

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

MEETING DATE: July 07, 2020

PROPERTY/ FOLIO:	7140 Abbott Avenue	02-3211-002-0470
	7136 Abbott Avenue	02-3211-002-0460
	7124 Abbott Avenue	02-3211-002-0440
	7120 Abbott Avenue	02-3211-002-0430
	409 71 <sup>st</sup> Street	02-3211-002-0410
	7117 Byron Avenue	02-3211-002-0390
	7135 Byron Avenue	02-3211-002-0380
	7134 Abbott Avenue	02-3211-002-0370
	430 72 <sup>nd</sup> Street	02-3211-002-0360

FILE NO: DRB19-0482

IN RE: An application has been filed requesting Design Review Approval for the construction of a new multistory mixed-use residential and retail development, including one or more waivers, and variances to reduce the frontage depth requirement for habitable space on Abbott Avenue, to reduce the frontage depth requirement for habitable space on Byron Avenue, and to reduce the minimum amount of building façade with habitable space along Byron Avenue, to replace existing structures including three 2-story buildings, surface parking lot, and a gas station. This project is proposed to take place in two (2) phases as a phased development project.

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, 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, 10, 11, and 12 in Section 133-50(a) of the Miami Beach Code.

D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:

1. The Phased Development plan shall be approved as proposed. Phase I of the project site includes the replacement of all one- and two-story existing buildings, except for the existing two-story gasoline and service center. The phased development approval requires the nonconforming building to be redeveloped into a conforming building. In the event that the Chevron Gas Station terminates its lease, the applicant will submit an application for Phase II to the Design Review Board. Sec. 142-746(b) Notwithstanding the requirements of subsection (a) above, if said nonconforming building has a tenant with a lease that prevents the structure from being made conforming as part of the land use board approval, then the following shall apply: The phasing time limit shall be the minimum necessary to allow for the completion of the lease; A certified copy of the lease shall be provided as part of the Land Use Board application; The minimum required floor area to be reserved for Phase II is 11,560 SF.
2. The architect shall provide additional design details / further refinement of the bioswale area of the project including the slopes, ground cover, filtration mechanisms, etc. The environmental and water management components of the bioswale shall be modified to incorporate significant and measurable resilience and sustainability components, subject to the review of the Environmental and Sustainability Department and the Public Works Department.
3. Revised elevation, site plan and floor plan drawings for the proposed mixed-use development at 7140 Abbott Avenue 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, subject to the review and approval of staff, as part of the plans submitted for building permit review.
  - b. The restriction on loading spaces requiring vehicles to reverse into or out of the site shall be waived as proposed. (Sec 142-745(a)(12)(b))
  - c. The separation of driveways for parking and loading shall be waived as proposed. (Sec 142-745(a)(12)(c))
  - d. The reduced separation distance between the driveways on Class C frontage shall be waived as proposed. (Sec 142-745(g)(3)(b))
  - e. The architect shall comply with the street frontage requirements for the Class A frontage (72<sup>nd</sup> street):
    - i. Although the project complies with the 70% glass frontage, the elevation drawing, and calculations are not accurate. The length of the glazing required cannot include the structural columns. Elevation drawing and calculations shall be revised



- ii. Café shall be extended to include the required 50'-0" fronting 72<sup>nd</sup> Street. Storage uses are not considered habitable space desired to be within the required frontage depth
  - iii. Utility infrastructure shall be concealed from public view and may be placed within required habitable space (50'-0") or behind if access from the street is required. In this case, demonstrate that access from the street is required by the Florida Building Code or other applicable regulations for the Fire command room.
- f. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit. The grey field color of the exterior walls shall be a light grey color, reflecting in intensity as the submitted renderings during the July 07, 2020 DRB presentation, subject to the review and approval of staff.
- g. Any proposed decorative LED or other lighting of the architectural 'tron raceways' along the south façade and within the featured recess gap of the two massings on the north and east elevation shall be with a minimal lighting wattage and shall consist of a static (non-flashing) monochromatic color and non-flashing. The color, illumination level, placement and details of all exterior lighting, shall be subject to the review and approval by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The architect shall further refine the south façade and explore wrapping residential balconies along south façade, subject to the review and approval by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. A minimum 10'-0" foot wide "Clear Pedestrian Path," free from obstructions, including but not limited outdoor cafes, sidewalk cafes, landscaping, signage, utilities, door swings, etc., shall be maintained on the ground floor along all street frontages.
- j. Utility infrastructure shall be concealed from public view and may be placed within required habitable space (20'-0") or behind if access from the street is required. In this case, demonstrate that access from the street is required by the Florida Building Code or other applicable regulations for the Fire Pump room.
- k. The architect shall clarify location and type of required bicycle (long vs short term) parking on a revised site plan.
- l. The architect shall work with staff to eliminate the proposed three parking spaces accessed from the alley and eliminate the additional roll down doors to secure the spaces.
- m. Additoinal details are needed of the articulated architectural treatment, specifically the raceway "Tron" channels including lighting shall be



submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.

- n. The architect shall further refine the architecture along the alley realignment elevation, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board. Additional design details / further refinement shall be provided, of the south area of the project including the parking garage/screening elevations, ground floor loading area, design details, lighting, ground cover, screening mechanisms, etc, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. 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, at staff's discretion, be setback a minimum of ten (10') feet from the exterior glass storefront walls of the ground floor along and Abbott Avenue.
- p. The architect shall provide additional design details / further refinement of the proposed soccer pitch including details of the fencing and lighting, location, height, configuration and specifications, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
- q. The applicant shall further refine the proposed parking garage screening. The final design details and color selection of the "parking garage podium screening" proposed at portions of the parking podium 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.
- r. 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.
- s. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, if parallel to the exterior wall, shall, at staff's discretion, 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.
- t. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive



'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.

- u. 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. Notwithstanding the foregoing, the project may have ground floor vents along the alley, subject to staff review and approval.
- v. 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.
- w. All tower rooftop lighting shall consist of a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- x. 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.
- y. 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.
- z. The interior walls of the first level of the parking garage entrance, ramps and loading areas, shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- aa. 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.
- bb. 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.

- cc. 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.
  - dd. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
4. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
  - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
  - c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed application, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
  - d. A true "green" roof shall be incorporated that encompasses 50% of the rooftop area(s) of the building's rooftop at the NE corner of 72<sup>nd</sup> Street and Abbott Avenue with natural vegetation, including plant beds of sufficient size to accommodate trees and landscape, and other green infrastructure practices, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. All overhead utility lines shall along Abbott Avenue adjacent to the subject property be relocated underground. All utility poles shall be removed.
  - f. All exterior walkways and drives shall consist of decorative pavers, set in



sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- g. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- h. The Backflow prevention device shall not be permitted within any area fronting a street or sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. Street trees shall be required within the sidewalk at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- j. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- k. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- l. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- n. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- o. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.



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

## II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied:

The following variance was approved by the Board:

1. A variance to reduce the required 45'-0" of the habitable depth requirement along Abbott Avenue (Class B) for a limited area of the trash room
2. A variance to reduce the required 85% of the length of the building façade requirement along Byron Avenue (Class C) for driveway access

The following variance was withdrawn by the Applicant.

- ~~3. A variance to reduce the required 20'-0" minimum habitable depth requirement along Byron Avenue (Class C) in order to provide for necessary utility equipment (back-flow preventer).~~

- B. As to Variance Nos. 1 and 2, the applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.


The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;





That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

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) as to Variance Nos. 1 and 2, 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.

**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. Currently, only three (3) co-living units remain available in the TC-C zoning district. Unless the City Commission adopts legislation amending City Code Sec. 142-741(b)(2)(a)(iv) to increase the total number of co-living units available in the district, the plans for the project and program of uses shall be revised to reduce the number of co-living units proposed.
- B. There shall be a limit of 500 apartment units built within the TC-C district, in addition to the maximum allowable density and intensity permitted prior to the adoption of the FAR increase approved on November 7, 2017. (See **Sec 142-741(b)(2)(a)(ii) – Apartments**).
- C. 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.
- D. 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.

