



MIAMIBEACH

File No: _____
 Date: _____
 MCR No: _____
 Amount: _____
 Zoning Classification: _____
 (For Staff Use Only)

PLANNING DEPARTMENT STANDARD APPLICATION FORM DEVELOPMENT REVIEW BOARD HEARING

1. The below listed applicant wishes to appear before the following City Development Review Board for a scheduled public hearing: NOTE: This application form must be completed separately for each applicable Board hearing a matter.

- () BOARD OF ADJUSTMENT
☒ DESIGN REVIEW BOARD
 () FLOOD PLAIN MANAGEMENT BOARD
 () HISTORIC PRESERVATION BOARD
 () PLANNING BOARD

NOTE: Applications to the Board of Adjustment will not be heard until such time as the Design Review Board, Historic Preservation Board and/or the Planning Board have rendered decisions on the subject project.

2. THIS REQUEST IS FOR:

- a. ☒ A VARIANCE TO A PROVISION(S) OF THE LAND DEVELOPMENT REGULATIONS (ZONING) OF THE CODE
 b. () AN APPEAL FROM AN ADMINISTRATIVE DECISION
 c. () DESIGN REVIEW APPROVAL
 d. () A CERTIFICATE OF APPROPRIATENESS FOR DESIGN
 e. () A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
 f. () A CONDITIONAL USE PERMIT
 g. () A LOT SPLIT APPROVAL
 h. () AN HISTORIC DISTRICT/SITE DESIGNATION
 i. () AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
 j. () AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
 k. () TO REHAB, TO ADD TO AND / OR EXPAND A SINGLE FAMILY HOME
 l. ☒ OTHER: Modification to approved development plan.

"500-700 Alton" (500, 517, 520, 522, 530, 550, 630, and 650 Alton Road;

3. NAME & ADDRESS OF PROPERTY: 1220 Sixth Street; 525 and 541 West Avenue)

LEGAL DESCRIPTION: See Exhibit A

4. NAME OF APPLICANT South Beach Heights I, LLC; 500 Alton Road Ventures, LLC; 1220 Sixth, LLC

Note: If applicant is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6-7) must be completed as part of this application.

% Crescent Heights 2200 Biscayne Boulevard	Miami	FL	33137
ADDRESS OF APPLICANT	CITY	STATE	ZIP
BUSINESS PHONE # 305-374-5700	FAX # 305-847-3354	CELL PHONE #	
E-mail address: <u>rgalbut@crescentheights.com</u>			

5. NAME OF PROPERTY OWNER (IF DIFFERENT FROM #4, OTHERWISE, WRITE "SAME") Same

If the owner of the property is not the applicant and will not be present at the hearing, the Owner/Power of Attorney Affidavit (Page 4) must be filled out and signed by the property owner. In addition, if the property owner is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6 - 7) must be completed.

ADDRESS OF PROPERTY OWNER _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # _____ FAX # _____ CELL PHONE # _____
E-mail address: _____

6. NAME OF ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER, CONTRACTOR OR OTHER PERSON RESPONSIBLE FOR PROJECT DESIGN

NAME (please circle one of the above) _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # _____ FAX # _____ CELL PHONE # _____
E-mail address: _____

7. NAME OF AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSON:

a. Graham Penn, Esq. 200 S. Biscayne Blvd., Suite 850 Miami FL 33131
NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # 305-377-6229 FAX # 305-377-6222 CELL PHONE # _____
E-mail address: gpenn@brzoninglaw.com

b. Russell Galbut 2200 Biscayne Blvd., Miami FL 33137
NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # 305-573-4127 FAX # 305-573-8489 CELL PHONE # _____
E-mail address: rgalbut@crescentheights.com

c. _____
NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # _____ FAX # _____ CELL PHONE # _____
E-mail address: _____

NOTE: ALL ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSONS, WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY, UNLESS SOLELY APPEARING AS AN EXPERT WITNESS, ARE REQUIRED TO REGISTER AS A LOBBYIST WITH THE CLERK, PRIOR TO THE SUBMISSION OF AN APPLICATION.

8. SUMMARY OF PROPOSAL: A modification to existing DRB approval in order to permit revisions to the design of the Phase I development to take advantage of revised height provisions related to mixed-use buildings and a related three-foot height variance.

9. IS THERE AN EXISTING BUILDING(S) ON THE SITE? YES ☒ NO ()

10. WILL ALL OR ANY PORTION OF THE BUILDING(S) INTERIOR AND/OR EXTERIOR, BE DEMOLISHED? [] YES [] NO N/A
11. TOTAL FLOOR AREA (FAR) OF NEW BUILDING (if applicable): N/A SQ. FT.
12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) N/A SQ. FT.
13. TOTAL FEE: (to be completed by staff) \$ _____

PLEASE NOTE THE FOLLOWING:

- Applications for any Board hearing(s) will not be accepted without payment of the required fee. All checks are to be made payable to: "City of Miami Beach."
- Public records notice: all documentation, application forms, maps, drawings, photographs, letters and exhibits will become a part of the public record maintained by the City of Miami Beach Planning Department and shall under Florida Statute, be disclosed upon proper request to any person or entity.
- In accordance with the requirements of Section 2-482 of the Code of the City of Miami Beach, any individual or group (Lobbyist) that has been, or will be, compensated to either speak in favor or against a project being presented before any of the City's Development Review Boards, shall be fully disclosed prior to the public hearing. All such individuals and/or groups must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31 of the Code of the City of Miami Beach, all applicants shall, prior to the public hearing, fully disclose any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action (exclusive of all legal or professional design services). Such disclosure shall:
 1. Be in writing.
 2. Indicate to whom the consideration has been provided or committed.
 3. Generally describe the nature of the consideration.
 4. Be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board.

