

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: May 07, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB18-0362  
**630 Alton Road, 650 Alton Road, 1220 6<sup>th</sup> Street, 659-737 West Avenue**

**DRB18-0362, 630 Alton Road, 650 Alton Road, 1220 6<sup>th</sup> Street, 659-737 West Avenue.** An application has been filed requesting Design Review Approval for the construction of a proposed new City park, with landscaping, elevated pedestrian walkways, green open space features, dog park, shade structures, playground areas and other elements. This project is proposed to take place in three (3) phases as a phased development project.

#### **RECOMMENDATION:**

Approval of the proposed design with conditions  
Approval of the phased development schedule

#### **LEGAL DESCRIPTION:**

See attached exhibit "A"

#### **BACKGROUND**

On 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 (6<sup>th</sup> 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.

On April 30, 2019, the Planning Board will review a new Conditional Use Permit for the construction of a mixed-use development exceeding 50,000 SF, pursuant to PB18-0251 for 500-700 Alton Road.

#### **SITE DATA:**

Zoning: CD-2, Commercial Medium Intensity  
Future Land Use: CD-2  
Lot Size: 3 acre (130,688 SF)  
Available FAR: 1,298 SF (Remaining from DRB18-0354)

#### **ADJACENT LAND USES:**

East: Commercial and parking/Fifth Street Flyover  
North: Residential multi-family building  
South: MacArthur Causeway/Alton Road flyover  
West: Residential with ground floor commercial

**THE PROJECT:**

The applicant has submitted plans entitled "FINAL PB Submittal: Park Site" as prepared by **Arquitectonica**, dated signed and sealed March 11, 2019.

The subject property consists of the 500, 600, and 700 blocks, on the west side of Alton Road and east side of West Avenue. The overall site is predominantly vacant, currently developed with the existing former hospital tower, the former 7-Eleven building and two surface parking lots, all to be removed in advancement of this development and the approved companion application for the residential tower and retail pavillion, DRB18-0354. All lots are zoned CD-2 and located within the recently adopted Alton Road Gateway overlay district.

The applicant is proposing to develop approximately 3 acres of property located within the 600, and 700 blocks as a natural, passive public park with a open playing fields, dog park, elevated high line pathways, exercise course and a playground area.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the requested variance(s) above.

- All variances have been processed under the companion application DRB18-0354.

This 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, including final parking calculations and a concurrency review.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **park use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan and the proposed park is **consistent** with the GOAL of the 'RECREATION AND OPEN SPACE ELEMENT' of the City's Comprehensive Plan.

***Develop and Maintain a Comprehensive System of Parks and Recreational Open spaces to Meet the Needs of the Existing and Future Population by Maximizing the Potential Benefits of Existing Facilities and Open Space While Encouraging the Preservation and Enhancement of the Natural Environment.***

**ACCESSIBILITY COMPLIANCE:**

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction.) The above noted comments shall not be considered final accessibility review or approval. These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

**CONCURRENCY DETERMINATION:**

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, 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 will 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.

**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 are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Satisfied**
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.  
**Satisfied**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Satisfied**
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.  
**Satisfied**
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.

**Satisfied**

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.

**Satisfied**

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.

**Satisfied**

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.

**Satisfied**

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Not Applicable**

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

**Not Applicable**

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

**Satisfied**

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Not Applicable**

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.

**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.

**Not Applicable**

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

**Not Applicable**

- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

**Satisfied**

- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

**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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

**Not Applicable**

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

**Not Applicable**

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

**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) In all new projects, water retention systems shall be provided.

**Satisfied**

- (11) Cool pavement materials or porous pavement materials shall be utilized.

