of Florida friendly plants.
- (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 Consistent.
- (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 Consistent. The configuration of the driveways and ramps with the streets must allow for the raising of the streets if necessary.

- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**
Not Consistent. All critical mechanical and electrical systems must be located above base flood elevation and on roofs when available.
- (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 Consistent. Dry flood proofing must be required for the ground floor as required by the City Code.
- (10) **Where feasible and appropriate, water retention systems shall be provided.**
Not Consistent. The applicant did not provide information concerning water retention.

ANALYSIS

The proposal consists of the demolition of the existing one-story structure and parking lot located on the 500 block and the ten-story structure (old hospital) located on the 600 block for the construction of a new mixed-use project. The proposed development of the southern portion of the property, located south of 6th Street, will consist of a private 519-foot-tall residential tower with accessory facilities. The proposed development north of 6th Street will consist of (i) approximately 15,000 square feet of commercial space, (ii) an approximately 3.0-acre public park and (iii) a surface parking lot serving the Floridian condominium.

The residential tower incorporates 337 units, 4 pedestal levels of parking, loading, lobby and drop-off areas on the ground floor, two (2) main amenity areas with outdoor spaces and swimming pools located at level 05 and the main roof level, and one (1) indoor amenity area on level 35.

For pedestrian connectivity the tower is surrounded by an elevated pathway that rises from grade at the north west of the 500 block and connects to the 600 block on the east side by a bridge.

The square footage of the proposed project is approximately 571,000 SF as represented by the applicant. The proposed uses are permissible in the CD-2 zoning district and are compatible with the surrounding neighborhood.

Traffic circulation, Parking and Access

A memorandum from the Transportation Department will be provided under separate cover.

For the residential tower (500 Block), the proposed ingress-egress for all vehicles would be from West Avenue, 6th street and Alton Road. Drop-off areas including a valet station are located on the north west side of the 500 block. The required parking for the residential tower is located in the four levels of pedestal parking including 73 spaces for the required parking for the commercial structure located on 600 block.

The commercial structure (600 block) has 28 spaces that are provided onsite and 73 spaces in the 500 block. The access to this is from 6th street and Alton Road. There is also a surface parking lot on the north west side for the Floridian Condominium.

Staff is concerned with the proposed ingress-egress access located on the 500 block for loading and automobile parking. This access, if permitted by FDOT, should be restricted to specific hours of operations to avoid peak travel times on Alton Road particularly in the afternoon. Staff also has concerns with the proposed access to the parking garage shown on page A0-15 basement level in to the parking garage on the south east corner of the building. In Particular, staff questions the need for additional automobile traffic coming in or out of the residential tower to Alton Road in the close proximity to the 5th Street intersection. The propose driveways on West Avenue should be enough for this purposes.

Valet parking operation and routes shows the parking ingress-egress for all vehicles from the West Avenue access.

Based upon the revised traffic study submitted, the proposed project will create an additional 150 PM peak hour vehicle trips and up to 8 valet attendants during the peak periods for 600 block and 3 valet attendants during the peak period for 500 block.

For further information and proposed conditions related to traffic and circulation, please refer to the memo that will be provided by the Transportation Department under separate cover.

Delivery and Sanitation

As proposed, the project requires seven (7) loading spaces pursuant to the Land Development Regulations. The plans indicate that a total of eight (8) loading spaces will be provided. Six (6) loading spaces are located on the lobby level of the 500 block and two (2) loading spaces are located along Sixth Street near the commercial structure. Fully enclosed trash rooms are provided both in the residential tower (500 block) and on the north side of the commercial structure (600 block).

Deliveries and waste collection are proposed to be from 8:00 AM to 6:00 PM. Staff recommends that sanitation and loading times be limited to between the hours of 9:00 AM and 4:00 PM, as indicated in the draft Final Order for the project.

Sound

The parking garage on the podium level 02-04 appear to have minimal openings to the residential building on the west, however staff is concerned that the proposed screen on the west side is too open and potentially this will allow sound and light transmission from the cars, negatively affecting the residential building (The Bentley Bay) on the west side of the property. Staff is recommending that a floor to ceiling wall shall be incorporated behind the proposed screen on the north west side of the podium levels where parking spaces are proposed.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for the Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft Order and in the memorandum from the Transportation Department, which address the inconsistencies with the aforementioned Conditional Use Review Criteria.

