

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: May 05, 2020

FROM: Thomas R. Mooney, AICP   
Planning Director

SUBJECT: **DRB20-0505**  
**666 71<sup>st</sup> Street, 6973 Indian Creek Drive, and 6980-6994 Carlyle Avenue**

An application has been filed requesting Design Review Approval for the construction of a new multi-story mixed-use residential and retail development, including one or more waivers and one or more variances from the street class frontage requirements, to replace three one- and two-story buildings.

#### **RECOMMENDATION:**

Approval with conditions

Approval of variances #1 thru 10, #14, #15 and #17

Denial of variances #11, #13 and #16

#### **LEGAL DESCRIPTION:**

See attached Exhibit 'A'

#### **BACKGROUND:**

On November 14, 2018, the City Commission adopted the North Beach Town Center—Central Core Land Development Regulations. The ordinance established a **TC-C, Town Center – Central Core** zoning district with a FAR of 3.5, and replaced the TC-1, TC-2, TC-3, and TC-3(c) districts within the boundaries of the area established by the FAR referendum. The TC-C is a balanced approach intended to spur sustainable development to revitalize North Beach.

Throughout a year long process of public engagement, the City Commission approved detailed development standards for the TC-C, Town Center District, including increased height, increased density with diverse residential options (co-living) and relaxed parking requirements. These regulations are intended to promote thoughtful and engaging mixed use development for this area.

Since the approval of the ordinance, there have been two (2) developments approved by the Design Review Board (DRB) and four (4) more are proposed at this time. This is the fifth project proposed to be developed under the new regulations that has aggregated multiple lots within an entire block.

#### **SITE DATA:**

Zoning:	TC-C Town Center--Central Core
Future Land Use:	TC-C Town Center--Central Core
Parking District:	8
Lot Size:	25,597 SF (0.58 acres)
Proposed FAR:	89,589.5 SF / 3.5

Maximum FAR: 89,589.5 SF / 3.5  
Gross SF: 133,674 SF  
Retail: 7,000 SF  
Restaurant (roof): 1,100 SF (32 seats)  
Units: 80 units  
Density: 150 dua / Total density proposed 80 (Max 87.3 dua)  
Height:  
    Proposed: **151'-1"** measured from BFE +5', or 13' NGVD | 13-story  
    Maximum: 125'-0" base | 165'-0" for lots 20,000-45,000 through public benefits program  
Highest Projection: 151'-2" or TBD  
CMB Grade: 3.88' (varies) NGVD  
Base Flood Elevation: 8' NGVD  
First Floor Clearance: 24'-0" measured from CMB Grade, 15'-0" from BFE +5', or 13' NGVD  
Required Parking: 43 required spaces | 79 provided  
    Parking requirement:  
    70 units x ½ space for those units bet 550 and 850SF=35, **35 required spaces.**  
    10 units x .75 space for 851SF-1250SF = 7.5, **7.5 required spaces.**  
    **Total residential** 43 required spaces residential | 79 proposed  
    No retail parking requirement  
Required Loading: Total loading: **3 required spaces | 3 provided**  
    PROPOSED RETAIL: b. Over 2,000 but not over 10,000: One space.  
    PROPOSED RESIDENTIAL: Over 50 units but not more than 100 units: Two spaces.  
    TOTAL LOADING: 3 spaces  
Bicycle Parking  
    Required Short term: 4c + 8r = **12 required short**  
    Required Long term: 2c + 80r = **82 required long**

**SURROUNDING PROPERTIES:**

East: Byron Caryle Theatre and P85 City surface parking lot  
North: One-story commercial  
South: One-story office (same block), two-story 10-unit residential building (same block), Church of Latter Day Saints  
West: Indian Creek Drive, one-story retail, two-story residential building,

**EXISTING BUILDINGS:**

666 71<sup>st</sup> Street: 1953 One-story office  
6973 Indian Creek Drive: 1947 Two-story 4-unit residential  
6980 Carlyle Avenue: 1935 One-story residence

**THE PROJECT:**

The applicant has submitted plans entitled "Town Center Gateway: Final Submittal" as prepared by **Nobe Creek LLC Built Form Architecture** dated signed and sealed March 09, 2020.

The applicant is proposing a new 13-story, 151'-1" high building with 80 residential units, including one or more waiver requests and multiple variance requests.

A breakdown of the project's development plan is delineated hereto:

Ground Floor: ±7,000 SF retail component configured along Indian Creek Drive, 71<sup>st</sup> Street and Carlyle Avenue  
1,290 SF residential lobby configured along 71<sup>st</sup> Street and Carlyle Avenue and 5,000 BOH  
Two, two-way 22'-0" wide driveways from Carlyle Avenue. Waiver needed.  
3 internalized ground floor loading spaces accessed from Carlyle Avenue  
Level 2: 38 parking spaces and bicycle parking  
Level 3: 41 parking spaces (Total 79 in garage) and bicycle parking  
Level 4: 1,830 SF amenity room  
7 residential units ranging in size 706 SF – 862 SF  
9,225 GSF outdoor pool terrace deck and outdoor amenity area  
Level 5: 10 residential units ranging in size 706 SF – 862 SF  
Level 6: 9 residential units ranging in size 550 SF – 917 SF | 5 with outdoor terraces  
Levels 7-12: 9 residential units ranging in size 550 SF – 917 SF  
Level 13: 1,100 SF rooftop restaurant (32 seats) with outdoor seating area and enclosed mechanical equipment room  
Rooftop: Mechanical

The applicant is requesting the following design waiver(s):

1. **Sec 142-745(a)(12)(c) LOADING:** Along all frontages where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways: Driveways for parking and loading shall be combined, unless waived by the Design Review Board.

The applicant is requesting the following variance(s):

1. A variance to eliminate the required habitable space at the second (2<sup>nd</sup>) floor fronting 71<sup>st</sup> Street (Class A) in order to provide parking spaces.
2. A variance to eliminate the required habitable space at the third (3<sup>rd</sup>) floor fronting 71<sup>st</sup> Street (Class A) in order to provide parking spaces.
3. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the second (2<sup>nd</sup>) floor along 71<sup>st</sup> Street (Class A) in order to provide parking spaces.
4. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the third (3<sup>rd</sup>) floor along 71<sup>st</sup> Street (Class A) in order to provide parking spaces.
5. A variance to eliminate the required habitable space at the second (2<sup>nd</sup>) floor fronting Indian Creek Drive (Class A) in order to provide parking spaces.
6. A variance to eliminate the required habitable space at the third (3<sup>rd</sup>) floor fronting Indian Creek Drive (Class A) in order to provide parking spaces.

7. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the second (2<sup>nd</sup>) floor along Indian Creek Drive (Class A) in order to provide parking spaces
  8. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the third (3<sup>rd</sup>) floor along Indian Creek Drive (Class A) in order to provide parking spaces.
- Variances requested from:

**Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

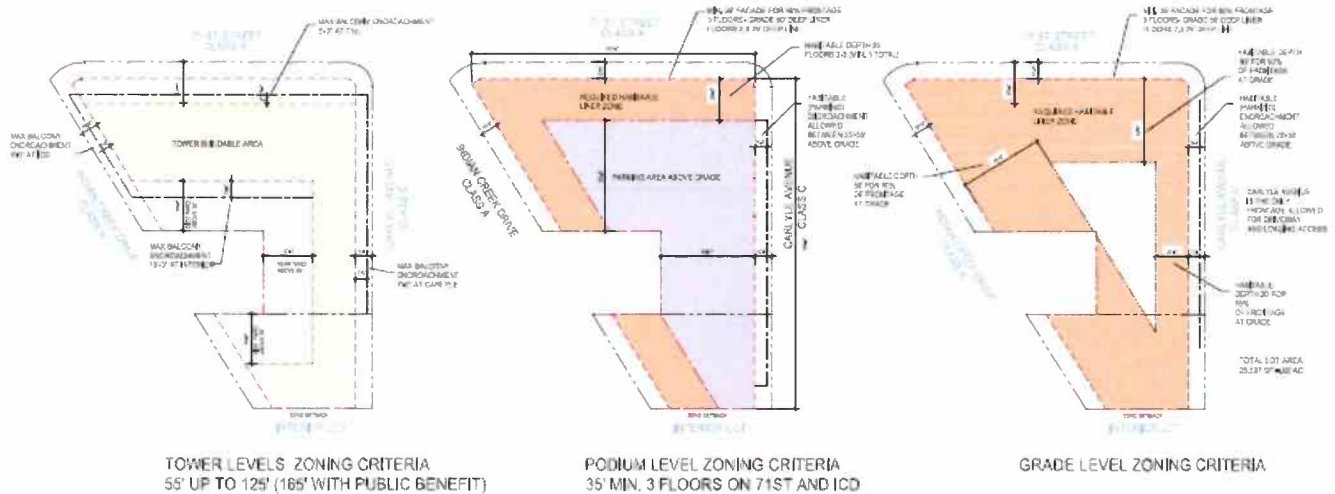
- (e) Class A.** *In addition to other requirements in the City Code, Class A frontages shall be developed as follows:*
- (2) *Buildings shall have a minimum of three (3) floors located along a minimum of 90 percent of the length of the setback line pursuant to the following regulations:*
    - d. The second (2<sup>nd</sup>) and third (3<sup>rd</sup>) floors shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 25 feet from the building façade.

The subject property is the westernmost block at the edge of the TC-C district, consisting of six out of eight historically platted parcels of a triangular block that comprise Block 15. The project site is located at 666 71<sup>st</sup> Street, at the intersection of Indian Creek Drive and 71<sup>st</sup> Street, with Carlyle Avenue as the eastern boundary and an interior lot line to the south. A midblock parcel along Indian Creek Drive and the southernmost parcel of the block are not part of this application. This 0.58-acre triangular block sits at the convergence of two primary corridors within the City: Indian Creek Drive and 71<sup>st</sup> Street, which are both Class A streets. This intersection has significant traffic back up and congestion.

All of the streets within the TC-C District have been designated with a street 'Class' ranging from Class A to C; 71<sup>st</sup> Street and Indian Creek Drive are class A streets and Carlyle Avenue is a class C street. Each street class has various requirements for length and depth of habitable space along the street, as well as type of use, minimum area of fenestration and transparency in order to fulfill the vision of a walkable and vibrant town center by creating active ground floor commercial components, such as retail and restaurants with added emphasis on the pedestrian experience.

The regulations for each street class vary and are linked to their hierarchy as a traveled corridor within the district. Class A streets are intended to be predominantly commercial in nature and require a continuous street wall with a height of 35'-0". Class A streets also require a minimum of three floors along 90 percent of the length of the frontage and that the ground floor is primarily used for commercial uses while providing for access to upper levels. To ensure that the commercial space is viable, a minimum depth of 50'-0" is required at the ground floor and the upper two floors must have a minimum depth of 25'-0". In order to provide a safe pedestrian environment, driveways are generally prohibited unless it is the only means of access to the site.

The site plan proposes two separate driveway accesses off Carlyle Avenue, a Class C street. Review and approval of the Design Review Board is required for the requested separation of multiple driveways on the same street frontage. For this triangular site, of the three street frontages, Carlyle Avenue is the best option for providing vehicular access, as the other two are Class A street designations. One of the driveways leads to the upper two parking levels and is situated at the south portion of site, while the other is located midblock and leads to the internalized loading and delivery trash areas.



As illustrated above, it is extremely challenging, if not impossible, to address all of the habitable liner requirements of Class A street frontages with regard to height, depth and levels, as well as design a functional parking system on a triangular lot. The TCC requires screening parking and providing habitable active uses at a height and intensity commensurate with the corridor they are adjacent to. Due to the triangular shape and dimensions of the site assemblage, it appears that it is not geometrically possible to provide the parking sought by the applicant (but not all required), while meeting the dimension and spatial requirements for the parking stalls, drive aisle widths, turn radiuses and back up dimensions necessary to design a safe parking system and comport with the Class A street requirements pertaining to the liner uses. Staff would note that the required habitable space with a depth of 50'-0" is provided along the 71<sup>st</sup> Street ground floor, as well as portions of the ground level along Indian Creek Drive, which is essential to the pedestrian experience.

In this proposal, the design substitutes the habitable liner used to screen the parking by providing architecturally relevant and contextually appropriate façade screening systems and providing residential units on 71<sup>st</sup> Street and partially on Indian Creek Drive and Carlyle Avenue on levels four to twelve. Staff has worked closely with the applicant in prioritizing the street level activation of Indian Creek Drive and 71<sup>st</sup> Street as the significant retail opportunities for this signature gateway site. The design endeavors to meet the intent of the code to activate the street and provide visual screening of the parking through the use of enhanced architectural screening. Staff does suggest continuing refinement of the parking screening, as the design is of paramount importance at this gateway site and considering the screening will be at a much lower elevation than typical and thus more visible and subject to more severe scrutiny from pedestrians and motorists. As such, staff recommends



approval of variances #1-8 associated with the habitable depth at the second and third levels along both Class A streets.

9. A variance to reduce the minimum required habitable space with 50'-0" in depth within 90% of the length of the façade at setback line in order to locate service and utility rooms fronting Indian Creek Drive (Class A).

- Variance requested from:

**Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

**(e) Class A.** In addition to other requirements in the City Code, Class A frontages shall be developed as follows:

- (2) Buildings shall have a minimum of three (3) floors located along a minimum of 90 percent of the length of the setback line pursuant to the following regulations:

b. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space with a minimum depth of 50 feet from the building façade.

For the ground floor retail space of development within the TC-C, each commercial space must contain 50'-0" of habitable depth for Class A (Indian Creek Drive) frontages and 15'-0" clearance height (from BFE+5') in order to ensure viable retail spaces that are functional and usable within the most vital commercial areas on the TCC primary corridors. Staff has worked closely with the architect, specifically as it pertains to the ground floor site plan, to prioritize the important areas of the frontages in this unique geometrical site that will most successfully activate a vibrant street atmosphere and promote pedestrian activity.



The ground floor design strives to comply with the underlying zoning requirements with a priority on the larger, northern portion of the site located on 71<sup>st</sup> Street and Indian Creek Drive, a decision based mostly on the midblock "missing parcel" of the assemblage along Indian Creek Drive that eliminates the possibility of a continuous commercial component. Although a residential use allows continuity of active uses along this block, in this particular instance there is a practical difficulty resulting in the need of the variance requested. Most of the Indian Creek Drive frontage to the north of this "notch" and along the entirety of 71<sup>st</sup> Street contains continuous and uninterrupted commercial space; this

includes the 104'-8" linear frontage above the "notch" and a continuous 165'-2" linear frontage along 71<sup>st</sup> Street. Staff finds that the approval of this variance request would not

have a negative impact on the adjacent properties and the surrounding area and recommends approval of variance #9.