**Not Applicable**

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

**Satisfied**

#### **STAFF ANALYSIS:**

##### **CONDITIONS OF DEVELOPMENT AGREEMENT**

The development agreement approved by the City Commission on December 12, 2018 sets forth the parameters for creating a unified development site within the 500, 600 and 700 blocks. Item 7(d) of the development agreement contains provisions specific to the design of the park, which must be evaluated by staff and the DRB. In this regard, the following Planning Department recommendations may be considered by the Design Review Board in its review of the Park Zoning Application:

1. The environmental and sustainable components of the park, and whether the park incorporates significant and measurable resilience and sustainability components;
2. The proposed reduction in intensity for the overall park programming, to provide as much open greenspace with shade canopy as possible;
3. The use of native and Florida-friendly species in the landscape design to reduce water consumption and the need for fertilizer and pesticides;

4. The extent to which storm water retention capabilities of the park are clearly delineated;
5. The infrastructure proposed for treating water going to the 6th Street outfall;
6. The extent to which all elevated areas and berms are kept to a minimum (with tunnels prohibited), with the design of the park to allow for unimpeded visibility from all public streets and sidewalks, free of visual barriers to the park;
7. The proposed transition of the elevated pink walkway along Alton Road from the top of the retail, to the ground at the north side of the park facing Alton Road, with reduction in height so as to maximize active public park space;
8. The location, width and quantity of dedicated, pedestrian paths around the perimeter of and through the park, and whether such walkways are accessible at all times, even when access to the raised pink walkways is limited;
9. The proposed integration and width of the perimeter sidewalks along West Avenue, Alton Road and the south side of the park, and the extent to which canopy trees will be planted close to the back of curbs in a rhythm to provide continuous shade and buffer pedestrians from the surrounding streets, with use of large single trunk palm species to define gateways or park entry points but not as predominant street trees;
10. Whether the design ensures that vehicular access, including, but not limited to, drop-off and pick-up, parking and loading, as well as turn arounds, is not permitted anywhere in the park;

Planning, Public Works and Environmental staff have reviewed the project for consistency with these recommendations and have incorporated proposed conditions into the Order for the project to ensure an effective, resilient city product.

## **DESIGN REVIEW**

As part of the residential development occurring on the southern 500 Block, and in alignment with the executed Development Agreement between the City and applicant, the developer is proposing to transfer ownership of a three (3.0) acre site to the City and proposed the site to be developed with a new, world class, public park that is paid for through the development and that will be city-owned and city-maintained. The proposed park is located north of 6th Street and occupies most of the land between West Avenue and Alton Road, with the exception of the two-story retail pavilion reviewed under DRB18-0354.

The park design features many recreational elements, but perhaps its most noteworthy signature element is the elevated pathways that rise up from Grade and weave their way across the park site and cross over 6<sup>th</sup> Street at an elevated manner that continue to ribbon its way around the parking pedestal of the tower. The pathway transforms from an at-grade walkway elevation to its maximum height of 33'-0" NGVD and its width expands to create overlooks, seating areas and other recesses of pause. The primary path maintains a minimum width of 11'-0" and becomes elevated on columns towards the eastern portion of the site adjacent to Alton Road. The ground plain has been designed at multiple recessed indented elevations in the earth in order to maximize on site water retention and allow for flood protection zones. These varying spaces provide an opportunity to program the park with unique outdoor rooms.

The site plan identifies the following areas (clockwise from north): surface parking area for Floridian condominium, a dog park, open lawn, and play scape area with splash pad featuring a signature thematic playground equipment, and an exercise Equilibria area.