ZONING/SITE MAP



EXHIBIT "A"

LAND DESCRIPTION: (BLOCK 500)

LOTS 2 THROUGH 16, INCLUSIVE, A PORTION OF LOTS 1, 17, 18 AND 19 AND THAT CERTAIN 15 FOOT VACATED ALLEY LYING WITHIN SAID LOTS, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11;

THENCE NORTH $89^{\circ}37'30''$ EAST ALONG THE NORTH LINES OF SAID LOTS 10 AND 11, A DISTANCE OF 210.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF $89^{\circ}59'39''$ AND AN ARC DISTANCE OF 31.41 FEET;

THENCE SOUTH $00^{\circ}22'51''$ EAST ALONG THE EAST LINE OF SAID LOTS 1 THROUGH 10, A DISTANCE OF 277.46 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET, A CENTRAL ANGLE OF $87^{\circ}00'49''$ AND AN ARC DISTANCE OF 99.47 FEET;

THENCE SOUTH $86^{\circ}38'28''$ EAST, A DISTANCE OF 112.67 FEET TO A POINT ON A NON-TANGENT CURVE (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH $19^{\circ}33'06''$ WEST);

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 29.30 FEET, A CENTRAL ANGLE OF $46^{\circ}06'19''$ AND AN ARC DISTANCE OF 23.58 FEET;

THENCE NORTH $24^{\circ}20'35''$ WEST ALONG THE WESTERLY LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 73.04 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 335.75 FEET, A CENTRAL ANGLE OF $23^{\circ}57'44''$ AND AN ARC DISTANCE OF 140.42 FEET (THE LAST DESCRIBED BARING AND DISTANCE IF BEING ALONG THE WEST LINE OF SAID LOTS 16, 15 AND 14);

THENCE NORTH $00^{\circ}22'51''$ WEST ALONG THE WEST LINE OF SAID LOTS 13, 12 AND 11, A DISTANCE OF 130.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 31.42 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: (BLOCK 600)

A PORTION OF LOTS 1 AND 2, AND LOTS 3 THROUGH 14, INCLUSIVE, AND LOTS 23 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 89°37'30" WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 111.13 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 73°36'39" AND AN ARC DISTANCE OF 19.27 FEET;

THENCE NORTH 16°45'51" WEST, A DISTANCE OF 51.32 FEET;

THENCE NORTH 11°41'42" WEST, A DISTANCE OF 50.99 FEET;

THENCE NORTH 00°22'51" WEST ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 250.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 10.00 FEET;

THENCE NORTH 00°22'51" WEST ALONG A LINE 10 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 350.00 FEET;

THENCE NORTH 89°37'00" EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 140.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 14 THROUGH 11, A DISTANCE OF 200.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 170.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 495.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH 89°37'30" WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: (6TH STREET)

A PORTION OF 6TH STREET AS SHOWN ON "AMENDED PLAT OF FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID "AMENDED PLAT OF FLEETWOOD SUBDIVISION";

THENCE NORTH 89°37'30" EAST ALONG THE SOUTH LINE OF LOT 32, BLOCK 2 OF SAID "AMENDED PLAT OF FLEETWOOD SUBDIVISION" AND THE NORTH RIGHT OF WAY LINE OF SAID 6TH STREET, A DISTANCE OF 155.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 85.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF SAID 6TH STREET AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°59'39" AND AN ARC DISTANCE OF 31.41 FEET;

THENCE SOUTH 89°37'30" WEST ALONG THE NORTH LINE OF LOT 10 AND LOT 11 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND THE SOUTH RIGHT OF WAY LINE OF SAID 6TH STREET, A DISTANCE OF 210.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE SOUTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 31.42 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 70.00 FEET;

THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 2, NORTH 89°37'30" EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE. LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI/DADE COUNTY, FLORIDA; CONTAINING 286,149 SQUARE FEET OR 6.5691 ACRES MORE OR LESS.

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 500 Alton Road, 1220 6th Street. 630 - 650 Alton Road, 659 - 737 West Avenue.

FILE NO. PB18-0251

IN RE: An application has been filed requesting a Conditional Use approval for the construction of a new 45-story residential tower at 500 Alton Road and a commercial structure on the 600 block of Alton Road, with the total area exceeding 50,000 square feet, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

**LEGAL
DESCRIPTION:** See Exhibit "A"

MEETING DATE: April 30, 2019

CONDITIONAL USE PERMIT

The applicant, KGM Equities, LLC, South Beach Heights I, LLC, 1220 Sixth Street, LLC, 500 Alton Road Ventures, LLC, and the City of Miami Beach (collectively the applicant), filed an application with the Planning Director requesting a Conditional Use approval for the construction of a new 45-story residential tower at 500 Alton Road and a commercial structure on the 600 block of Alton Road, with the total area exceeding 50,000 square feet, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach 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 of the record for this matter:

That the property in question is located in the CD-2, Commercial Medium Intensity zoning district