10. A variance to provide ground floor utility infrastructure (FPL transformers, electrical rooms, etc.), on a Class A street frontage (Indian Creek Drive), which is not the only frontage that provides a means of egress to the property.

- Variance requested from:

**Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

(e) **Class A.** In addition to other requirements in the City Code, Class A frontages shall be developed as follows:

(6) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted utility infrastructure shall be developed as follows:

- a. Permitted utility infrastructure shall be concealed from the public view and be placed within or behind the line of the façade if access from the street is required.

As noted above, staff has worked closely with the applicant in prioritizing and maximizing the retail areas and ground floor frontage requirements within this unique triangular site, while still addressing less desirable back of house operations including driveways and fire and building code necessary programmatic elements that require ground floor location and at times, direct access from the street. Due to the overall site geometry and dimensions, the design seeks to minimize required variances but has no other location to provide the basic building services such as the Florida Power and Light transformer room and fire protection equipment along one of the Class A street frontage, since Carlyle Avenue, a Class C street, has been designated as the sole vehicular access to site.



Indian Creek Drive

Again, predominantly due the “missing parcel” along the Indian Creek Drive assemblage, placement of the FPL / fire protection spaces on the southern portion of the site allows for maximizing the remaining street frontage pedestrian activation towards the corner of 71<sup>st</sup> Street. Staff believes that approval of the variance provides the best location of the required utility infrastructure and without the granting of the variance, the code would require the FPL / electrical and fire protection spaces configured onto Carlyle Avenue, which would prohibit the ability to provide the required loading spaces, driveways and habitable space depth on 71<sup>st</sup> Street and Carlyle Avenue and likely trigger additional variances for driveways. This scenario would

result in a worse urban condition; as such staff recommends approval of variance #10.

11. A variance to reduce the required 70% area of clear glass fenestration with views into the habitable space along the ground floor of 71<sup>st</sup> Street (Class A).

- Variance requested from

**Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

**(a) The following regulations shall apply to all frontages:**

- (8) Commercial, Hotel, and Access to Upper Level Frontages.** *In addition to other requirements for specific frontage types and other requirements in the City Code, frontages for commercial, hotel, and access to upper level frontage shall be developed as follows:*

- b. Such frontages shall contain a minimum of 70 percent clear glass windows with views into the habitable space.*

The 70% glazing requirement is calculated as window area of the habitable space at the ground level. The glazing diagram as submitted by the applicant indicates that it complies with the glazing required, however, based on the dimensions provided, it does not comply with the minimum area required. The façade requires 2,766 SF of glazing. The project proposes approximately 2,430 SF with a difference of approximately 336 SF. This variance request is design based and lacks practical difficulties or hardship. The top portion of the ground floor façade is designed with perforated steel panels can be replaced with glass to comply with this requirement. As such staff recommends denial of variance #11.

12. A variance to reduce the required the 70% area of clear glass fenestration with views into the habitable space along the ground floor of Indian Creek Drive (Class A).

- Variances requested from

**Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

**(b) The following regulations shall apply to all frontages:**

- (9) Commercial, Hotel, and Access to Upper Level Frontages.** *In addition to other requirements for specific frontage types and other requirements in the City Code, frontages for commercial, hotel, and access to upper level frontage shall be developed as follows:*

- b. Such frontages shall contain a minimum of 70 percent clear glass windows with views into the habitable space.*

Again, the glazing diagram as submitted by the applicant is not accurate, as it includes the skewed portion of the metal screen. This variance request is triggered by variance requests # 9 and #10. The project does not provide the required habitable space that could provide desirable transparency. The southern portion of the site is proposed with utility infrastructure that requires minimal visibility for aesthetics and security purposes. If variances #9 and #10 are approved, it is not possible to provide the required 70% glazing along the entire property. As such, staff is supportive of variance # 12, conditioned on proving the required 70% glazing along the north portion of the street where habitable space is provided. Staff would note that based on a preliminary analysis, the portion of the north side providing habitable space requires approximately 1,603 sf of glazing for 70% of the area of the façade



at the ground level. The project proposes approximately 1,515 sf with a difference of approximately 88 sf. Staff recommends that the top portion of the ground floor façade designed with metal panels be replaced with glass to comply with this requirement. As such staff recommends approval of variance #12 with this condition.

13. A variance to reduce the required the 70% area of clear glass fenestration with views into the habitable space along the ground floor of Carlyle Avenue (Class C).

- Variances requested from

**Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

(a) The following regulations shall apply to all frontages:

**(10) Commercial, Hotel, and Access to Upper Level Frontages.** In addition to other requirements for specific frontage types and other requirements in the City Code, frontages for commercial, hotel, and access to upper level frontage shall be developed as follows:

- b. Such frontages shall contain a minimum of 70 percent clear glass windows with views into the habitable space.

The glazing diagram as submitted by the applicant is not accurate, as the calculation requires the height of glass to include the skewed “transom” portion of the metal panels. Based on staff analysis, the project provides approximately 143’-0” of habitable space along the linear frontage of Carlyle Avenue, which exceeds the minimum 85% façade length requirement (131’-4”). The driveways (44’-0”) are not included in the measurement. Staff would note that this façade length is fundamentally linked and conditioned to the Board’s approval of the waiver to allow separate driveways on a Class C street instead of combining the parking and loading driveways.

The ground floor has a height of approximately 23’-11”, which yields approximately 2,200 SF of glass area (70%). However, staff calculations show that the project is providing approximately 2,050 SF resulting in a deficiency of about 150 SF. Again, this is a design-driven issue that could be easily amended without the need for a variance. This variance request lacks practical difficulties or hardship and staff recommends denial of variance #13.

14. A variance to reduce the required 20’-0” of the habitable depth requirement for 85% (131’-4”) of the building frontage is required at the ground level along Carlyle Avenue (Class C).

- Variance requested from:

**Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

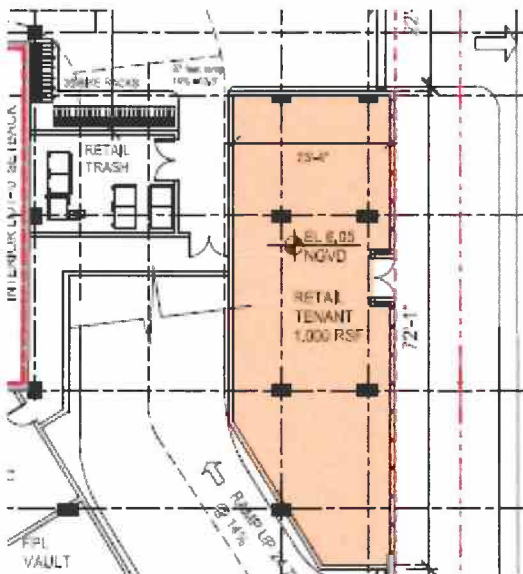
**(g) Class C.** In addition to other requirements in the City Code, Class A frontages shall be developed as follows:

**(2) Buildings shall have a minimum of one (1) floor located along a minimum of 85 percent of the length of the setback line pursuant to the following regulations:**

- c. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space for residential, hotel, or

commercial uses with a minimum depth of 20 feet from the building façade for the minimum required length along the setback line.