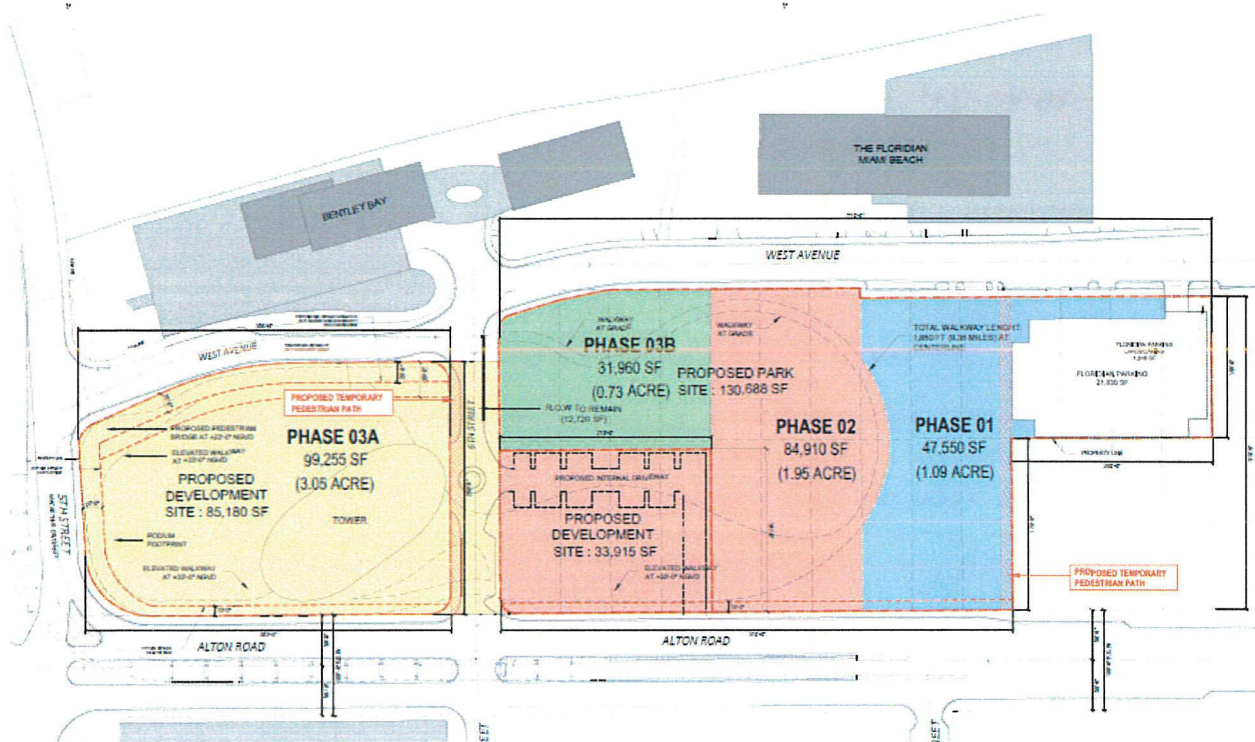
Staff is highly supportive of the improvements proposed herein for the new park as they will greatly improve the quality of life for the immediate neighbors and visitors by improving pedestrian access to this gateway portion of the city, adding much-needed green space, and significantly transforming the site. The elevated walkway has been successfully integrated into the overall design, and is particularly advantageous in allowing elevated views of the park and crossing the site southward and potentially across 5<sup>th</sup> Street. Staff has worked very closely with the design team for the park and commends their efforts in the development of a very thorough set of design development drawings.

#### **PHASED DEVELOPMENT PROJECT REVIEW**

According to the applicant, the public interest is best served by the minimizing of disturbance from the construction of a large and complicated project. Moreover, the need to develop the adjacent park space in concert with the private development has added complexity. In sum, a phased development is appropriate for the park project. The proposed phasing schedule is as follows:

- Phase 1, limited to a portion of the park improvements, shall be defined as depicted on the submitted plans. The Applicant shall complete construction of Phase 1 within the earlier of: (i) eighteen (18) months following the Board's approval of Application DRB18-0362 and the expiration of all appeal periods to such issuance with no appeals to such issuance having been filed (or, in the event an appeal is filed, the same has been resolved (by judgement, settlement or otherwise)) on terms and conditions acceptable to the Applicant in its sole and absolute discretion), or (ii) thirty (30) months after the effective date of the Development Agreement;
- Phase 2, limited to a portion of the park improvements, shall be defined as depicted on the submitted plans. The Applicant shall (i) commence construction (consisting of clearing, grubbing, erection of construction fencing and/or drainage improvements) of Phase 2 within forty-eight (48) months after the Board's approval of Application DRB18-0362 and the expiration of all appeal periods to such issuance with no appeals to such issuance having been filed (or, in the event an appeal is filed, the same has been resolved (by judgement, settlement or otherwise)) on terms and conditions acceptable to the Applicant in its sole and absolute discretion) and (ii) complete construction of the Public Park elements of Phase 2 no later than eighteen (18) months following the commencement of construction of Phase 2; and





- Phase 3, limited to a portion of the park improvements, shall be defined as depicted on the submitted plans. The Applicant shall complete construction of Phase 3 within ninety-six (96) months of the effective date of the Development Agreement.

