

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:

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:

- 1. 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 increase in height to 60'-0" shall be permit, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

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 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.
- 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. 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 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.
- 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**, 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.

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 DEG 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