

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 07, 2019

FILE NO: DRB18-0362

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

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

LEGAL: See attached exhibit 'A'

IN RE: The Application for Design Review Approval for the construction of a proposed new City park, with landscaping, elevated pedestrian walkways, green open space features, dog park, shade structures, playground areas and other elements.

ORDER

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

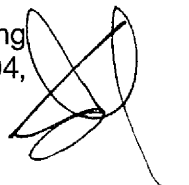
I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Design Review Criteria in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Sea Level Rise Criteria Section 133-50(a) of the Miami Beach Code
- D. The project would remain consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan, and floor plan drawings for the proposed park within the 600-700 blocks of Alton Road shall be submitted; at a minimum, such drawings shall incorporate the following:
 - a. The environmental and sustainable components of the park shall be



modified to incorporate significant and measurable, resilience and sustainability components, subject to review of the Environmental and Sustainability Department.

- b. The architect shall further refine the profile design of the elevated ramping system, with particular focus on the design of the underside of said walkway. Revised drawings, shall be submitted at the June 04, 2019 Design Review Board meeting, subject to review of the Design Review Board.
- c. The architect shall further refine the profile design of the "streetside" vertical elements of the elevated ramping system. Revised drawings, shall be submitted at the June 04, 2019 Design Review Board meeting, subject to review of the Design Review Board.
- d. The architect shall incorporate a sculptural stair at the top of the elevated pedestrian walkway adjacent to the north edge of the second floor retail pavilion, in order to provide another means of travel to the base of the park area. Revised drawings, shall be submitted at the June 04, 2019 Design Review Board meeting, subject to review of the Design Review Board.
- e. The southeast edge of the park adjacent to the surface parking lot "flex space" to the west of the retail pavilion within the 600 block shall be eliminated in its berm topography and further refined to fully integrate into a plaza area. Revised drawings, shall be submitted at the June 04, 2019 Design Review Board meeting, subject to review of the Design Review Board.
- f. The architect shall add sheet A-17C from the development site (DRB18-0354) into the park project (DRB18-0362) submitted plans.
- g. The flood protection zone shall be redesigned from the sunken basin to a level grade elevation flush with the CMB grade or similar elevation. Revised drawings, shall be submitted at the June 04, 2019 Design Review Board meeting, subject to review of the Design Review Board.
- h. The steep path leading easterly from the adult exercise area shall be redesigned as steps. Revised drawings, shall be submitted at the June 04, 2019 Design Review Board meeting, subject to review of the Design Review Board.
- i. The architect shall incorporate an additional expanded pedestrian connection path at the top of the elevated pedestrian walkway adjacent to the north edge of the second floor retail pavilion, in order to minimize a dead-end effect when gates at the second floor retail pavilion are closed and locked and connect the two divergent paths. Revised drawings, shall be submitted at the June 04, 2019 Design Review Board meeting, subject to review of the Design Review Board.
- j. Benches shall be grouped together and enlarged in amount of seating throughout the park. Revised drawings, shall be submitted at the June 04,



2019 Design Review Board meeting, subject to review of the Design Review Board.

- k. The infrastructure proposed for treating and storing water within the entire site shall be further studied to slow, retain and treat stormwater from the site and surrounding ROW to reduce pollutant loads going to the 6th Street outfall, subject to review of the Public Works Department.
- l. The final location, size and design details of any future bathroom facility shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. A minimum clearance for the existing storm pump station shall be required for maintenance and the clearance distance to be determined by the Public Works Department.
- n. Material samples for all exterior paving areas shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. The final design details of exterior lighting shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- p. Any fence or gate at the front and street side of the new park property shall be designed in a manner that is substantially transparent and similar to the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- q. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions, material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
- r. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- s. 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.
- t. The playground equipment shall be designed and produced in a manner consistent with the submitted plans. Final design, materials and finishes shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- u. The standard for drinking fountains shall be chilled and include a water bottle filler with the option to add a dog water dispenser, subject to the

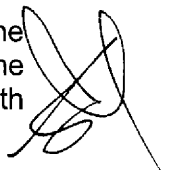


review and approval of staff.

- v. A drinking fountain shall be included within the playground area, subject to the review and approval of staff.
 - w. Oolite or concrete seat walls shall include anti-skateboard guards that are spaced 18" to 24" apart, subject to the review and approval of staff.
 - x. Benches shall include a center arm (divider) to prevent sleeping on the benches, subject to the review and approval of staff.
 - y. Trash and recycling bins shall be paired and meet the design specifications of the City's Environment & Sustainability department, subject to the review and approval of staff.
 - z. The final design and placement and model/type of all park furniture and fixtures, shall be reviewed and approved by the Planning Department and the Police Department.
 - aa. 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.
 - bb. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. A revised landscape plan exceeding the minimum landscape requirements as prescribed by the City of Miami Beach Landscape Code, Chapter 126, shall be submitted for the review and approval of staff prior to the issuance of a building permit.
 - b. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed development, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.