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE 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 is adopted herein, including staff recommendations, as modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to KGM Equities, LLC, South Beach Heights I, LLC, 1220 Sixth Street, LLC, 500 Alton Road Ventures, LLC, and the City of Miami Beach (collectively the applicant) and owner of the property. For the commercial building on the 600 block, any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Business Tax Receipt.
3. The following shall apply to the operation of the entire project:
 - a. The garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant. There shall be security personnel of at least one person on-site monitoring the garage operation 24 hours a day, seven days a week.
 - b. Warning signs prohibiting horn honking, tire-screaching, or car alarm sounding shall be posted prominently by the applicant or valet operator, and valet attendants shall be instructed to observe them strictly.
 - c. A delivery and refuse plan, including all delivery access points and routes, as well as the location of all trash and refuse areas, shall be provided and shall be subject to the review and approval of staff.
 - d. Valet storage of vehicles by valet operators shall be exclusively for the residential and commercial uses within the 500 and 600 blocks. Valet storage for off-site facilities shall not be permitted.
 - e. Deliveries and trash collection shall take place only at the designated areas proposed by the applicant as shown in the plans.
 - f. Deliveries or trash pick-up shall only be permitted between 9:00 AM and 4:00 PM.

- g. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - h. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.
 - i. Delivery trucks shall not be allowed to idle in loading areas or driveways.
 - j. There shall be no queuing of delivery, garbage, or moving trucks in the public right of way or the 6th Street easement.
 - k. No commercial use within the boundaries of this project shall have entertainment, whether live, recorded, amplified or non-amplified, which is played at a volume louder than ambient background music (defined as a sound level that does not interfere with normal conversation).
 - l. Except as may be required for fire or building code/Life Safety Code purposes, no speakers of any kind, shall be affixed to, installed, or otherwise located on the exterior of the premises within the boundaries of the project, except for a distributed sound system, subject to the review and approval of staff.
 - m. No patrons shall be allowed to queue on public rights-of-way.
 - n. The hours of operation of any food or drinking establishment within the boundaries of the project shall be limited to 6:00 AM through 12:00 AM, seven (7) days a week.
 - o. No exterior bars or accessory outdoor bar counters shall be permitted anywhere on the premises.
4. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
- a. At the levels 03 and 04 on the north west corner of the garage podium, a floor to ceiling wall that must be at least 75% solid shall be incorporated behind the proposed screen where the parking spaces are proposed, to minimize sound and lighting impacts to the adjacent residential buildings, in a manner to be reviewed and approved by staff.
 - b. The applicant shall provide a lighting and security features to be reviewed and approved by the Police Department prior to obtaining a building permit.
 - c. All Windows must be hurricane proof impact windows.
 - d. The configuration of the driveways and ramps with the streets must allow for the raising of the streets if necessary.
5. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall appear before the Planning Board for a progress report. The Board reserves the right to modify the Conditional

Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).

6. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
7. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
8. 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.
9. The applicant shall address the following Transportation, Mobility, Concurrency and Parking requirements:
 - a. The applicant shall coordinate with the City of Miami Beach and Miami-Dade Transit (MDT) for the placement of the bus stop equipped with the bus shelter on Alton Road between 6th Street and 7th Street to best serve the new park.
 - b. Six (6) Months following the opening of the proposed development, the application shall engage a traffic engineer to perform a signal timing analysis and coordinate with the City's Traffic Engineer for signal timing optimization at the intersections of Alton Road and 5th Street and Alton Road and 8th Street, West Avenue and 8th Street.
 - c. The applicant agrees to work with City staff to explore providing an easement to accommodate pedestrians crossing 6th Street during construction.
 - d. The Management for all residential and commercial uses shall ensure that deliveries are made as approved in this Conditional Use Permit. At no time shall delivery trucks block traffic flow on the public right-of-way.
 - e. The applicant shall work with the City to determine the best locations for the proposed CitiBike stations surrounding the property, as proposed by the applicant, prior to the approval of a building permit.
 - f. The City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division shall make the determination of the project's fair-share mitigation cost. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

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- g. The applicant shall submit an MOT (Maintenance of Traffic) to Public Works Department and Transportation Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
 10. The development shall comply with the "Green Buildings" requirements in Chapter 133, Article I of the City Code.
 11. The applicant shall work with City and County staff to and provide an underground water storage facility or other area drainage improvements in order to improve the flooding impacts of potential Biscayne Bay flood events and sea level rise.
 12. The applicant shall obtain a full building permit within 18 months from the date of the meeting at which the original CUP was issued, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board, in accordance with the requirements and procedures in the land Development Regulations.
 13. The applicant shall return to the Planning Board every three (3) months until either a final building permit is issued or the Board otherwise determines that additional reports are not necessary, in order to provide a progress report on the final design of stormwater, right-of-way, and park improvements.
 14. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to appearing before the Design Review Board for approval.
 15. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code.
 16. This 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.
 17. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a building permit.
 18. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
 19. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance,

Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.