- E. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- F. Project shall comply with Urban Heat Island Ordinance.
- G. 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.
- H. 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.
- I. 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, agreeing to indemnify and hold harmless the City from and against any claim or loss arising from an accident caused by a motor vehicle or other instrumentality being operated in reverse while entering or exiting the proposed development's loading facilities.
- J. 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.
- K. 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.
- L. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- M. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- N. 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.
- O. 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.

- P. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- Q. 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 "7140 Abbott Avenue: Final Submittal" as prepared by **Arquitectonica**, dated signed and sealed June 04, 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.

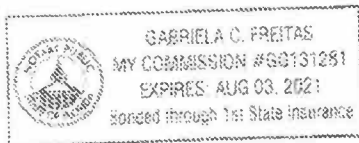
In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City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

Dated this 28<sup>th</sup> day of July, 2020.



DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDABY: JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIRSTATE OF FLORIDA       )  
                                      )SS  
COUNTY OF MIAMI-DADE   )

The foregoing instrument was acknowledged before me this 20 day of July, 2020 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: Aug. 3, 2021Approved As To Form:  
City Attorney's Office:

Digitized by:

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Filed with the Clerk of the Design Review Board on

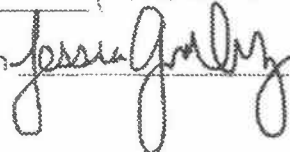
 (7/24/20)



Exhibit 'A'

LEGAL DESCRIPTION:

Lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, in Block 6, 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.

AND:

All of a 10' Alley also known as Normandy Beach Court lying adjacent to Lots 7, 8, 9 10 and 11, Block 6, 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, being more particularly described as follows:

Begin at the Northeast corner of said Lot 10; thence S 87°34'52" W along the North line of said Lots 7, 8, 9 and 10 for 100.01 feet to the Northwest corner of said Lot 7; thence N 02°21'31" W along the Northerly projection of the East right right of way line of a 20' Alley also known as Abbott Court for 10.00 feet to the Southwest corner of said Lot 11; thence N 87°34'52" E along the South line of said Lot 11 for 100.01 feet to the Southeast corner of said Lot 11; thence S 02°21'42" E along the Southerly projection of the West right right of way line of Abbott Avenue for 10.00 feet to the Point of Beginning.

AND:

A portion of a 20' Alley also known as Abbott Court lying adjacent to Lots 1, 2, 3, 4, 11, 12, 13, 14, 15, 16, 17 and 18, Block 6, 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, being more particularly described as follows:

Begin at the Northeast corner of said Lot 1; thence S 02°21'31" E along the East line of said Lots 1, 2, 3 and 4, also being the West right of way line of a 20' Alley also known as Abbott Court for 166.44 feet to a point on a circular curve concave to the Southwest and whose radius point bears S 25°49'29" W; thence Southeasterly along a 37.90 foot radius curve leading to the right through a central angle of 61°49'00" for an arc distance of 40.89 feet to a non-tangent point; thence N 02°21'31" W along the West line of said Lots 11, 12, 13, 14, 15, 16, 17 and 18, also being the East right of way line of said 20' Alley also known as Abbott Court for 199.87 feet to the Northwest corner of said Lot 18; thence S 87°35'51" W along the Westerly projection of the South right of way line of 72nd Street for 20.00 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING:

A portion of Lot 4, Block 6, 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, being more particularly described as follows:

Begin at the Southwest corner of said Lot 4, thence N 02°21'18" W along the West line of said Lot 4, also being the East right of way line of Byron Avenue for 38.00 feet; thence N 87°34'53" E

along the North line of Normandy Beach Court for 107.07 feet to a point of curvature; thence Southeasterly along a 37.90 foot radius curve leading to the right through a central angle of  $28^{\circ}14'36''$  for an arc distance of 18.68 feet to a non-tangent point; thence  $S\ 02^{\circ}21'31''\ E$  along the East line of said Lot 4, also being the West right of way line of a 20' Alley also known as Abbott Court for 33.49 feet to the Southeast corner of said Lot 4; thence  $S\ 87^{\circ}34'53''\ W$  along the South line of said Lot 4 for 125.01 feet to the Point of Beginning.