The ground floor retail space must contain habitable space along 85% of the building façade with a minimum depth of 20'-0" for Class C frontages. Based on the length of the property facing Carlyle Avenue, a linear requirement of 131'-4" of habitable space is required with 20'-0" of habitable depth. The design provides 140'-0" of linear along this street. The project contains approximately 198'-0" of linear frontage with the two driveways subtracted brings the amount to 154'-0" for zoning calculation purposes. However, the depth of 20'-0" is not consistent for the entire length. Approximately 22'-0" of frontage adjacent to the driveway does not provide the required 20'-0" in depth, as the driveway turns into its approach of the ramp. Staff finds that there are practical difficulties inherent to the irregular shape of the property that result in the variance requested. In reviewing the ground floor site plan comprehensively, the 71<sup>st</sup> Street frontage contains a continuous and uninterrupted commercial space for the entirety of the 165'-2" of Class A frontage and comports with the transparency requirement for visual display into the space. Working closely with staff through multiple meetings, it was agreed upon that the priority of compliance with the TC-C stringent street frontage regulations would be the two Class A streets. However, the applicant did make a concerted effort to activate and design Carlyle as closely as possible to the ground floor regulations.



That said, because of internal design constraints pertaining to the incorporation of two, two-way driveways accessing the site, an extremely limited area of the ground floor is chamfered to accommodate the steep parking turn ramp to the upper levels of the parking garage. The project provides for 118'-0" approximately when 131'-4" is required. The intensity of the variance is subject to approval of the waiver for the separation of the driveways. If this waiver is not approved, the required length of the habitable space must be recalculated. Because the frontage exceeds the minimum percentage of building length providing habitable space and the reduction in the depth is for a small portion, staff therefore recommends approval of variance #14 for the

reduced habitable depth along Carlyle Avenue.

15. A variance to allow loading area / surface parking to be not entirely screened from public right of ways and pedestrian path along Carlyle Avenue (Class C).

- Variance requested from:

**Sec. 142-745. –Street Frontage, Design, and Operations Requirements.**

**(12)Loading.** Where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways:

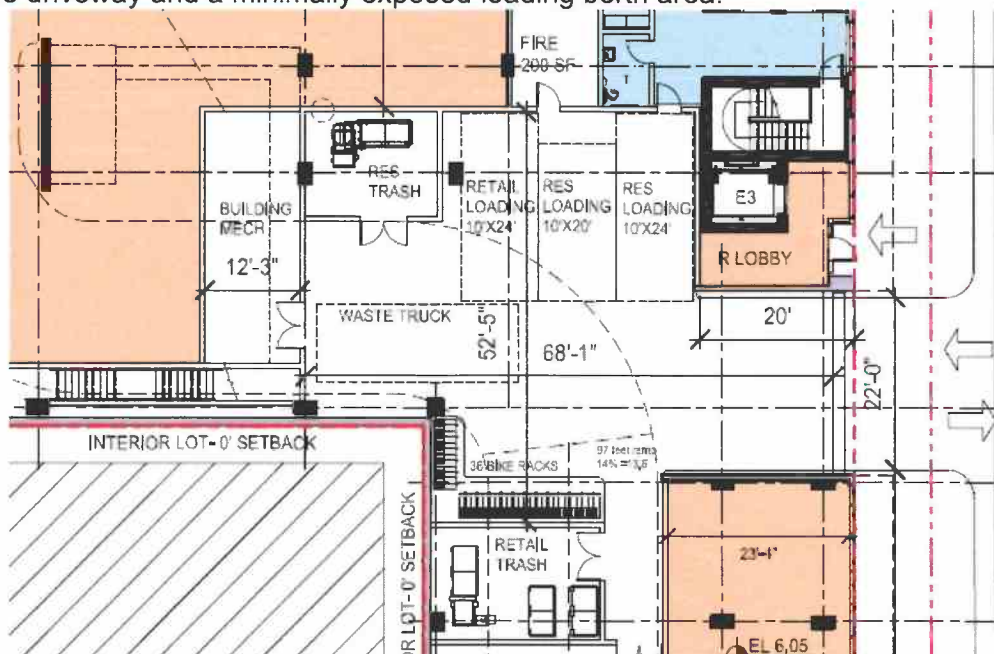
a. Loading shall at a minimum be setback behind the area required to be habitable for each Street Class designation.

(g) **Class C.** In addition to other requirements in the City Code, Class A frontages shall be developed as follows:

(2) Buildings shall have a minimum of one (1) floor located along a minimum of 85 percent of the length of the setback line pursuant to the following regulations:

d. Ground floor and surface parking shall be setback a minimum of 20 feet from the building façade and shall be concealed from view from the Clear Pedestrian Path.

Again, due to the overall site geometry and dimensions, the vehicular access to loading / service areas was placed with access from Carlyle Avenue (Class C). Additionally, a separate driveway (waiver needed) was also configured on this frontage that provides direct access to the upper parking levels. In order to achieve the slope of the ramping necessary to reach the second floor and clear the first floor clearance of 24'-0" measured from CMB Grade, the driveway had to be sited in the furthest portion of the triangular site, the southern portion, that allows the greatest length for a parking ramp run. The triangular site contains about 200'-0" of linear frontage along 71<sup>st</sup> Street that tapers to 76'-0" at the southernmost edge of the aggregated site - lot 5, the triangular parcel that completes Block 15, is not part of the subject property. The site's geometry, coupled with the internalized sloped ramping, create challenges for the ground floor clearance heights for the remaining unaffected by the sloping ramp. This is particularly so for the internal coordination for providing enough head room to allow for safe maneuverability of loading, truck delivery and trash pickup. The clearance within the building envelope necessary to provide sufficient enough space for truck access, while still complying with the provisions for the 50'-0" of habitable space required for the two Class A street frontages, results in the location and the need for a double driveway and a minimally exposed loading berth area.



Detail of site plan loading bay area accessed off of Carlyle Avenue

The loading area is approximately 68'-0" deep and internally 52'-5" wide. All three required loading spaces and trash pick areas have been configured in this area. The project complies with the 20'-0" habitable depth requirement at the entrance to either side of the garage, yet the three loading berths will not be entirely hidden from view. The intent is that all loading operations, when being conducted, occur screened from view and behind the habitable space, not visible from the street. As designed, all operation is partially visible. In this instance, since complying with the section of the code would likely trigger the need for require variance relief on providing 50'-0" habitable space dimensions along 71<sup>st</sup> Street and Indian Creek Drive. Staff would also recommend, that the loading area be closed as much as possible to screen loading activity from street view; as such, staff recommends approval of variance #15.