In the event the applicable development review board determines that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and no application from said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.

- When the applicable Boards reach a decision, a Final Order will be issued stating the Board's decision and any conditions imposed therein. The Final Order must be recorded in the Office of the Recorder of Miami-Dade County; the original shall remain on file with the board clerk/secretary. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded Final Order being tendered along with the construction plans.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

PLEASE COMPLETE ONE OR MORE OF THE FOLLOWING THREE AFFIDAVITS, AS APPLICABLE. NOTE: THE PROPERTY OWNER MUST FILL OUT AND SIGN THE "POWER OF ATTORNEY" PORTION IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IS HAVING OTHER PERSONS SPEAK ON THEIR BEHALF.

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches data and other supplementary matter attached to and made a part of the application are true and correct to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on my property as required by law and I take the responsibility of removing this notice after the date of hearing.

PRINT NAME

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

PRINT NAME

My Commission Expires:

**ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION or PARTNERSHIP**

(Circle one)

KGM Equities, LLC, which is the Managing Member of South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC

STATE OF Florida
COUNTY OF Miami-Dade

I, David Smith being duly sworn, depose and say that I am the Manager of _____ and as such, have been authorized by such entity to file this application that all answers to the questions in the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief; that the corporation is the owner/tenant of the property described herein and is the subject matter of the proposed hearing. We understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

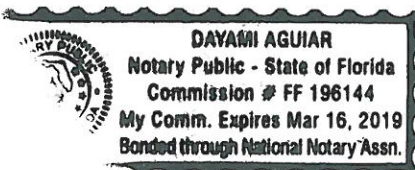
David Smith, Manager of KGM Equities, LLC

PRINT NAME


SIGNATURE

Sworn to and subscribed before me this 4 day of February, 2016. The foregoing instrument was acknowledged before me by David Smith, Manager of Kgm Equities on behalf of such entity, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:




NOTARY PUBLIC

PRINT NAME

My Commission Expires:

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

I, David Smith, being duly sworn and depose say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for modification of DRB approval relative to the subject property, which request is hereby made by me OR I am hereby authorizing Bercow Radell & Fernandez PA to be my representative before the Design Review Board. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

David Smith, Manager of KGM Equities, LLC

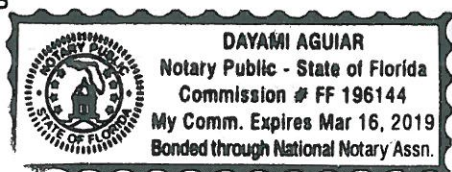
PRINT NAME (and Title, if applicable)

[Signature]

SIGNATURE

Sworn to and subscribed before me this 4th day of Feb, 20 16. The foregoing instrument was acknowledged before me by David B Smith, Manager of Kgm Equities who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

[Signature]
Dayami Aguiar

NOTARY PUBLIC

PRINT NAME

CONTRACT FOR PURCHASE

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether the purchaser is a corporation, trustee or partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships or trusts, list all individuals and/or complete the appropriate disclosure clause above.*

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the dates of final public hearing, a supplemental disclosure of interest shall be filed.

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

1. CORPORATION

If the property which is the subject of the application is owned or leased by a CORPORATION, list ALL of the stockholders, and the percentage of stock owned by each. Where the stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, 1220 Sixth, LLC
CORPORATION NAME

NAME AND ADDRESS	% OF STOCK
See attached	

NAME AND ADDRESS	% OF STOCK

IF THERE ARE ADDITIONAL CORPORATIONS, LIST OTHERS, INCLUDING CORP. NAME(S) AND EACH INDIVIDUAL STOCKHOLDER'S NAME, ADDRESS, OFFICE AND PERCENTAGE OF STOCK, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 8

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

2. TRUSTEE

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. Where the beneficiary/beneficiaries consist of corporations(s), another trust(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

N/A

TRUST NAME

NAME AND ADDRESS

% OF STOCK

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. PARTNERSHIP/LIMITED PARTNERSHIP

If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

N/A

PARTNERSHIP or LIMITED PARTNERSHIP NAME

NAME AND ADDRESS

% OF STOCK

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 8

4. COMPENSATED LOBBYIST:

The City of Miami Beach Code sub-section 118-31 requires the disclosure of any individual or group which has been, or will be, compensated to either speak in favor of or against a project being presented before any of the City's Development Review Boards, or not to speak at all. Please list below all persons or entities encompassed by this section.

NAME	ADDRESS	PHONE #
a. Michael Larkin, Esq.	200 S. Biscayne Blvd., Suite 850 Miami FL 33131	305-374-5300
b. Graham Penn, Esq.	200 S. Biscayne Blvd., Suite 850 Miami FL 33131	305-374-5300
c.		

Additional names can be placed on a separate page attached to this form.

* Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interests in the limited partnership or other entity.

APPLICANT HEREBY ACKNOWLEDGES THAT ANY APPROVAL GRANTED BY THE BOARD SO APPLIED TO, SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND THAT THE PROJECT MUST ALSO COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE LAW.