#### **RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria.

TRM/JGM



**ZONING/SITE MAP**



**EXHIBIT 'A'**

**LEGAL DESCRIPTION**

LAND DESCRIPTION: (PARK)

A PORTION OF LOTS 1 THROUGH 14, INCLUSIVE, AND A PORTION OF 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.

LESS: (FLORIDIAN PARKING)

A PORTION OF LOTS 11, 12, 13 AND 14, 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 NORTHEAST CORNER OF SAID LOT 14;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 11, 12, 13 AND 14, A DISTANCE OF 176.00 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 19.52 FEET;

THENCE SOUTH 00°22'30" EAST, A DISTANCE OF 23.00 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 76.50 FEET;

THENCE NORTH 00°22'30" WEST, A DISTANCE OF 18.00 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 22.50 FEET;

THENCE NORTH 00°22'30" WEST, A DISTANCE OF 135.00 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 21.50 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 46.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

ALSO LESS: (BLOCK 600 DEVELOPMENT SITE)

LOTS 29 THROUGH 32, INCLUSIVE, LESS THE WEST 9.00 FEET THEREOF, 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:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 32;

THENCE NORTH 89°37'30" EAST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 9.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°22'51" WEST ALONG A LINE 9.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 29 THROUGH 32, A DISTANCE OF 210.00 FEET;

THENCE NORTH  $89^{\circ}37'30''$  EAST ALONG THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 161.00 FEET;

THENCE SOUTH  $00^{\circ}22'51''$  EAST ALONG THE EAST LINE OF SAID LOTS 29 THROUGH 32, A DISTANCE OF 195.00 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  $90^{\circ}00'21''$  AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH  $89^{\circ}37'30''$  WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 146.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA; CONTAINING 130,768 SQUARE FEET OR 3.0020 ACRES MORE OR LESS.



**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: May 07, 2019

FILE NO: DRB18-0362

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

APPLICANT: South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, 1220 Sixth, LLC and KGM Equities, LLC

LEGAL: See attached exhibit 'A'

IN RE: The Application for Design Review Approval for the construction of a proposed new City park, with landscaping, elevated pedestrian walkways, green open space features, dog park, shade structures, playground areas and other elements. This project is proposed to take place in three (3) phases as a phased development project.

**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 consistent with Design Review Criteria 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 consistent with Sea Level Rise Criteria 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. Revised elevation, site plan, and floor plan drawings for the proposed park within the 600-700 blocks of Alton Road shall be submitted; at a minimum, such drawings shall incorporate the following:

- a. The environmental and sustainable components of the park shall be modified to incorporate significant and measurable resilience and sustainability components, subject to review of the Environmental and Sustainability Department.
- b. The infrastructure proposed for treating and storing water within the entire site shall be further studied to slow, retain and treat stormwater from the site and surrounding ROW to reduce pollutant loads going to the 6<sup>th</sup> Street outfall, subject to review of the Public Works Department.
- c. The final location, size and design details of any future bathroom facility 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.
- d. A minimum clearance of 12" for the existing storm pump station shall be required for maintenance.
- e. Material samples for all exterior paving areas shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. The final design details of exterior lighting shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. Any fence or gate at the front and street side of the new park property shall be designed in a manner that is substantially transparent and similar to the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. 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.
- i. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
- k. The playground equipment shall be designed and produced in a manner consistent with the submitted plans. Final design, materials and finishes shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. The standard for drinking fountains shall be chilled and include a water