16. A variance to not provide a shade structure over the required pedestrian path along Indian Creek Drive (Class A).

- Variance requested from:

**Sec. 142-745. Street Frontage, design, and operations requirements.**

*(a) The following regulations shall apply to all frontages:*

*(8) Commercial, Hotel, and Access to Upper Level Frontages. In addition to other requirements for specific frontage types and other requirements in the City Code, frontages for commercial, hotel, and access to upper level frontage shall be developed as follows:*

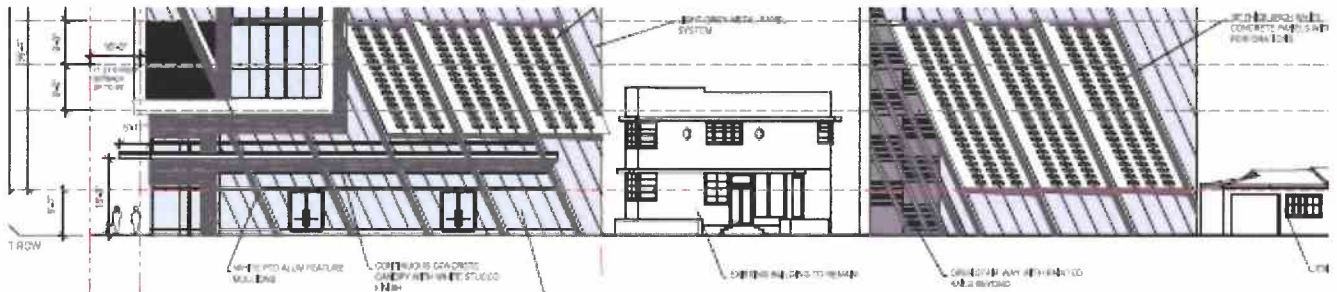
*c. A shade structure that projects for a minimum depth of five (5) feet (from BFE +5') into the setback beyond the building facade, shall be provided at a height between 15 feet and 25 feet. Said shade structure may consist of an eyebrow or similar structure. Additionally, an allowable habitable encroachment such as balconies or parking deck may take the place of the shade structure. Notwithstanding the foregoing, if the shade structure is not an integral structural component of the building, it may be located at a height between 15 feet measured from CMB Grade and 25 feet measured from the required City of Miami Beach Freeboard.*

As noted above, in this very limited instance, staff supports the placement of the FPL / fire protection spaces on the southern portion of the site along Indian Creek Drive (variance #10) because it allows for maximizing the remaining street frontage pedestrian activation. However, has very serious concerns with the lack of a shade element along this portion of the block. It is already a great compromise to the promotion of an active urban core by not providing active uses along this section of a Class A street frontage. By not providing pedestrians a comfortable setting along the clear pedestrian path, however, is fully contrary to the overall intent of the TCC district. In this regard, a continuous shade element is critical to not only providing both shelter from the rain and sun, but also to further harmonize the entire project.

Staff strongly recommends that the architect continue the shading device along the non-active storefront portion of the project. The block is bound by two Class A streets (71<sup>st</sup> Street and Indian Creek Drive), which identifies the triangular site as potentially being one of the



anchors of development leading towards a truly vibrant, walkable town center. Many of the various design requirements for transparency, depth and habitable space were supported by staff along this specific portion of the project in order to fulfill the vision of a walkable and vibrant town center by emphasizing the other street frontages, with added emphasis on the pedestrian experience.



Detail of Indian Creek Drive elevation

However, architectural shading element guidelines have also been established by street frontage class, which require the new buildings to provide additional comfort and shade to the pedestrians to compliment an active streetscape for an enjoyable and comfortable, walkable neighborhood. Staff finds that there are no practical difficulties or hardships associated with this variance, since this is a design driven element and there is plenty of opportunity to architecturally express an eyebrow or similar shade element. As such, staff **STRONGLY** recommends denial of variance #16, and further recommends that the canopy/shade structure provided shall extend along the south side of the property line.

17. A variance to not provide a clear pedestrian path free from obstructions along limited portions of Indian Creek Drive and 71<sup>st</sup> Street (Class A) frontages.

- Variance requested from:

**Sec. 142-745. Street Frontage, design, and operations requirements.**

*(a) The following regulations shall apply to all frontages:*

**(3) Clear Pedestrian Path.** A minimum 10 foot wide "Clear Pedestrian Path," free from obstructions, including but not limited outdoor cafes, sidewalk cafes, landscaping, signage, utilities, and lighting, shall be maintained along all frontages.



The architect has designed the project with maximum effort to provide a continuous "clear pedestrian path" along all three street frontages as evidence by the diagram below. In the event that there are certain existing street elements that cannot or may not be able to be successfully altogether removed by the applicant, i.e. Miami Dade County bus shelter, light pole, camera pole, trash can, meter, etc. then staff is supportive of the pedestrian path encompassing these elements.

Some of the superfluous street furniture can be removed or relocated given the challenging triangular



geometry of the site and the importance to provide street trees for additional comfort and shade to the pedestrians to compliment an active streetscape for an enjoyable and comfortable, walkable neighborhood. As such, staff recommends approval of the variance #17 to provide the 10'-0" wide continuous pedestrian path that is not entirely free from obstructions.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts, with the exception of variance #11, #13 and #16.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, with the exception of variances #11, #13 and #16, 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.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance(s):

- **Sec. 142-745(a)(12) Loading:** Where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways: Driveways for parking and loading shall be combined, unless waived by the Design Review Board.
- **Clear Pedestrian Path.** A minimum 10 foot wide "Clear Pedestrian Path," free from obstructions, including but not limited outdoor cafes, sidewalk cafes, landscaping, signage, utilities, etc.
- Identify intended compliance with Section 142-747 North Beach Public Benefits Fund. Fee per unit public fund benefit. Contribution to public benefits fund. A contribution to the public benefits fund, in the amount identified in appendix A shall be required for each square foot of floor area located above the 125 feet. Provide information and details of how the project will satisfy this requirement.
- The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- Project shall comply with Urban Heat Island Ordinance, roofing.
- Clarify location and type of required bicycle (long vs short term) parking on plans.
- 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.
- 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.
- All overhead utility lines and poles adjacent to the subject property shall be placed underground. Applicant to engage FPL to underground poles and lines.

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

#### **CONSISTENCY WITH 2040 COMPREHENSIVE PLAN**

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

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

**Not Satisfied; a lighting plan has not been submitted.**

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).

**Not Satisfied; the applicant is requesting one waiver and seventeen variances from the Board.**

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Not Satisfied; details of the parking structure have not been sufficiently detailed.**

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

**Satisfied**

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

**Not Applicable**

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

**Not Satisfied; the applicant is requesting one waiver and seventeen variances from the Board.**

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Satisfied**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.  
**Not Applicable**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied; see below**

**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.**

**Consistent-** The applicant has indicated that a recycling and salvage plan will be provided at permitting.

**(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.**

**Consistent-** The applicant has indicated that hurricane proof impact windows will be provided.

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

**Consistent-** The applicant has indicated that passive cooling systems will be provided where feasible and appropriate.

**(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

**Consistent-** Resilient landscaping will be provided.

**(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.**

**Partially Consistent-** The applicant has indicated that sea level rise projections were considered.

- (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.**

**Consistent-** The ground floor of the development will be adaptable to the raising of public rights-of-way and adjacent land.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

**Consistent-** Electrical and mechanical systems will be located above base flood elevation. Any mechanical and electrical systems located below base floor elevation will be floodproofed in accordance with Florida Building Code requirements.

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

**Not Applicable-** The subject site currently consists of surface parking lots.

- (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.**

**Consistent-** When habitable space is located below base flood elevation, wet or dry flood proofing systems will be provided.

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

**Partially Consistent-** According to the applicant's letter of intent, the design architect will study various water retention systems for the Project.