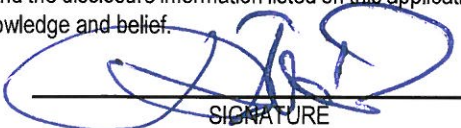
APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

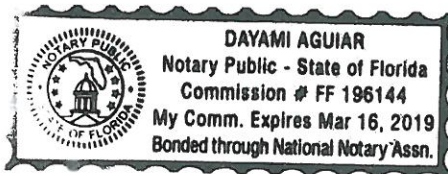
KGM Equities, LLC, which is the Managing Member of South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC

I, David Smith, Manager of KGM Equities, LLC, (list name of corporation and office designation as applicable) being first duly sworn, depose and say that I am the applicant, or the representative of the applicant, for the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of the application and the disclosure information listed on this application is a full disclosure of all parties of interest in this application are true and correct to the best of my knowledge and belief.


SIGNATURE

Sworn to and subscribed before me this 14th day of Feb, 20 16. The foregoing instrument was acknowledged before me by David B Smith, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

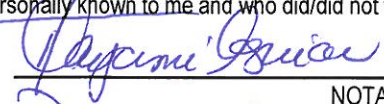


NOTARY PUBLIC

PRINT NAME

Exhibit A

LAND DESCRIPTION: (500 ALTON ROAD)

PARCEL 1:

LOTS 2 THROUGH 10, INCLUSIVE, AND LOT 15, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

LOTS 1, 16, 17, 18 AND 19, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCELS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR A DISTANCE OF 25.15 FEET TO THE POINT OF INTERSECTION WITH THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE DEFLECTING 87°01'19" TO THE RIGHT, RUN ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A FOR A DISTANCE OF 37.88 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET AND A CENTRAL ANGLE OF 87°00'49", FOR AN ARC DISTANCE OF 99.47 FEET TO THE POINT OF TANGENCY WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EAST LINE OF LOT 1, FOR A DISTANCE OF 28.72 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.80 FEET AND A CENTRAL ANGLE OF 89°59'30", FOR AN ARC DISTANCE OF 100.21 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF LOT 1, AT A DISTANCE OF 11.20 FEET FROM THE SOUTHWEST CORNER OF LOT 1; THENCE RUN WEST ALONG SOUTH LINE OF SAID LOTS 1 AND 19 FOR A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF LOTS 18 AND 17 A DISTANCE OF 62.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 66°03'04", FOR AN ARC DISTANCE OF 23.06 FEET TO THE POINT OF TANGENCY WITH THE WESTERLY LINE OF SAID LOT 17; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY LINE OF LOT 17, A DISTANCE OF 27.39 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 29.30 FEET AND A CENTRAL ANGLE OF 46°06'19", FOR AN ARC DISTANCE OF 23.58 FEET TO A POINT; THENCE RUN EASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 74.72 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT BEING 25.15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 18; THENCE RUN SOUTH ALONG SAID EAST LINE OF LOT 18, FOR A DISTANCE OF 25.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3;

LOTS 13 AND 14, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 4

LOTS 11 AND 12, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 5:

LOTS 1 THROUGH 7, INCLUSIVE AND LOTS 27 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 DADE COUNTY, FLORIDA; LESS AND EXCEPTING THOSE PORTIONS OF SAID LOTS 1 AND 2, OF BLOCK 2, OF SAID PLAT OF "AMENDED PLAT FLEETWOOD SUBDIVISION", MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE RUN SOUTH, ALONG THE WEST LINE OF SAID LOT 1 AND 2 FOR A DISTANCE OF 95.00 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES FOR AN ARC DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF SAID LOT 1; THENCE RUN EAST ALONG THE SAID SOUTH LINE OF LOT 1 FOR A DISTANCE OF 23.87 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 73 DEGREES 36 MINUTES 39 SECONDS FOR AN ARC DISTANCE OF 19.27 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 16 DEGREES 23 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 51.32 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE RUN NORTH 11 DEGREES 18 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 50.99 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL 6:

LOTS 23 THROUGH 26, INCLUSIVE, IN BLOCK 2, OF AMENDED PLAT FLEETWOOD SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 34, OF THE PUBLIC RECORDS OF MIAMI - DADE COUNTY, FLORIDA.

SUPPLEMENTARY DISCLOSURE OF INTEREST

Interests in South Beach Heights I, LLC

	Percentage of Interest
KGM Equities, LLC 2200 Biscayne Blvd. Miami FL 33137	100%

Interests in 500 Alton Road Ventures, LLC

	Percentage of Interest
KGM Equities, LLC 2200 Biscayne Blvd. Miami FL 33137	100%

Interests in 1220 Sixth, LLC

	Percentage of Interest
KGM Equities, LLC 2200 Biscayne Blvd. Miami FL 33137	100%

Interests in KGM Equities, LLC

	Percentage of Interest
Sonny Kahn 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	37%
Russell W. Galbut 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	37%
Bruce A. Menin 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	26%

Beneficiaries of Sonny Kahn 2004 Irrevocable Trust

	Percentage of Interest
Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
Child of Sonny Kahn 2200 Biscayne Blvd. Miami FL 33137	20%

Beneficiaries of Russell W. Galbut 2004 Irrevocable Trust

	Percentage of Interest
Child of Russell Galbut 2200 Biscayne Blvd. Miami FL 33137	50%
Child of Russell Galbut 2200 Biscayne Blvd. Miami FL 33137	50%

Beneficiaries of Bruce A. Menin 2004 Irrevocable Trust

	Percentage of Interest
Child of Bruce Menin 2200 Biscayne Blvd. Miami FL 33137	33.33%

Child of Bruce Menin
2200 Biscayne Blvd.
Miami FL 33137

33.33%

Child of Bruce Menin
2200 Biscayne Blvd.
Miami FL 33137

33.33%

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 07, 2013

FILE NO: 22959

PROPERTY: 500-702 Alton Road,
501-651 West Avenue

LEGAL: See Exhibit "A"

IN RE: The Application for Design Review Approval for the construction of a new mixed-used facility consisting of new 5- and 7-story buildings and the adaptive re-use of an existing 10-story building encompassing a two-block campus plan.

