

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 01, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23213
1750 Alton Road

The applicant, SOBE Alton LLC, is requesting Design Review Approval for the construction of a new five-story hotel including variances ~~to exceed the maximum building height~~, a variance to reduce the number of required loading spaces, a variance to eliminate the residential or commercial use requirement for all floors of a building containing parking spaces at the ground level along every facade facing a street, and to reduce the required tower rear setback for residential uses.

RECOMMENDATION:

Continue to **May 03, 2016**

LEGAL DESCRIPTION:

Lots 3 and 4, less the South one inch (0.08') and all of Lot 5 of Block 17 of the "First Addition to Commercial Subdivision", according to the Plat Thereof, as Recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On December 15, 2015, the Planning Board approved an application for a Conditional Use Permit for the construction of a new hotel exceeding 50,000 square feet including a mechanical parking garage and an accessory restaurant [PB File No. 2279]. 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. This eliminated the need for the advertised height variance originally sought by the applicant.

SITE DATA:

Zoning:	CD-2 Commercial, Medium Intensity District
Future Land Use:	CD
Lot Size:	28,831 SF
Existing FAR:	10,743 SF
Proposed FAR:	2.0 57,662 SF as represented by the applicant
Permitted FAR:	2.0 57,662 SF
Proposed Height:	53'-0" ** *VARIANCE REQUIRED
Permitted Height:	60'-0"

PROPOSED USE:

Restaurant: 160 Seats
Retail: 7,522 SF
Hotel: 96 Units

PARKING REQUIREMENTS:

1 Space per 4 Seats: 40
Retail to remain: 7,522 SF
1 Space per 2 Units: 48
Total Parking Spaces provided: 59*

*Parking reduction program for mixed-use development projects.

Grade: +6.15' NGVD
Base Flood Elevation (BFE): +8.00' NGVD
Adjusted Grade: +7.08' NGVD
Finished Floor Elevation: +7.25' NGVD
Canal Walk Elevation: +7.68' NGVD

SURROUNDING PROPERTIES:

East: One-story shopping Center
North: Collins Canal
South: Five-story building
West: Five story hotel*

*Under Construction

THE PROJECT:

The applicant has submitted plans entitled "1750 Alton Road", as prepared by **Kobi Karp Architecture**, signed, sealed and dated January 06, 2016.

The proposed building contains approximately 57,662 SF of hotel, retail and restaurant space and 59 parking spaces. All accessory commercial uses are proposed to front along Alton Road and along Collins Canal on the first floor, with a one-way access drive off of Alton Road. Parking is proposed to be located on the second floor while the third, fourth and fifth floors are allocated to the hotel units. Two-way egress is proposed to utilize the existing 20'-0" alley, west of the subject property.

The applicant is requesting the following variance(s):

1. A variance to reduce by 7'-6" the minimum required tower rear setback of 22'-6" in order to construct a five-story residential building at 15'-0" from the rear (west) property line.

Sec. 142-307 - Setback requirements *The setback requirements in the CD-2 commercial, medium intensity district are as follows: Residential Uses shall follow the RM-1, RM-2, or RM-3 setbacks:*

Rear Tower Setback: Non-oceanfront—15% of the lot depth

In the CD-2 zoning district, when a structure contains residential or hotel units, all floors containing those uses are required to follow the setbacks of the RM-1, RM-2, or RM-3 zoning districts which have different setback requirements depending on the height. For the first 50'-0" of height the required rear setback is the 'pedestal setback' of 10% of the lot depth. All areas above 50'-0" are required to follow the 'tower setback' of 15% of the lot depth. Since the applicant is requesting a height variance of 3'-0", the top 3'-0" does not comply with the required Tower setbacks. The City Commission adopted an ordinance increasing the height to 60'-0" for mixed-use and commercial buildings zoned CD-2, as such the requested variance is consistent with the intent of the ordinance.

2. A variance to eliminate the residential or commercial use requirement for all floors of a building containing parking spaces at every level along every facade facing a street.
 - Variance requested from:

Sec. 142-308. – Additional regulations for new construction

In the CD-2 district, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway; for properties not having access to

an alley, the required residential space shall accommodate entrance and exit drives.

This variance pertains to the elimination of active residential uses at the first level along the Alton Road street facade. Staff has very serious concerns with the precedent that this type of request would establish for future developments, specifically for buildings fronting on Alton Road—a commercial corridor. The Planning Department has consistently recommended denying any variance that seeks to eliminate this component of the Code, particularly when a vacant site has nearly 220' of linear frontage on a major street. The size of the lot with more than 28,000 SF is larger than most properties in the area and the granting of this variance would confer on the applicant a special privilege not granted for other properties in the same zoning district. Although the applicant has tried to screen the parking with display windows, staff does not believe this is sufficient and recommends that this variance be **denied** due to a lack of hardship.

