

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: April 5, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: Design Review File No. 22959  
**600-700 Alton Rd– Waves**  
(500-702 Alton Road, 501-651 West Avenue)

The applicants, South Beach Heights I, LLC, 500 Alton Road Ventures LLC and 1220 Sixth LLC, are requesting modifications to a previously issued Design Review Approval for the construction of a new mixed-use residential and commercial project, including previously approved variances. Specifically, the applicants are requesting to increase the two new residential towers building heights (from 53'-0") to the maximum permitted building height (to 60'-0") and a variance to exceed the maximum building height by 3'-0" (to 63'-0").

#### **RECOMMENDATION:**

Approval of the proposed design modifications with conditions

#### **LEGAL DESCRIPTION:**

See attached exhibit "A"

#### **BACKGROUND:**

The development application, which consists of a mixed-use commercial and residential project exceeding 50,000 square feet with a mechanical parking garage was granted the following approvals:

- April 3, 2013—Planning Board approved a Conditional Use for a mixed use commercial and residential project exceeding 50,000 square feet, as well as a parking garage utilizing a mechanical parking system (PB File No. 2094).
- May 7, 2013—Design Review Board approved the design.
- June 7, 2013—Board of Adjustment approved the following (BOA File # 3638).

#### **Variances for 600 Alton:**

1. A variance to waive all of the required 18" of setback from the drive to a column, in order to build a column at the edge of the parking space.
2. A variance to waive 6'-6" of the minimum required pedestal front yard setback of 20'-0" in order to retain the existing structure at 13'-6" from the front property line, facing Alton Road, (at the residential/hotel levels).
3. A variance to waive 19'-9" of the minimum required pedestal side yard facing the street setback of 34'-9" in order to retain the existing structure at 15'-0" from the side facing the street, facing 6<sup>th</sup> Street, (at the residential/hotel levels).
4. A variance to waive 25'-0" of the minimum required pedestal sum of the side yards of 69'-6" in order to provide a sum of the side yards of 44'-6", (at the residential/hotel levels).
5. A variance to waive 6'-6" of the minimum required front yard setback required of 20'-0" in order to build the pedestal level at 13'-6" from the front property line, facing Alton Road.

6. A variance to waive 5'-3" of the minimum required interior side yard pedestal of 34'-9" in order to build at 29'-6" from the northeast interior side yard property line.
  7. A variance to waive 19'-9" of the minimum required side yard facing the street setback of 34'-9" in order to build the pedestal level at 15'-0" from the south property line, facing 6<sup>th</sup> Street (at the residential/hotel levels).
  8. A variance to waive 26'-6" of the minimum required front tower setback of 50'-0" in order to retain the existing tower portion at 23'-6" from the front property line facing Alton Road.
  9. A variance to waive 17'-8" of the minimum required tower side yard facing the street setback of 34'-9" in order to retain the existing building at 17'-1" from the property line facing 6<sup>th</sup> Street.
  10. A variance to waive 25'-0" of the minimum required sum of the side yards at the tower level of 69'-6" in order to provide a sum of the side yards of 44'-6" at the tower level.
  11. A variance to exceed by 3'-0" the maximum permitted height of 50'-0", measured from grade to top of main roof, in order to build at 53'-0" in height
  12. A variance to waive 5'-7 1/2" of the minimum required interior side yard tower setback of 35'-0 1/2" in order to provide the interior side setback at the tower levels at 29'-5" from the northeast property line.
  13. A variance to waive 19'-9" of the minimum required side yard facing the street tower setback of 34'-9" in order to provide the side setback at the tower level at 15'-0" from the property line facing 6<sup>th</sup> Street.
- July 15, 2014—Board of Adjustment approved a one-year extension of time for the variances to be utilized.
  - July 22, 2014—Planning Board approved an extension of time for the construction of the design.
  - August 5, 2014—Design Review Board approved the request to divide the development into a two-phase development project and also approved a one-year extension of time to construct the design.
  - February 24, 2015—Planning Board approval of modifications to the previously issued Conditional Use (PB File No. 2094).
  - May 5, 2015—Design Review Board approved the design application and variances—with the exception of certain design modifications which was continued to a date certain of June 02, 2015 for further design development.
  - June 2, 2015—Design Review Board approved the design modifications referenced at May 5, 2015 hearing.