ORDER

The applicants, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC and 1220 Sixth, LLC, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

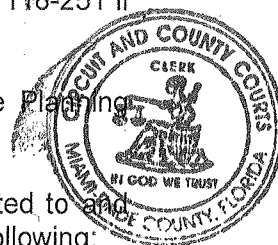
- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is not consistent with Design Review Criteria Nos. 2,3,5 and 8 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. The applicants shall comply with all the conditions imposed by the Planning Board Order No. 2094.
 2. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

CERTIFICATION
THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT,
CITY OF MIAMI BEACH

[Signature] 5-29
(Signature of Planning Director or Designee) (Date)
Personally known to me of Produced ID:

[Signature]
Notary Public, State of Florida at Large
Printed Name: TERESA MARIA
My Commission Expires: (Seal) 12-2-13

This document contains 7 pages.



[Handwritten signature]

- a. Further details of the railings and handrails shall be provided for all balconies in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
- b. Further refinement and detailing of the exterior cladding system proposed for the buildings, specifically the recladding of the existing 10 –story tower, and shall be submitted at the first Progress Report.
- c. Annotated floor plans that clearly delineate all areas of the project counted in the total FAR for the project, as well as open space calculations, shall be provided.
- d. All roofing shall contain, and be properly maintained to perpetuate, the proposed patterned design of the roof surfaces, 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 applicant shall create an approximate 45 degree angle open view corridor into the central open plaza system of the proposed project, as viewed by passersby traveling south on Alton Road near the northern end of 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.
- f. The entire ground level exterior paving system, and its design and detailing, shall be clearly identified with all colors, textures and materials clearly differentiating the areas as identified as pedestrian-only regions from those portions accessible to vehicular traffic, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. The design and detailing of the proposed planters shall be further developed and detailed, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The final design and details, including materials, colors, finishes, of any security fence, 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.
- i. The roof tops, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. The final design and detailing of all exterior lighting shall be provided, and all exterior light fixtures shall be designed so as to preclude the spillage of lighting off the subject site, in a manner to be reviewed and approved by

staff consistent with the Design Review Criteria and/or the directions from the Board.

- k. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - l. 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.
3. 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. The applicant shall carefully evaluate the implications of the shadow study submitted with this application when selecting plant species for the proposed project to ensure that all plant materials selected will perform normally and well throughout the calendar year in the limited direct sunlight revealed by the shadow study, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The landscape plaza at the south corner of the site shall be detailed to reflect the planting species shown on the rendering of sheet A0.33 and A0.39 to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The landscape plan portion along 6th Street shall be further developed to incorporate additional Florida plant species, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The applicant shall submit a comprehensive design development study for the proposed water features at the north and south ends of the project which demonstrates the long term continued success of these features, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Alternatively, the applicant may replace one or both of the proposed water features with well designed dynamic landscaped green walls, 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 facing a right-of-way shall be placed underground.

JLM

- f. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
 - g. The design and materials of all exterior paving shall be submitted at the first Progress Report.
 - h. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards and shall be submitted at the first Progress Report.
 - i. A fully automatic irrigation system shall be required 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.
 - j. Backflow preventors and any other type of utility device shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or FPL boxes, if any, and how they are screened with landscape material from the right-of-way, shall be indicated on the plans and shall be subject to the review and approval of staff.
- 4. The project shall require approval from the City Commission for the proposed vacation of the existing alley; in the event the City Commission does not approve such vacation, the project shall come back before the Design Review Board for any design modifications, as determined by staff.
 - 5. 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.
 - 6. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit.
 - 7. The final exterior surface color scheme, including color samples, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
 - 8. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

TBM

9. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
10. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
11. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
12. The applicant shall meet with Planning Department and Public Works Department staff to determine if there is a way that a safe and convenient street level pedestrian crossing of 5th Street can be achieved west of Alton Road (beneath the flyover). If it is concluded that such street level pedestrian crossing can be designed and achieved, the applicant shall work seriously with the City in an effort to persuade FDOT to approve and permit this grade level pedestrian crossing.
13. The applicant shall provide a design progress reports to the Design Review Board regarding **Conditions B.2, B.3, B.6, B.7, B.10, and B.12** of this Final Order, which are subject to the final review and approval of staff. The progress reports shall be presented to the Board after the completion of the final design development drawings, and again after the completion of the construction drawings but before the issuance of the first Building Permit, as which time the Design Review Board may require that minor and reasonable changes are made in a manner consistent with approved project design.
14. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - b. Mill/resurface asphalt in rear alley along property, if applicable.
 - c. Provide underground utility service connections and on-site transformer location, if necessary.
 - d. Provide back-flow prevention devices on all water services.
 - e. Provide on-site, self-contained storm water drainage for the proposed development.
 - f. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.

TAM

- g. Payment of City utility impact fees for water meters/services.
 - h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - i. Right-of-way permit must be obtained from Public Works.
 - j. All right-of-way encroachments must be removed.
 - k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
15. The project shall comply with and effectuate any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan, prior to the completion of the project and the issuance of a Certificate of Occupancy.
16. 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.

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 B of the Findings of Fact (Condition Nos. 1-16, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Waves" as prepared by Stanley Saitowitz | Natoma Architects Inc., dated 04-08-13, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of 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.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the



above conditions or impose additional conditions. If the Full Building Permit should 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 Design Review Approval will expire and become null and void.