- c. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- d. A permanent tree bracing / support system shall be provided for any substantially large plant material at the time of installation, subject to the review and approval of staff. Such system shall be maintained and monitor on a periodic basis by owner. Upon maturity, certain plant material may require such installation, and it shall be the sole responsibility of the owner to monitor, install and perpetually maintain.
- e. A minimum of four different canopy shade tree species shall be specified as street trees, subject to the review and approval of the City of Miami Beach Urban Forester.
- f. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
- g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- h. The use of suspended paving systems (silva cells or approved equal) shall be utilized as part of the installation of the required street trees in the public right of way, and as part of any other tree proposed within the park parcel and the Floridian Condominium parking lot, which is proposed in a limited planting area, in order to provide adequate rooting volume for the specified tree species, subject to the review and approval of the City of Miami Beach Urban Forester.
- i. Planters associated with the elevated walkway shall be designed to have a minimum depth of 24", inclusive of a drainage layer, subject to the review and approval of staff.
- j. Sidewalks grades shall remain consistent throughout all driveways, no ramping down of pedestrians to the driveway or streets) subject to the review and approval of staff.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with



landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- m. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

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

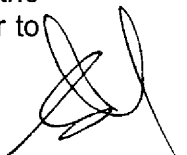
II. Variance(s)

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

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

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

- A. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- F. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.



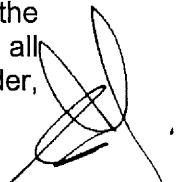
- G. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- H. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- J. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- K. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- M. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled " FINAL PB Submittal: Park Site" as prepared by **Arquitectonica**, dated signed and sealed March 11, 2019, and as approved by the Design Review Board, as determined by staff.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order,



have been met.

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

The Developer shall complete the construction of the Project in accordance with the phased construction schedule set forth in the Development Agreement, dated January 09, 2019 between the City of Miami Beach and 500 Alton Road Ventures, LLC, 1220 Sixth, LLC, South Beach Heights I, LLC and KGM Equities, LLC, as may be amended by the parties. Any failure to comply with the phased construction schedule set forth in the Development Agreement will result in the expiration of this Design Review Board application and this Order becoming null and void.

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

Dated this 14th day of May, 2019.

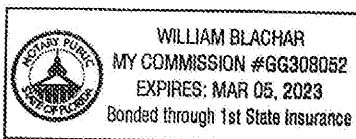
DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]

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 14th day of May, 2019 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.



[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: March 5th, 2023

Approved As To Form: [Signature] (5/14/2019)
City Attorney's Office: [Signature]

Filed with the Clerk of the Design Review Board on 5/14/19 [Signature]

EXHIBIT 'A'LEGAL DESCRIPTION

LAND DESCRIPTION: (PARK)

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

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH $89^{\circ}37'30''$ WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 111.13 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF $73^{\circ}36'39''$ AND AN ARC DISTANCE OF 19.27 FEET;

THENCE NORTH $16^{\circ}45'51''$ WEST, A DISTANCE OF 51.32 FEET;

THENCE NORTH $11^{\circ}41'42''$ WEST, A DISTANCE OF 50.99 FEET;

THENCE NORTH $00^{\circ}22'51''$ WEST ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 250.00 FEET;

THENCE NORTH $89^{\circ}37'30''$ EAST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 10.00 FEET;

THENCE NORTH $00^{\circ}22'51''$ WEST ALONG A LINE 10 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 350.00 FEET;

THENCE NORTH $89^{\circ}37'00''$ EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 140.00 FEET;

THENCE SOUTH $00^{\circ}22'51''$ EAST ALONG THE EAST LINE OF SAID LOTS 14 THROUGH 11, A DISTANCE OF 200.00 FEET;

THENCE NORTH $89^{\circ}37'30''$ EAST ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 170.00 FEET;

THENCE SOUTH $00^{\circ}22'51''$ EAST ALONG THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 495.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF $90^{\circ}00'21''$ AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH $89^{\circ}37'30''$ WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

LESS: (FLORIDIAN PARKING)

A PORTION OF LOTS 11, 12, 13 AND 14, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 14;

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

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

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

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

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

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

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

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

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

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

ALSO LESS: (BLOCK 600 DEVELOPMENT SITE)

LOTS 29 THROUGH 32, INCLUSIVE, LESS THE WEST 9.00 FEET THEREOF, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 32;

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

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

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

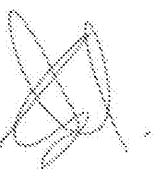
THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 29 THROUGH 32, A DISTANCE OF 195.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;



THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF $90^{\circ}00'21''$ AND AN ARC DISTANCE OF 23.56 FEET;

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

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

A handwritten signature or set of initials, possibly "A. J.", located in the bottom right corner of the page.