**SITE DATA:**

Zoning:	CPS-2 Commercial General Mixed Use, CD-2, Commercial Medium Intensity, RM-2 Residential Multifamily, Medium Intensity Zoning Districts
Future Land Use:	CPS-2, CD-2 & RM-2
Lot Size:	Block 500: 85,348 SF Block 600: 138,842 SF Block 700: 49,000 SF (DRB File No. 23126)
Permitted FAR:	Block 500: 170,696 SF / 2.0 Block 600: 277,684 SF / 2.0 Block 700: 98,000 SF / 2.0 (DRB File No. 23126)
Proposed FAR:	541,653 SF / 1.99, as represented by the applicant
Existing Height:	113'-6" / 10 stories
Permitted Height:	Block 500: 75'-0" / 7 stories Block 600: 60'-0" / 5 stories

Proposed Height: Block 700: 60'-0" / 6 stories (DRB File No. 23126)  
Block 500: 75'-0" / 7 stories  
Block 600: **63'-0" (3'-0" variance required)** / 5 stories PLUS adaptive re-use of 10 story tower

Existing Uses: Block 700: 53'-2" / 6 stories (DRB File No. 23126)  
Vacant hospital building and parking garage

Proposed Uses: Mixed used residential building

Residential Units: 419 units + 66 units (DRB File No. 23126)  
500 Block 163 units  
600 Block: 284 256 units  
700 Block 66 units (DRB File No. 23126)

Retail Area: 73,671 SF

Required Parking Spaces: ±838 + 132 Parking Spaces (DRB File No. 23126)

Provided Parking Spaces: 463 (500 Block)  
~~624~~ 582 (600 Block)

Total Provided Parking Spaces: ~~1,084~~ 1,045 + 454 Parking Spaces\* (DRB File No. 23126)

**EXISTING STRUCTURE:**

Year Constructed: 1981  
Architect: William Friedman  
Vacant? Yes  
Demolition Proposed: No

**ADJACENT LAND USES:**

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

**THE PROJECT:**

The applicant has submitted plans entitled "600 Alton" as prepared by Urban Robot, LLC, dated 2/12/2016.

The applicant is requesting the following design modifications to a previously approved design:

1. Raising the building height to the maximum allowable height of 60'-0".
2. Height variance to exceed the maximum height by three feet (3'-0").

The applicant is requesting the following variance(s):

1. A variance to exceed by three feet (3'-0") the maximum building height of 60'-0" within the CD-2 District, in order to construct a new 5-story residential development up to 63'-0", as measured from the elevation of nine feet (9.00') NGVD.
  - Variance requested from:

**Sec. 142-306. Development regulations.**

The development regulations in the CD-2 commercial, medium intensity district are as follows:  
Maximum building height (feet): 60 (except as provided in section 142-1161.

As the first finish floor of the development is proposed at 9.00 NGVD, one foot above flood elevation, the request for an additional three (3) feet in height would allow the Applicant to construct up to the maximum FAR permitted in the CD-2 district. Although the maximum height of the district is 60 feet, adjacent residential buildings to the west are constructed at 26 stories (which equates to approximately 260 feet in height) and staff considers that this variance request is in keeping with the surrounding context of the area and would not negatively affect neighboring properties.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

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

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, 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.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, with the exception of the requested variance(s) above. This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building

Permit, including final parking calculations and a concurrency review.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **commercial/residential use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

**ACCESSIBILITY COMPLIANCE:**

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

**CONCURRENCY DETERMINATION:**

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

**Not Satisfied; the applicant is requesting a height variance.**

4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.

**Satisfied**

5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.

**Satisfied**

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.

**Satisfied**

7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.

**Satisfied**

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

**Not Satisfied; as requested by the Planning Board, the applicants shall further study and refine the residential drop-off and delivery areas at the southwest corner of the site, in a manner to be approved by staff. In this regard, the proposal for a circular driveway shall not be permitted.**

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

**Satisfied**

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

**Satisfied**

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Satisfied**
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Satisfied**
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied; the placement of the parking will be in an underground system.**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).  
**Satisfied; the architect has successfully re-imagined the existing 10-story medical tower.**
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.  
**Satisfied; the proposed first floor retail component continues to activate the street level transparency and achieves pedestrian compatibility and creates visual interest.**
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.  
**Satisfied**

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

On January 27, 2016, the City Commission adopted an ordinance amendment that increased the maximum allowable building height to 60'-0" for mixed-use and commercial buildings zoned CD-2 that include structured parking for properties located on the west side of Alton Road from 6th Street to Collins Canal. The applicant is proposing to modify the previous Design Review

Board approval to increase the height of structures located within this boundary in order to increase the floor to ceiling heights of the commercial spaces (from 14'-4" to 20'-4") and the residential units above (from 9'-8" to 10'-8").

**VARIANCE REVIEW**

The applicant is requesting a variance to increase the maximum height of 60'-0" to 63'-0". Staff believes that the variance proposed is the minimum necessary to make a reasonable use of the land and no negative impact will be affecting the adjacent properties. The unified parcel contains the former South Shore Hospital tower which is 10-stories, the adjacent structure on the West is the Bentley Bay tower which is 26-stories in height and the adjacent property on the North is also 11-stories. In summary, staff has no objection to the requests and recommends approval of the variances as proposed.