In accordance with Section 118-264 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.

Dated this 28th day of MAY, 2013.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)

)SS

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 28th day of MAY, 2013 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services

[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-13

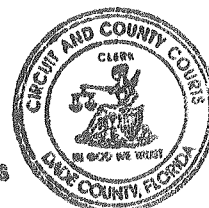
Approved As To Form:

Legal Department: [Signature] (5-21-13)

Filed with the Clerk of the Design Review Board on 5-29-13 (WJR)

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STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on 5-29-13 day of June, A.D. 2013
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By [Signature] D.C.



[Handwritten initials]

DESIGN REVIEW BOARD
City of Miami Beach, Florida

CFN 2015R0479894
OR BK 29712 Pgs 2029-2042 (14Pgs)
RECORDED 07/27/2015 09:16:47
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

MEETING DATE: May 05, 2015

FILE NO: 22959

CERTIFICATION

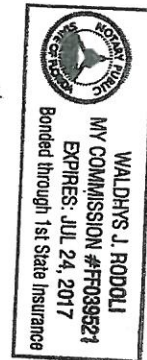
THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.
CITY OF MIAMI BEACH

[Signature] 5/11/15
(Signature of Planning Director or Designee) (Date)

Personally known to me or Produced ID: _____

Waldhus J. Rodoli
Notary Public, State of Florida at Large
Printed Name: *Waldhus J. Rodoli*
My Commission Expires: (Seal)

This document contains 14 pages.



PROPERTY: 600-700 Alton Rd- Waves
(500-702 Alton Road, 501-651 West Avenue)

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

LEGAL: See attached - 'Exhibit A'

IN RE: The Application for Design Review Approval requesting modifications to
a previously issued Design Review Approval for the construction of a new
mixed-use residential and commercial project. Specifically, the applicants
are requesting to increase the height of the plaza and exterior design
changes to the elevations and are also requesting variances to waive the
minimum required pedestal and tower setbacks, sum of side yards
pedestal and tower setbacks, maximum building height and to exceed the
maximum permitted balcony projections.

SUPPLEMENTAL ORDER

The applicant filed an application with the City of Miami Beach Planning Department for Design
Review Approval and for one or more variances.

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 Approval

- A. 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 3, 4, 5, 6, 9, and 11 in Section 118-251 of the Miami Beach Code.

B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. All of the original conditions of approval by this Board shall be superseded by the conditions herein.
2. The applicant shall comply with all the conditions imposed by the Planning Board Order No. 2094.
3. The project may take place in two phases as a phased development project in accordance with the following phasing schedule:

Phase I shall consist of all proposed development north of 6th Street. A full building permit for the Phase I improvements shall be issued within thirty (30) months of the Board's original approval; and

Phase II shall consist of all proposed development south of 6th Street. A full building permit for the Phase II improvements shall be issued within twelve (12) months of the issuance of the final certificate of occupancy for the Phase I improvements.

4. Revised elevation, site plan and floor plan drawings shall be submitted to and in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board; at a minimum, such drawings shall incorporate the following:
 - a. The exterior elevations shall not be approved as designed. The proposed redesign of the exterior "skin" of the buildings located within the 600 Block including the proposed changes to the design, projection, materials and composition of the balconies shall be modified in order to break down the massing and the uninterrupted planar aspect of the design of the residential floors of the buildings along on Alton Road in a manner to be reviewed and approved by the Board. The Board directed this item to be continued to the June 02, 2015 meeting.
 - b. Further details of the railings and handrails shall be provided for all balconies in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
 - c. Annotated floor plans that clearly delineate all areas of the project counted in the total FAR for the project, as well as open space calculations, shall be provided.
 - d. A clear diagram in the form of a graphic illustration depicting the parking breakdown for the whole development site shall be submitted, showing



how the total number of parking spaces provided is 'required' and not 'excess' parking. Any of the enclosed parking spaces located aboveground determined to not be 'required' parking shall be counted towards FAR. The Applicant shall be required, prior to pulling any building permits to provide a lease and operating agreement, and authorization by the Floridian Condominium Association, located at 650 West Avenue, as to agreement to move the permanent parking location for the Floridian, from its existing location pursuant to the Planning Board CUP Order 1940, to the proposed temporary location, and to the proposed new, permanent location.

- e. All roofing shall contain, and be properly maintained to perpetuate, the proposed patterned design of the roof surfaces, 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 Applicant, as part of the "600 Alton Project", has requested and obtained approval from the City to close an alley located in the 500 block of Alton Road, and the parties have agreed amongst other things, for the city to provide a pedestrian connection across 5th Street, which shall require right-of-way improvements. Applicant has also agreed to work with Miami-Dade County as to the redevelopment of a bus stop at the 6th Street intersection, signal timing optimization, and development of a MOT (Maintenance of Traffic) for Public Works staff to review and approval prior to the issuance of a building permit, with the MOT to address traffic flow disruption due to the construction activities on the site.
- g. Owner hereby grants to the City a non-exclusive easement in, upon, over, under and through that portion of the Property along 6th street, for the sole and limited purpose of operating, using, maintaining, repairing and replacing the improvements more particularly described as the **Pump Station Improvements** – including: pumps needed for stormwater management for the area, and the Owner to provide the City with the Generator for the pump station, and access to and electrical services for the pump station for installation, operation, use, maintenance, repair and replacement of the Generator.
- 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. 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.