20. 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 is adopted herein, including staff recommendations, as modified by the Planning Board, that the Application for Conditional Use approval is GRANTED for the above-referenced project, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-20, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Planning Board, as determined by staff, entitled "500-600-700 ALTON ROAD", as prepared by Arquitectonica., dated March 11, 2019, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 Conditional Use 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.

Dated this _____ day of _____, 2019.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY:

Michael Belush, Chief of Planning and Zoning
For The Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

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

Approved As To Form:
Legal Department ()

Filed with the Clerk of the Planning Board on _____ ()

EXHIBIT "A"

LAND DESCRIPTION: (BLOCK 500)

LOTS 2 THROUGH 16, INCLUSIVE, A PORTION OF LOTS 1, 17, 18 AND 19 AND THAT CERTAIN 15 FOOT VACATED ALLEY LYING WITHIN SAID LOTS, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11;

THENCE NORTH $89^{\circ}37'30''$ EAST ALONG THE NORTH LINES OF SAID LOTS 10 AND 11, A DISTANCE OF 210.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF $89^{\circ}59'39''$ AND AN ARC DISTANCE OF 31.41 FEET;

THENCE SOUTH $00^{\circ}22'51''$ EAST ALONG THE EAST LINE OF SAID LOTS 1 THROUGH 10, A DISTANCE OF 277.46 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET, A CENTRAL ANGLE OF $87^{\circ}00'49''$ AND AN ARC DISTANCE OF 99.47 FEET;

THENCE SOUTH $86^{\circ}38'28''$ EAST, A DISTANCE OF 112.67 FEET TO A POINT ON A NON-TANGENT CURVE (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH $19^{\circ}33'06''$ WEST);

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 29.30 FEET, A CENTRAL ANGLE OF $46^{\circ}06'19''$ AND AN ARC DISTANCE OF 23.58 FEET;

THENCE NORTH $24^{\circ}20'35''$ WEST ALONG THE WESTERLY LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 73.04 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE EAST;

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 335.75 FEET, A CENTRAL ANGLE OF $23^{\circ}57'44''$ AND AN ARC DISTANCE OF 140.42 FEET (THE LAST DESCRIBED BARING AND DISTANCE IF BEING ALONG THE WEST LINE OF SAID LOTS 16, 15 AND 14);

THENCE NORTH $00^{\circ}22'51''$ WEST ALONG THE WEST LINE OF SAID LOTS 13, 12 AND 11, A DISTANCE OF 130.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO

THE SOUTHEAST;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 31.42 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: (BLOCK 600)

A PORTION OF LOTS 1 AND 2, AND LOTS 3 THROUGH 14, INCLUSIVE, AND LOTS 23 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 89°37'30" WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 111.13 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 73°36'39" AND AN ARC DISTANCE OF 19.27 FEET;

THENCE NORTH 16°45'51" WEST, A DISTANCE OF 51.32 FEET;

THENCE NORTH 11°41'42" WEST, A DISTANCE OF 50.99 FEET;

THENCE NORTH 00°22'51" WEST ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 250.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 10.00 FEET;

THENCE NORTH 00°22'51" WEST ALONG A LINE 10 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 350.00 FEET;

THENCE NORTH 89°37'00" EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 140.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 14 THROUGH 11, A DISTANCE OF 200.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 170.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 495.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH 89°37'30" WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: (6TH STREET)

A PORTION OF 6TH STREET AS SHOWN ON "AMENDED PLAT OF FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID "AMENDED PLAT OF FLEETWOOD SUBDIVISION";

THENCE NORTH 89°37'30" EAST ALONG THE SOUTH LINE OF LOT 32, BLOCK 2 OF SAID "AMENDED PLAT OF FLEETWOOD SUBDIVISION" AND THE NORTH RIGHT OF WAY LINE OF SAID 6TH STREET, A DISTANCE OF 155.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 85.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF SAID 6TH STREET AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°59'39" AND AN ARC DISTANCE OF 31.41 FEET;

THENCE SOUTH 89°37'30" WEST ALONG THE NORTH LINE OF LOT 10 AND LOT 11 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND THE SOUTH RIGHT OF WAY LINE OF SAID 6TH STREET, A DISTANCE OF 210.00 FEET TO A POINT ON A

TANGENT CURVE CONCAVE TO THE SOUTHEAST;

THENCE SOUTHWESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 31.42 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 70.00 FEET;

THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 2, NORTH 89°37'30" EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE. LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI/DADE COUNTY, FLORIDA; CONTAINING 286,149 SQUARE FEET OR 6.5691 ACRES MORE OR LESS.