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

**Consistent-** The applicant has indicated that such materials will be utilized.

- (12) The design of each project shall minimize the potential for heat island effects on-site.**

**Not Consistent-** The applicant has provided no information regarding any efforts to minimize heat island effects.

**ANALYSIS:**  
**DESIGN REVIEW**

The subject site is a 0.58-acre unified development located within the boundaries of the TC-C, Town Center – Central Core District. The applicant is proposing a new 13-story, 151'-1" high building with 80 residential units above a ground floor retail component and two floors of parking. The site is generally bound by 71<sup>st</sup> Street to the north, Indian Creek Drive to the west, and Carlyle Avenue to the east. Encompassing nearly all the properties within the entire triangular block, with the exception of two parcels that are not part of the application, one midblock along Indian Creek Drive and the other is the southernmost parcel of the block. The proposed design seeks one design waivers and seventeen variances as part of this application.

The project consists of a new mixed-use tower at the westmost edge of the TC-C district. Despite the geometric constraints inherent with a triangular site, the applicant has programmed, in large part, the ground floor with retail and residential liners along the perimeter of the development. Exceptions include two driveway entrances along the secondary Carlyle Avenue elevation and the utility infrastructure at the disconnected, southernmost portion of the Indian Creek Drive elevation. Otherwise, the design activates northwest corner of the ground floor, along the primary facades of 71<sup>st</sup> Street and Indian Creek, with 50'-0" deep retail spaces, delegates the residential lobby to the quieter northeast corner with a notched entrance and reintroduces a slimmer retail liner on Carlyle Avenue. Loading and back-of-house spaces have been designed internally with an entrance on Carlyle Avenue. Parking, which is accessed from the southernmost edge of the site on Carlyle Avenue, has been relegated to the second and third floors of the pedestal and consequential to the geometry of the site occupies the entirety of these levels. A two-level parking deck encompassed all the second and third floor and adheres to the geometry bound by the three frontages.

The primary façade of this development faces 71<sup>st</sup> Street, with emphasis wrapping around to the northeast edge corner of Indian Creek Drive. The I-shape tower rises at 71<sup>st</sup> Street with its stem oriented in the north and south direction, and a sliver for a bar extending south along Carlyle Avenue. The ground floor retail and residential components are detailed in 24-foot high floor to ceiling glazing that is interrupted three-quarters of the way up with a thick projecting eyebrow that encircles most of the ground floor perimeter as a shade structure and architectural element that assists in defining the pedestrian realm. The primary 71<sup>st</sup> Street elevation features a four-story projection above the retail level that is framed by a three-sided stucco band, open on the east side. Within this massing, diagonal mullions are infilled with perforated metal screening at levels two and three, and glass at levels four and five. Setback from this projection the tower unveils itself in floor to ceiling glass with projecting balconies along its expansive directional north and south elevations. A larger concrete frame rises from the center of the tower's Indian Creek façade beyond the roofline and caps the tower as an ornamental concrete trellis. In totality, there are nine residential levels with a double loaded corridor, with an amenity deck and pool on the fourth floor and restaurant and rooftop terrace on the thirteenth floor.

The four-story pedestal is visually pronounced along Indian Creek Drive and Carlyle Avenue and features a diagonal grey metal panel system that is inset with glazing at the ground floor – articulated with diagonal mullions – and a perforated concrete screen panel system for the garage levels, also in a diagonal direct. Along the Indian Creek Drive elevation, the diagonal pattern is interrupted by the existing two-story building, but continues thereafter as diagonal mullions to screen the open stairway beyond and transitions into a full four-stories

of the metal system inlaid with the perforated concrete panels, cloaking the utility structure and garage levels.

The proposed design of the development is dynamic, taking directional cue for its architectural accents from the shape of the site. However, staff finds the angle of the diagonal components a bit severe and recommends a softer angle. Furthermore, staff recommends the continuation of the eyebrow shade structure, which runs above the ground floor commercial and residential components, to continue on the disconnected volume at the southern end of the Indian Creek Drive elevation, to ensure a pleasant and comfortable pedestrian experience around the entirety of the project. In short, staff is supportive and enthusiastic of the notable design on an extremely challenging site within the TCC, with the above noted modifications.

### **DRIVEWAYS AND LOADING**

In order to provide a safe pedestrian environment, driveways are prohibited along 71<sup>st</sup> and Indian Creek Drive, unless it is the only means of vehicular access to the site. Driveways and loading are permitted on Class C frontages; however, their width is limited, the breaks have a distance separation requirement and they must be incorporated into the façade of the building. Additionally, loading must be set back to limit its visibility from the public realm. Several driveway design characteristics typically cause safety and access problems for pedestrians, including excessively wide and/or sloped driveways, driveways with large turning radii, and multiple adjacent driveways, all of which lead to hazardous walking conditions in the built environment from the pedestrian perspective. In order to minimize vehicular breaks in the sidewalk to accommodate driveways, additional design guidelines implemented by the ordinance include minimum separation standards in order to prevent excessively wide curb cuts to minimize conflicts with pedestrians.

The applicant has proposed two separate driveways on the triangular site along Carlyle Avenue, which requires a waiver from the Design Review Board. The site contains 198'-0" of linear frontage along Carlyle Avenue. The applicant is proposing two, two-way 22'-0" wide driveways, one that accesses the internalized loading berths and the other that leads to a speed ramp for the upper parking garage levels. These two curb cuts are separated by a retail component that measures 72'-1" in length, nearly two and half times the minimum separation distance of 30'-0", but the TC-C regulations require that all driveways, both for parking and loading, be combined, unless waived by the DRB. In this instance, staff is supportive of the waiver, since the driveways proposed do not proliferate an expansive breadth for vehicle curb cuts and have successfully been incorporated into the façade of the building and designed with the minimal widths for safe traffic flow and maneuverability. The two-way driveway along Carlyle configures a speed ramp to the upper parking levels that provides streamlined residential vehicular circulation and ensures that commercial and loading vehicles do not interfere with residential access. Staff supports the waiver to separate the loading and parking driveways.

### **PARKING**

Pursuant to the regulations for Parking District No. 8, no parking is required for retail uses; however, required parking can be provided up to the level required in Parking District No. 1 without counting against the project's maximum FAR. Of the 79 provided parking spaces located within the two parking levels, 43 spaces satisfy the parking requirements for the proposed residential units. Additionally, there is no parking requirement for retail uses,

although the applicant can provide for such with no FAR penalty.

### **HEIGHT**

The applicant is proposing a 13-story structure measuring 151'-1" to the top of the roofline of the rooftop restaurant from BFE +5, or 13' NGVD. The TC-C requires participation in the Public Benefits Program (Sec. 142-747) for all floor area located above 125 feet up to the maximum building height. The fees are established in Appendix A of the City Code and is currently \$3 per square foot located above 125 feet; the fee is paid prior to obtaining a building permit. The applicant intends on utilizing the public benefits for the portions of the Project above 125' in height pursuant to Section 142-747(g)(1)—expedited development option.

### **OVERALL DESIGN**

Staff is supportive of the new structure, as well as the contemporary design language that incorporates variations in surface materials and changes in planes. In addition, staff is recommending some design modifications in order to ensure a successful integration of the new development within the established context: these modifications include the following:

- a. *Pedestal screening: The architect shall consider reducing the severity of angle for the diagonal architectural components.*
- b. *Shade structure over pedestrian path: The design shall incorporate along the entirety of its development, including the non-active portion of the Indian Creek Drive elevation, a shade structure to ensure a comfortable pedestrian experience.*
- c. *Clear Glass Requirements: The percentage of clear glass with views of habitable space along the Indian Creek Drive elevation shall be no less than 68%.*
- d. *Utility poles / lines: All overhead utility lines and poles along the entire block, inclusive of the poles / lines adjacent to remainders of lots 3 and 5 that are not part of the development; the entirety shall be placed underground. Applicant to engage FPL.*
- e. *Other: Additional modifications, where necessary, to fully comply with all of the other deficiencies identified under compliance with zoning code section of this recommendation.*

Staff is confident that modifications can be reviewed and approved administratively and recommends approval of the application.