- j. 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.
5. 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. Live Oak trees at the street level facing West Avenue shall be replaced with more salt tolerant canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The use of retaining walls on the transitional areas along the periphery of the project shall be limited to retaining soil at the base and at the top of the grade change in order to maximize rooting space and soils volume for larger canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The overall ratio of green space vs hardscape shall remain the same as previously approved or be increased. Live Oak trees at the street level facing West Avenue shall be replaced with more salt tolerant canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The extent of the areas designated for green space shall be designed in a manner to expand rooting space and facilitate the installation of medium size to large size canopy shade trees, 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 overall ratio of canopy shade trees vs palms shall remain the same as previously approved or be increased, 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 two (2) proposed canopy shade trees flanking the vehicular access facing West Avenue shall satisfy line-of-sight clearance requirements. Also, the size of the tree pits is inadequate and shall be increased, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.



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- g. The proposed ADA ramp facing West Ave shall be integrated within the landscape transitional areas facing the public ROW, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. Provide detailed cross-sections and enlarged site plans for every different design schemes along the grade transitional areas facing West Av, 6th Street and Alton Rd.
- i. A minimum 30% of the proposed understory plant material shall be native.
- j. The applicant shall carefully evaluate the implications of the shadow study submitted with this application when selecting plant species for the proposed project to ensure that all plant materials selected will perform normally and well throughout the calendar year in the limited direct sunlight revealed by the shadow study, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. The landscape plaza at the southeastern corner of the site that connects directly to the overall pedestrian paseo, shall be further studied and refined with additional planters and details of the proposed water feature provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. All exterior walkways, not located on the structure, 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.
- m. Further details regarding the re-routing of the north axis road need to be provided, particularly the egress of cars and loading trucks through the two sites, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- n. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards, 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 plaza areas shall contain, and be properly maintained to perpetuate, the proposed patterned design of the ground surfaces as seen in sheets A-033.2-A and A-033.2-B, or a pattern of similar quality and construction, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- p. The landscape plaza at the south corner of the site shall be detailed to reflect the planting species shown on the rendering of sheets A0.33 and



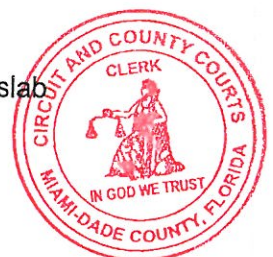
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- A0.39 to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- q. The applicant shall submit a comprehensive design development study for the proposed water features at the north and south ends of the project which demonstrates the long term continued success of these features, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Alternatively, the applicant may replace one or both of the proposed water features with well designed dynamic landscaped green walls, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - r. All overhead utility lines facing a right-of-way shall be placed underground.
 - s. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
 - t. A fully automatic irrigation system shall be required 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.
 - u. Backflow preventors and any other type of utility device shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or FPL boxes, if any, and how they are screened with landscape material from the right-of-way, shall be indicated on the plans and shall be subject to the review and approval of staff.
- 6. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit.
 - 7. The final exterior surface color scheme, including color samples, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
 - 8. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.



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9. Manufacturer's drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
10. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
11. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
12. The applicant shall meet with Planning Department and Public Works Department staff to determine if there is a way that a safe and convenient street level pedestrian crossing of 5th Street can be achieved west of Alton Road (beneath the flyover). If it is concluded that such street level pedestrian crossing can be designed and achieved, the applicant shall work seriously with the City in an effort to persuade FDOT to approve and permit this grade level pedestrian crossing.
13. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - b. Mill/resurface asphalt in rear alley along property, if applicable.
 - c. Provide underground utility service connections and on-site transformer location, if necessary.
 - d. Provide back-flow prevention devices on all water services.
 - e. Provide on-site, self-contained storm water drainage for the proposed development.
 - f. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - g. Payment of City utility impact fees for water meters/services.
 - h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".



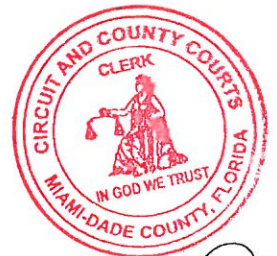
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- i. Right-of-way permit must be obtained from Public Works.
 - j. All right-of-way encroachments must be removed.
 - k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
14. The project shall comply with and effectuate any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan, prior to the completion of the project and the issuance of a Certificate of Occupancy.
15. 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.

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):
- 1. A. A variance to waive 15'-6" of the minimum required pedestal front setback of 20'-0" in order to construct the parking at 4'-6" from the East property line facing Alton Road.
 - B. A variance to waive 6'-6" of the minimum required pedestal front setback of 20'-0" in order to construct the 2nd to 5th residential floors at 13'-6" from the East property line facing Alton Road.
 - 2. A variance to exceed by 12% (1'-8") the maximum allowable projection of 25% (3'-4") of the proposed pedestal front setback of 13'-6" in order to construct balconies with 37% (5'-0") of encroachment into the front yard, facing Alton Road.
 - 3. A. A variance to waive 18'-9" of the minimum required pedestal street side setback of 28'-9" in order to construct the parking at 10'-0" from the south property line facing 6th Street.
 - B. A variance to waive 13'-9" of the minimum required pedestal street side setback of 28'-9" in order to construct the residential uses at 15'-0" from the south property line facing 6th Street.



4. A variance to exceed by 8.3% (1'-3") the maximum allowable projection of 25% (3'-9") of the proposed setback of 15'-0" in order to construct balconies with 33.3% (5'-0") of encroachment into the street side yard, facing 6th Street.
 5. A variance to waive 14'-9" of the minimum required front pedestal setback of 20'-0" in order to construct the parking with a setback ranging from 5'-3" to 20'-0" from the West property line facing West Avenue.
 6. A variance to waive all of the minimum required pedestal interior side setback of 40'-9" in order to construct the parking up to the north property line.
 7. A variance to waive 21'-9" of the minimum required sum of the side yards of 81'-8" for the residential uses facing Alton Road in order to provide a sum of the side yards of 59'-11".
 8. A variance to exceed by 3'-0" the maximum building height of 50'-0" within the CD-2 District in order to construct a new 5 story residential development up to 53'-0" measured from elevation of 9.00 NGVD.
- B. 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.