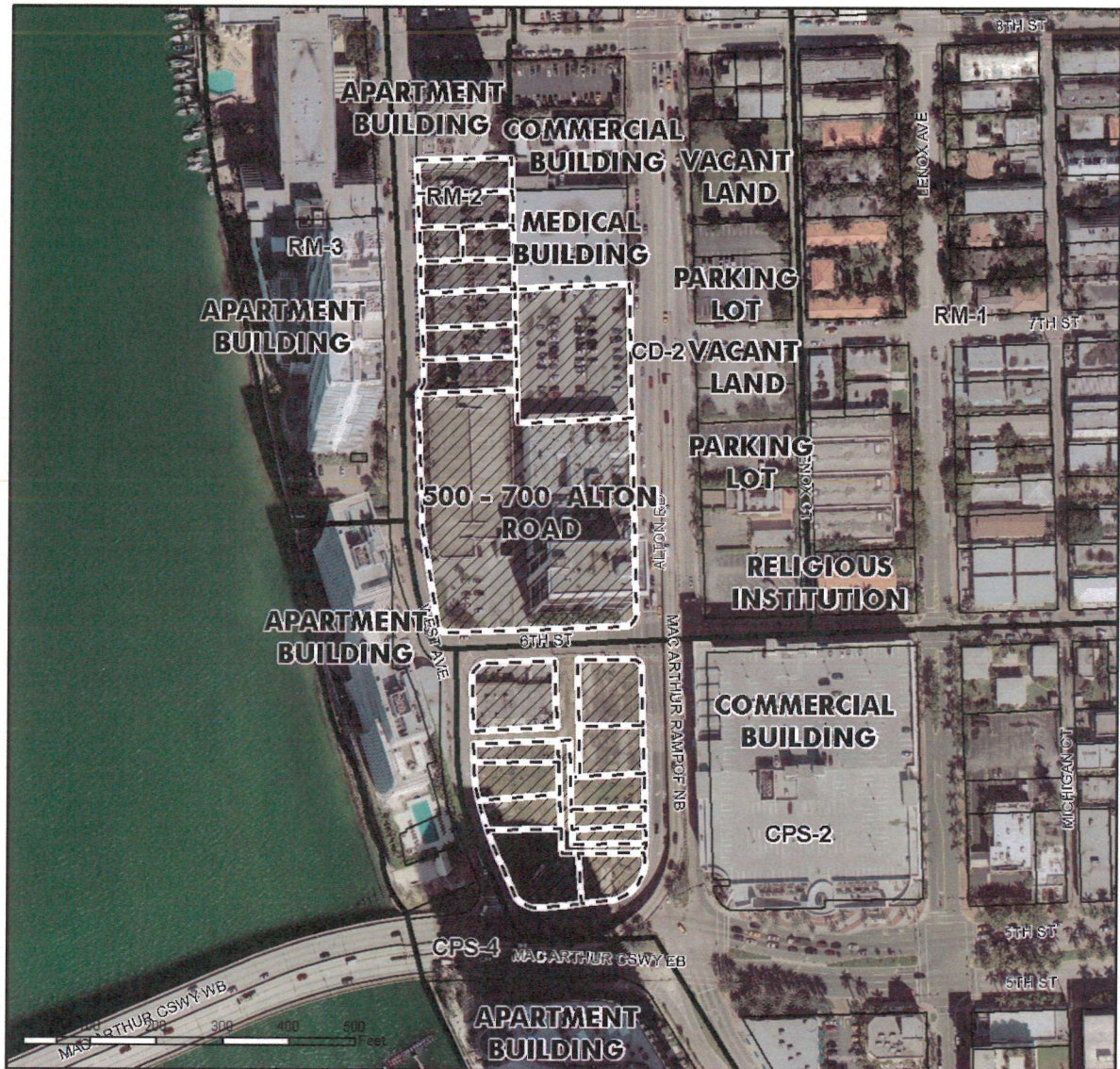
**RECOMMENDATION:**

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

TRM:JGM:LC

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**ZONING/SITE MAP**



**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  
110.12FT 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

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

MEETING DATE: April 5, 2016

FILE NO: 22959

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 including previously approved variances. Specifically, the applicants are requesting to increase the two new residential towers building heights (from 53'-0") to the maximum permitted building height (to 60'-0") and a variance to exceed the maximum permitted building height by 3'-0" (to 63'-0").

**MODIFIED 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 and 8 in Section 118-251 of the Miami Beach Code.
- B. The project would remain 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 remain in full force and effect under the Supplemental Final Orders dated May 5, 2015 and June 2, 2015 for DRB File No. 22959 except as modified herein.

**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 variance to exceed by three feet (3'-0") the maximum building height of 60'-0" within the CD-2 District in order to construct a new 5-story residential development up to 63'-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 variance(s) and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

**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 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. If there is a roadway or right-of-way between parcels, that parcel separated from the remaining development shall not be considered a unified development site and shall not be joined into the covenant in lieu of unity of title or unity of title for the actual unified development site. A separate covenant in lieu of unity or unity of title may be required for the 500 block.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Modified Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.
- F. 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.

- G. The Modified 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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**, dated 2/12/2016, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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**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°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.

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 DEG E  
110.12FT 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