- bottle filler with the option to add a dog water dispenser, subject to the review and approval of staff.
- m. A drinking fountain shall be included within the playground area, subject to the review and approval of staff.
  - n. Oolite or concrete seat walls shall include anti-skateboard guards that area spaced 18" to 24" apart, subject to the review and approval of staff.
  - o. Benches shall include a center arm (divider) to prevent sleeping on the benches, subject to the review and approval of staff.
  - p. Trash and recycling bins shall be paired and meet the design specifications of the City's Environment & Sustainability department, subject to the review and approval of staff.
  - q. The final design and placement and model/type of all park furniture and fixtures, shall be reviewed and approved by the Planning Department and the Police Department.
  - r. 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.
  - s. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding 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. A revised landscape plan exceeding the minimum landscape requirements as prescribed by the City of Miami Beach Landscape Code, Chapter 126, shall be submitted for the review and approval of staff prior to the issuance of a building permit.
  - b. 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 development, 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.
- c. 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.
- d. A permanent tree bracing / support system shall be provided for any substantially large plant material at the time of installation, subject to the review and approval of staff. Such system shall be maintained and monitor on a periodic basis by owner. Upon maturity, certain plant material may require such installation, and it shall be the sole responsibility of the owner to monitor, install and perpetually maintain.
- e. A minimum of four different canopy shade tree species shall be specified as street trees, subject to the review and approval of the City of Miami Beach Urban Forester.
- f. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
- g. 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.
- h. The use of suspended paving systems (silva cells or approved equal) shall be utilized as part of the installation of the required street trees in the public right of way, and as part of any other tree proposed within the park parcel and the Floridan Condominium parking lot, which is proposed in a limited planting area, in order to provide adequate rooting volume for the specified tree species, subject to the review and approval of the City of Miami Beach Urban Forester.
- i. Planters associated with the elevated walkway shall be designed to have a minimum depth of 24", inclusive of a drainage layer, subject to the review and approval of staff.
- j. Sidewalks grades shall remain consistent throughout all driveways, no ramping down of pedestrians to the driveway or streets) subject to the review and approval of staff.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.

- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. 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. All variances have been processed under the companion application DRB18-0354.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variances #1-7, 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, only as it relates to variances #1-7, as noted, 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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

C. The Board hereby **Approves** the Variance requests #1-7, 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 residential units shall meet the minimum and average unit size requirements of the Code.
3. The monument signs shall not exceed the maximum square footage size requirements of the Code. As designed, the height of the proposed monument signs shall not exceed 5'-0" in height when measured from CMB Grade.

**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. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- C. 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.
- D. 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.
- E. 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

- 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. 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.
- H. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- J. 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.
- K. 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.
- L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- M. 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 adopted by the Board, that the Application for Design Review approval 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 " FINAL PB Submittal: Park Site" as prepared by **Arquitectonica**, dated signed and sealed March 11, 2019, and as approved by the Design Review Board, as determined by staff.

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 Design Review 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. 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.

The Developer shall complete the construction of the Project in accordance with the phased construction schedule set forth in the Development Agreement, dated December XX, 2018, between the City of Miami Beach and 500 Alton Road Ventures, LLC, 1220 Sixth, LLC, South Beach Heights I, LLC and KGM Equities, LLC, as may be amended by the parties. Any failure to comply with the phased construction schedule set forth in the Development Agreement will result in the expiration of this Design Review Board application and this Order becoming 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

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ ( )

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )

**EXHIBIT 'A'**

**LEGAL DESCRIPTION**

LAND DESCRIPTION: (PARK)

A PORTION OF LOTS 1 THROUGH 14, INCLUSIVE, AND A PORTION OF 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.

LESS: (FLORIDIAN PARKING)

A PORTION OF LOTS 11, 12, 13 AND 14, 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 NORTHEAST CORNER OF SAID LOT 14;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 11, 12, 13 AND 14, A DISTANCE OF 176.00 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 19.52 FEET;

THENCE SOUTH 00°22'30" EAST, A DISTANCE OF 23.00 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 76.50 FEET;

THENCE NORTH 00°22'30" WEST, A DISTANCE OF 18.00 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 22.50 FEET;

THENCE NORTH 00°22'30" WEST, A DISTANCE OF 135.00 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 21.50 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 46.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING.

ALSO LESS: (BLOCK 600 DEVELOPMENT SITE)

LOTS 29 THROUGH 32, INCLUSIVE, LESS THE WEST 9.00 FEET THEREOF, 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:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 32;

THENCE NORTH 89°37'30" EAST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 9.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°22'51" WEST ALONG A LINE 9.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 29 THROUGH 32, A DISTANCE OF 210.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 161.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 29 THROUGH 32, A DISTANCE OF 195.00 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  $90^{\circ}00'21''$  AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH  $89^{\circ}37'30''$  WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 146.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA;  
CONTAINING 130,768 SQUARE FEET OR 3.0020 ACRES MORE OR LESS.