- C. The Board hereby grants the requested variances and imposes the following conditions based on its authority in Section 118-354 of the City Code:
- a. 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.

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 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.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. The Supplemental 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.



H. 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 approved by the Design Review Board, as determined by staff, entitled "600 Alton" as prepared by Urban Robot, LLC, signed sealed and dated 03-30-2015, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of 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.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should 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 Design Review Approval will expire and become null and void.

Dated this 11th day of May, 20 15.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

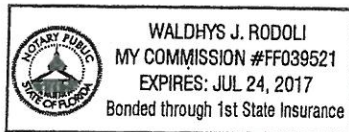
BY: 
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER



FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 11th day of
May 2015 by Deborah J. Tackett, Design and Preservation Manager,
Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf
of the Corporation. He is personally known to me.



Waldhys J. Rodoli
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 7/24/2017

Approved As To Form:
City Attorney's Office: [Signature] (5/11/2015)

Filed with the Clerk of the Design Review Board on 5-11-2015 (WJR)

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[Signature]

EXHIBIT 'A'

LEGAL DESCRIPTION

PARCEL 1:

LOTS 2 THROUGH 10, INCLUSIVE, AND LOT 15, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

LOTS 1, 16, 17, 18 AND 19, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCELS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 19 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR A DISTANCE OF 25.15 FEET TO THE POINT OF INTERSECTION WITH THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A; THENCE DEFLECTING $87^{\circ}01'19''$ TO THE RIGHT, RUN ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD A-1-A FOR A DISTANCE OF 37.88 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 65.5 FEET AND A CENTRAL ANGLE OF $87^{\circ}00'49''$, FOR AN ARC DISTANCE OF 99.47 FEET TO THE POINT OF TANGENCY WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING 7.48 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 1; THENCE RUN SOUTH ALONG THE EAST LINE OF LOT 1, FOR A DISTANCE OF 28.72 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 63.80 FEET AND A CENTRAL ANGLE OF $89^{\circ}59'30''$, FOR AN ARC DISTANCE OF 100.21 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF LOT 1, AT A DISTANCE OF 11.20 FEET FROM THE SOUTHWEST CORNER OF LOT 1; THENCE RUN WEST ALONG SOUTH LINE OF SAID LOTS 1 AND 19 FOR A DISTANCE OF 36.20 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 18 OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF LOTS 18 AND 17 A DISTANCE OF 62.00 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE RUN ALONG THE ARC OF SAID CIRCULAR CURVE, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF $66^{\circ}03'04''$, FOR AN ARC DISTANCE OF 23.06 FEET TO THE POINT OF TANGENCY WITH THE WESTERLY LINE OF SAID LOT 17; THENCE RUN NORTHWESTERLY ALONG SAID WESTERLY LINE OF LOT 17, A DISTANCE OF 27.39 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 29.30 FEET AND A CENTRAL ANGLE OF $46^{\circ}06'19''$, FOR AN ARC DISTANCE OF 23.58 FEET TO A POINT; THENCE RUN EASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 74.72 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT BEING 25.15 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 18; THENCE RUN SOUTH ALONG SAID EAST LINE OF LOT 18, FOR A DISTANCE OF 25.15 FEET TO THE POINT OF BEGINNING.

PARCEL 3;



LOTS 13 AND 14, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (600-630 ALTON ROAD)

LOTS 1 THROUGH 7, INCLUSIVE AND LOTS 27 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 DADE COUNTY, FLORIDA; LESS AND EXCEPTING THOSE PORTIONS OF SAID LOTS 1 AND 2, OF BLOCK 2, OF SAID PLAT OF "AMENDED PLAT FLEETWOOD SUBDIVISION", MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE RUN SOUTH, ALONG THE WEST LINE OF SAID LOT 1 AND 2 FOR A DISTANCE OF 95.00 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES FOR AN ARC DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY WITH THE SOUTH LINE OF SAID LOT 1; THENCE RUN EAST ALONG THE SAID SOUTH LINE OF LOT 1 FOR A DISTANCE OF 23.87 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING FOR ELEMENTS A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 73 DEGREES 36 MINUTES 39 SECONDS FOR AN ARC DISTANCE OF 19.27 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 16 DEGREES 23 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 51.32 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE RUN NORTH 11 DEGREES 18 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 50.99 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 23 THROUGH 26, 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 DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (1220 6TH STREET)

LOTS 11 AND 12, OF "AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LAND DESCRIPTION: (659, 701, 703, 711, 721, 723, 727, 737 WEST AVENUE)
FLEETWOOD SUB PB 28-34

LOTS 1 THRU 4 LESS ST & LOTS 5 THRU 14 & LOTS 23 THRU 32 BLK 2
& PROP INT IN & TO COMMON ELEMENTS NOT DEDICATED TO PUBLIC
AQUARIUM SITE AND PB 21-83

LOT 1 & LOT 19 LESS OFF ST RD 5 & LOTS 2 THRU 8 LESS W14.21FT OF
N20FT OF LOT 8 FOR R/W & LOTS 9 & 10 LESS W14.21FT FOR R/W

&

LOTS 11 & 12 & PORT OF 15FT ALLEY DESC AS BEG NE COR OF LOT 1 TH S 89 DEG W 125.12FT
N 00 DEG W 170.01FT N 89 DEG E 15FT S 00 DEG E 155.01FT N 89 DEC E
11 0 . 1 2 F T S 00 DEG E 15FT TO POB & LOT 13 LESS N20FT FOR R/W

&

LOTS 14 THRU 18 LESS OFF ST RD 5 500 THRU 650 ALTON RD 517-737 WEST AVE
1220 6 ST

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on JUL 27 2015 day of JULY, A.D. 2015
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
By JOHN BULL #301085 D.C.