### **VARIANCE REVIEW**

As identified under the 'Project' description of the analysis, three of the variances do not satisfy the practical difficulties or hardship criteria. Additionally, they are inconsistent with intent of the frontage requirements of the TC-C and do not endeavor the goals of the TC-C. Staff recommends denial of variance requests #11, #13 and #16, and approval of the other variances.

### **RECOMMENDATION:**

In view of the foregoing analysis, staff recommends that variances #1 thru 10, #14, #15 and #17 be **approved**, and variance #11 be **denied** while variances #13 and 16 be **denied** and the overall design inclusive of the waiver be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the

aforementioned Design Review criteria, Sea Level Rise, and Practical Difficulty and Hardship criteria, as applicable.



Exhibit 'A'

LOT 4 AND A PORTION OF LOT 5, IN BLOCK 15 OF NORMANDY BEACH SOUTH, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST LINE OF CARLYLE AVENUE, SAID POINT BEING 7.0 FEET SOUTH OF THE SOUTHEAST CORNER OF SAID LOT 4, THENCE RUN WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 4, 60.7 FEET TO A POINT; THENCE RUN SOUTHWEST 27.0 FEET TO A POINT ON THE EASTERLY LINE OF ALBACORE DRIVE (NOW INDIAN CREEK DRIVE) SAID LAST MENTIONED POINT BEING 10 FEET SOUTH OF THE SOUTH LINE OF SAID LOT 4; THENCE RUNNING NORTHWESTERLY ALONG THE EASTERLY LINE OF ALBACORE DRIVE (NOW INDIAN CREEK DRIVE) 70.56 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID BLOCK; THENCE RUNNING EAST ALONG THE NORTH LINE OF SAID LOT 4, 124.5 FEET TO THE WEST LINE OF CARLYLE AVENUE; THENCE RUNNING SOUTH ALONG THE WEST LINE OF CARLYLE AVENUE 57.0 FEET TO THE POINT OF BEGINNING, LESS THE FOLLOWING DESCRIBED STREET DESIGNATION AS RECORDED IN DEED BOOK 3475, PAGE 510, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TO-WIT:

THAT PORTION OF LOTS 4 AND 5, IN BLOCK 15 OF NORMANDY BEACH SOUTH, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE NORTHERLY LINE OF SAID LOT 4, BOUNDED ON THE WEST BY THE EASTERLY LINE OF INDIAN CREEK DRIVE, BOUNDED ON THE EAST BY A LINE PARALLEL TO SAID EASTERLY LINE OF INDIAN CREEK DRIVE AND 15 FEET EASTERLY THEREFROM; SAID 15 FEET BEING MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE OF INDIAN CREEK DRIVE AND BOUNDED ON THE SOUTH BY A PORTION OF A LINE DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST LINE OF CARLYLE AVENUE, 7 FEET SOUTHERLY FROM THE SOUTHEAST CORNER OF SAID LOT 4; THENCE RUN WEST, PARALLEL TO THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 60.7 FEET TO A POINT; THENCE RUN SOUTHWESTERLY 27 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 5, SAID POINT BEING 70.56 FEET FROM THE NORTHWEST CORNER OF SAID LOT 4.

(CONTAINING :5097 SQFT. OR 0.12 ACRES MORE OR LESS)

PARCEL 1:

LOTS 1 AND 2, LESS THE EAST 80 FEET THEREOF, BLOCK 15, NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(CONTAINING :9159 SQFT. OR 0.21 ACRES MORE OR LESS)

PARCEL 2:

THE EAST 80 FEET OF LOTS 1 AND 2, BLOCK 15, NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(CONTAINING :8064 SQFT. OR 0.19 ACRES MORE OR LESS)

PARCEL 3:

THE EAST 65.55 FEET OF LOT 3, BLOCK 15, OF NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(CONTAINING :3277 SQFT. OR 0.08 ACRES MORE OR LESS)

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

MEETING DATE: May 05, 2020

PROPERTY/ FOLIO: 6973 Indian Creek Drive 02-3211-002-1230  
666 71<sup>st</sup> Street 02-3211-002-1200  
6994 Carlyle Avenue 02-3211-002-1190  
6980 Carlyle Avenue 02-3211-002-1220

FILE NO: DRB20-0505

IN RE: An application has been filed requesting Design Review Approval for the construction of a new multi-story mixed-use residential and retail development, including one or more waivers and one or more variances from the street class frontage requirements, to replace three one- and two-story buildings.

LEGAL: See attached Exhibit 'A'

**ORDER**

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

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not a individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 9, 12, 13, 16 and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with the Sea Level Rise Criteria 1, 5, 10 and 12 in Section 133-50(a) of the Miami Beach Code.
  1. Revised elevation, site plan and floor plan drawings for the proposed mixed-use development at 666 71<sup>st</sup> Street shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The proposed plans shall be revised to fully comport with the FAR requirements of the City Code. FAR diagrams and calculations shall be revised and to be reviewed and approved by staff as part of the building permit plans.

- b. The separation of driveways for parking and loading **shall be** waived as proposed. (Sec 142-745(a)(12)(c))
- c. The architect shall clarify location and type of required bicycle (long vs short term) parking on a revised site plan.
- d. The architect shall further refine the proposed diagonal architectural elements that are found on the pedestal in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The architect shall include a shade structure over the pedestrian path along the entirety of the Indian Creek Drive elevation, specifically at the non-retail portion of the ground floor, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. The architect shall provide additional design details / further refinement of the ground retail tenant build out, including all interior fixtures, shelving, lighting, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of ten (10') feet from the exterior glass storefront walls of the ground floor along Indian Creek Drive, 71<sup>st</sup> Street and Carlyle Avenue.
- g. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of ten (10') feet from the exterior walls of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes; however, shelving, partitions, and checkout counters, or similar objects, shall not be permitted to be flush to the exterior walls of the building facing any right-of-way.
- i. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights or way or adjacent properties shall be permitted.
- j. Any future kitchen ventilation or mechanical venting shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.

- k. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, as well as on the roof deck, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - l. The final design details and pattern of the hardscape and exterior walkways 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.
  - m. Any exterior ground floor 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 consistent with the Design Review Criteria and/or the directions from the Board.
  - n. The interior walls of the two driveways at the first level of the parking garage entrance, ramps and loading areas, shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - o. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - p. Final details of all proposed storefront systems and associated details shall be provided for all ground floor elevations on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - q. 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.
  - r. 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed application, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- d. All overhead utility lines shall along all street frontages within the block of the subject property be relocated underground. All utility poles shall be removed.
- e. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, with the exception of a small portion of slab to accommodate loading in the alley, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- g. The Backflow prevention device shall not be permitted within any area fronting a street or sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
- h. Street trees shall be required within the sidewalk at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.



- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- n. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

## **II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied:
  - 1. A variance to eliminate the required habitable space at the second (2<sup>nd</sup>) floor fronting 71<sup>st</sup> Street (Class A) in order to provide parking spaces.
  - 2. A variance to eliminate the required habitable space at the third (3<sup>rd</sup>) floor fronting 71<sup>st</sup> Street (Class A) in order to provide parking spaces.
  - 3. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the second (2<sup>nd</sup>) floor along 71<sup>st</sup> Street (Class A) in order

to provide parking spaces.

4. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the third (3<sup>rd</sup>) floor along 71<sup>st</sup> Street (Class A) in order to provide parking spaces.
5. A variance to eliminate the required habitable space at the second (2<sup>nd</sup>) floor fronting Indian Creek Drive (Class A) in order to provide parking spaces.
6. A variance to eliminate the required habitable space at the third (3<sup>rd</sup>) floor fronting Indian Creek Drive (Class A) in order to provide parking spaces.
7. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the second (2<sup>nd</sup>) floor along Indian Creek Drive (Class A) in order to provide parking spaces
8. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the third (3<sup>rd</sup>) floor along Indian Creek Drive (Class A) in order to provide parking spaces.
9. A variance to reduce the minimum required 50'-0" of the habitable depth requirement along Indian Creek Avenue (Class A) for a limited area of back of house operations and electrical rooms, FPL vault and fire pump room.
10. A variance to provide ground floor utility infrastructure (FPL transformers, electrical rooms, etc.), on a Class A street frontage (Indian Creek Drive), which is not the only frontage that provides a means of egress to the property.
12. A variance to reduce the required the 70% area of clear glass fenestration with views into the habitable space along the ground floor of Indian Creek Drive (Class A).
14. A variance to reduce the required 20'-0" of the habitable depth requirement for 85% (131'-4") of the building frontage is required at the ground level along Carlyle Avenue (Class C).
15. A variance to allow loading area / surface parking to be not entirely screened from public right of ways and pedestrian path along Carlyle Avenue (Class C).
17. A variance to not provide a clear pedestrian path free from obstructions along limited portions of Indian Creek Drive and 71<sup>st</sup> Street (Class A) frontages.

The following variances were **denied** by the Board:

11. A variance to reduce the required the 70% area of clear glass fenestration with views into the habitable space along the ground floor of 71<sup>st</sup> Street (Class A).
13. A variance to reduce the required the 70% area of clear glass fenestration with

views into the habitable space along the ground floor of Carlyle Avenue (Class C).

16. A variance to not provide a shade structure over the required pedestrian path along Indian Creek Drive (Class A).

- B. The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts, with the exception of variances #11, #13 and #16.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, with the exception of variance #13 and #16, 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 request(s), #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #12, #14, #15 and #17 and **denies** variance requests #11, #13, and # 16, 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. If required, the applicant shall obtain a revocable permit from the Public Works Department for the proposed improvements within the public right-of-way, subject to approval of the City Commission, prior to the issuance of a building permit.
3. The architect shall revise the ground floor site plan to comply with providing a continuous shade structure over the pedestrian path along the portions of the facades of the entirety of the development along of Indian Creek Drive.
4. The architect shall revise the ground floor site plan to comply with providing the required glazing area fronting Carlyle Avenue, 71<sup>st</sup> Street and Indian Creek Drive, subject to review and approval of staff.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.**

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- C. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- D. Project shall comply with Urban Heat Island Ordinance, roofing.
- E. Identify intended compliance with Section 142-747 North Beach Public Benefits Fund. Fee per unit public fund benefit. Contribution to public benefits fund. A contribution to the public benefits fund, in the amount identified in appendix A shall be required for each square foot of floor area located above the 125 feet. Provide information and details of how the project will satisfy this requirement.
- F. 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.

- G. The Applicant agrees that a project manager will be retained to ensure that all aspects of the development permitting and licensing processes are coordinated and consistent with the approved plans. The applicant agrees to submit the name and contact information for the project manager to the Planning Department within 90 days of the May 05, 2020 meeting. Failure to comply with this condition within the specified time shall result in notice and a hearing before the Board to extend the timeframe.
- H. The applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the new building to the proposed alley re-alignment.
- I. 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.
- J. 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.
- K. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- L. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- M. 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.
- N. 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.
- O. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- P. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this

matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Town Center Gateway: Final Submittal" as prepared by **Nobe Creek LLC Built Form Architecture** dated signed and sealed March 09, 2020, and as approved by the Design Review Board, as determined by staff.

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

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIR

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

LOT 4 AND A PORTION OF LOT 5, IN BLOCK 15 OF NORMANDY BEACH SOUTH, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST LINE OF CARLYLE AVENUE, SAID POINT BEING 7.0 FEET SOUTH OF THE SOUTHEAST CORNER OF SAID LOT 4, THENCE RUN WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 4, 60.7 FEET TO A POINT; THENCE RUN SOUTHWEST 27.0 FEET TO A POINT ON THE EASTERLY LINE OF ALBACORE DRIVE (NOW INDIAN CREEK DRIVE) SAID LAST MENTIONED POINT BEING 10 FEET SOUTH OF THE SOUTH LINE OF SAID LOT 4; THENCE RUNNING NORTHWESTERLY ALONG THE EASTERLY LINE OF ALBACORE DRIVE (NOW INDIAN CREEK DRIVE) 70.56 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID BLOCK; THENCE RUNNING EAST ALONG THE NORTH LINE OF SAID LOT 4, 124.5 FEET TO THE WEST LINE OF CARLYLE AVENUE; THENCE RUNNING SOUTH ALONG THE WEST LINE OF CARLYLE AVENUE 57.0 FEET TO THE POINT OF BEGINNING, LESS THE FOLLOWING DESCRIBED STREET DESIGNATION AS RECORDED IN DEED BOOK 3475, PAGE 510, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TO-WIT:

THAT PORTION OF LOTS 4 AND 5, IN BLOCK 15 OF NORMANDY BEACH SOUTH, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE NORTHERLY LINE OF SAID LOT 4, BOUNDED ON THE WEST BY THE EASTERLY LINE OF INDIAN CREEK DRIVE, BOUNDED ON THE EAST BY A LINE PARALLEL TO SAID EASTERLY LINE OF INDIAN CREEK DRIVE AND 15 FEET EASTERLY THEREFROM; SAID 15 FEET BEING MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE OF INDIAN CREEK DRIVE AND BOUNDED ON THE SOUTH BY A PORTION OF A LINE DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST LINE OF CARLYLE AVENUE, 7 FEET SOUTHERLY FROM THE SOUTHEAST CORNER OF SAID LOT 4; THENCE RUN WEST, PARALLEL TO THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 60.7 FEET TO A POINT; THENCE RUN SOUTHWESTERLY 27 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 5, SAID POINT BEING 70.56 FEET FROM THE NORTHWEST CORNER OF SAID LOT 4.

(CONTAINING :5097 SQFT. OR 0.12 ACRES MORE OR LESS)

PARCEL 1:

LOTS 1 AND 2, LESS THE EAST 80 FEET THEREOF, BLOCK 15, NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(CONTAINING :9159 SQFT. OR 0.21 ACRES MORE OR LESS)

PARCEL 2:

THE EAST 80 FEET OF LOTS 1 AND 2, BLOCK 15, NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(CONTAINING :8064 SQFT. OR 0.19 ACRES MORE OR LESS)

PARCEL 3:

THE EAST 65.55 FEET OF LOT 3, BLOCK 15, OF NORMANDY BEACH SOUTH,

ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54,  
OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.  
(CONTAINING :3277 SQFT. OR 0.08 ACRES MORE OR LESS)