[Handwritten signature]



DIRECT LINE: (305) 377-6229
E-Mail: gpenn@BRZoningLaw.com

VIA HAND DELIVERY

February 11, 2016

Thomas Mooney
Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Letter of Intent for DRB Application 22959 - Height Modification to "500-700 Alton" and Related Variance.

Dear Tom:

This firm represents South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, and 1220 Sixth, LLC (collectively the "Applicant"), the applicants and owners of the property located at 500, 517, 520, 522, 530, 550, 630, and 650 Alton Road; 1220 Sixth Street; 525 and 541 West Avenue (the "Property").

The Applicant has filed an application seeking amendments to File No. 22959, which consists of the original approved "Waves" mixed-use development. The application seeks a modification of the height of the proposed new mixed-use buildings to take advantage of the City's recent ordinance that amended the maximum height in the CD-2 zoning district for mixed-use buildings that include structured parking. The proposed change would not apply to the currently existing tower structure.

The application also seeks a minor variance of maximum height. The following supplementary letter of intent will address the City Code's listed standards for the approval of variances. The Applicant also believes that the variance is justified under the City Charter's alternative "practical difficulty" standard.

Proposed Changes. The proposed design changes are limited to increasing the proposed height of the new proposed mixed-use buildings on the Property from the approved fifty-three (53) feet to sixty-three (63) feet. This will allow the buildings to be the same height as the new building approved for the "700 Alton" site (approved through Application 23126 as part of the overall development), which is zoned RM-2. The additional height will be utilized to increase the utility of the commercial space as well as the residential levels. The additional height will also allow the Applicant to resolve an engineering issue it discovered during the final design of the garage structure for the project. Specifically, the Applicant's architects and engineers have determined that some additional height will be required in the garage to accommodate structural needs.

Code Standards. The relevant listed standards in Section 118-353(d) are below and will be followed by a brief analysis. In general, it must be noted that the Property is one of the most unique sites in the City. No other site consists of two city blocks, is bordered on the east by the Alton Road flyover, and consists of three separate, often contradictory zoning districts (CPS-2 on the 500 Block, CD-2 and RM-2 on the 600 and 700 Blocks). The Property also is the home of an existing tower that will be retained. These issues have made designing a unified mixed-use development difficult.

On top of that, we also must note that the Applicant has, at the urging of City staff, designed this project with a minimum finished floor of Base Flood Elevation plus one foot (BFE +1), which will make this development unique in this area of the City. As you know, the Board of Adjustment previously approved the same variance for the 600 Alton project (File No. 3638) and the Design Review Board previously approved a three foot variance for these buildings. We believe that the Design Review Board should do the same for the revised development.

(1) special conditions exist that are peculiar to the applicant's land;

As explained above, this site is uniquely burdened by location, size, elevation, existing development, street frontage, and zoning category in a manner that makes unified development very difficult.

The impact of the need to raise the entire property and the visual limitations of the Alton Road flyover support the conclusion that a minor height variance is appropriate, as does the need to resolve the difficult engineering of building the garage structure at this location, one of the lowest in the City.

- (2) the special conditions were not created by the applicant;

The Applicant did not create the special conditions inflicted on the Property – size, street frontage, elevation, mixed-zoning, or impact of the Alton flyover.

- (3) granting the requested variance would not confer upon the applicant special privileges;

The approval of the requested variances will only serve to bring the Property into parity with similarly situated sites, which have not been burdened with the size, elevation, and orientation issues seen here.

- (4) literal application of the City's standards would result in unnecessary and undue hardship;

As was recognized by the Board of Adjustment previously, this Property is so uniquely impacted by the above-described issues that it would cause unnecessary hardship on the Applicant if the variance was not approved.

- (5) the variance would be the minimum necessary for a reasonable use of the land, building, or structure;

The requested variance is the minimum needed to develop a mixed-use project that is consistent and compatible with the existing tower on the Property and the proposed mixed-use building on the 700 Alton site, and keeps the development at a minimum elevation of BFE+1.

- (6) the variance would be in harmony with the general intent of the City's regulations; and

The approval of the requested variance would permit the development of an innovative and compatible mixed-use development on one of the most challenging sites in the entire City. The City's regulations are intended to promote compatible development throughout the City. The instant application seeks approval of a project that is compatible with its surroundings, provides significant amenities open the general public, and will help the City in its efforts to move buildings out of the floodplain.

Thomas Mooney, Director
February 11, 2016
Page 4

- (7) the granting of the variance would be consistent with the City's comprehensive plan and does not reduce minimum levels of service established in the comprehensive plan.

The requested variance will keep the development consistent with the Comprehensive Plan and will not intensify the development of the land in a manner inconsistent with established levels of service.

We believe that requested modifications to the approved 600 Alton development will improve the project and generally benefit the West Avenue and Alton Road corridors by encouraging neighborhood-serving commercial development and improved pedestrian connectivity. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

Graham Penn

cc: Russell Galbut
Michael Larkin, Esq.