3. A variance to reduce by one (1) the minimum required off-street loading spaces of three (3), in order to construct a new five-story mixed-use building with two (2) loading spaces on the premises.
 - Variance requested from:

Sec. 130-101. Space requirements.

When any building or structure is erected, structurally altered, or converted in use, accessory off-street loading spaces shall be provided for the building, structure, additional floor area or new use in accordance with the following schedule:

(1) For each retail store, department store, restaurant, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment, or similar use, which has an aggregate floor area in square feet of:

a. Over 2,000 but not over 10,000: 1 space.

(3) For any residential building or hotel building:

b. Over 50 units but not more than 100 units: 2 spaces.

As proposed, the new commercial building contains over 50,000 SF of area, which requires a total of three loading spaces to be provided on site. Two loading areas are configured within the building. Both of these spaces are the minimum area for a loading space which is 10'x20'. The front façade at the ground level on either side of the curb cut from Alton Road is at the zero setback line. Additionally, both loading spaces are parallel spaces, located in front of the carpool parking spaces and visible from the restaurant. The project consists of a hotel, retail, and a restaurant and has access to an alley, and the existing buildings on the block utilize the alley for deliveries. Loading areas should be designed so that traffic congestion and interference is avoided and the highest level of safety is maintained. The letter of intent indicates that the applicant is working with the Parking Department to designate a street loading space for larger deliveries. Staff is recommending conditions relative to the servicing of the proposed uses. However if not approved for a zone by the Parking Department, staff recommends that this variance be **denied** due to a lack of hardship.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded only partially (as noted) 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.

Additionally, staff has concluded that the plans and documents submitted with the application partially satisfy compliance 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;

Satisfied for variance request 1;
Not Satisfied for variance request 2 and 3;

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

Satisfied for variance request 1;
Not Satisfied for variance request 2 and 3;

- 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;

Satisfied for variance request 1;
Not Satisfied for variance request 2 and 3;

- 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;

Satisfied for variance request 1;
Not Satisfied for variance request 2 and 3;

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

Satisfied for variance request 1;
Not Satisfied for variance request 2 and 3;

- 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

Satisfied for variance request 1;
Not Satisfied for variance request 2 and 3;

- 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.

Satisfied.

CONSISTENCY WITH COMPREHENSIVE PLAN

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

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the following sections of the City Code, aside from the requested variance(s). The above noted comments 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.

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.
Not Satisfied; the planting area provided for the Gumbo Limbo trees along Collins Canal is not sufficient for trees of that size to thrive.
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.
Not Satisfied; several variances are required from the Board including a variance to eliminate the commercial or residential liner along Alton Road and a variance to eliminate required off-street loading spaces.
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; several variances are required from the Board including a variance to eliminate the commercial or residential liner along Alton Road, a variance to eliminate required off-street loading spaces and a rear setback 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.
Not Satisfied; the planting area provided for the Gumbo Limbo trees along Collins Canal is not sufficient for trees of that size.
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.

Not Satisfied; several variances are required from the Board including a variance to eliminate the commercial or residential liner along Alton Road, a variance to eliminate required off-street loading spaces and a rear setback variance.

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.

Not Satisfied; several variances are required from the Board including a variance to eliminate the commercial or residential liner along Alton Road, a variance to eliminate required off-street loading spaces and a rear setback variance.

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.

Not Satisfied; several variances are required from the Board including a variance to eliminate the commercial or residential liner along Alton Road, a variance to eliminate required off-street loading spaces and a rear setback variance.

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; several variances are required from the Board including a variance to eliminate the commercial or residential liner along Alton Road, a variance to eliminate required off-street loading spaces and a rear setback variance.

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.

Partially Satisfied; additional design details of the exterior ground floor up-lights and light bollards shall be required for further review.

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

Not Satisfied; the planting area provided for the Gumbo Limbo trees along Collins Canal is not sufficient for trees of that size the width of the Canal Walk is not sufficient.

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).
Not Satisfied; the setback be further increased in the northeast corner in order to create a more inviting area for pedestrians at the street level and emphasize the view corridor.
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.
Not Satisfied; the applicant has not provided adequate activation along Alton Road; several variances are required from the Board including a variance to eliminate the commercial or residential liner along Alton Road.
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).
Not Satisfied; the applicant has not provided adequate activation along Alton Road
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.
Not Satisfied; the applicant has not provided adequate activation along Alton Road
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.
Not Satisfied; several variances are required from the Board including a variance to eliminate the commercial or residential liner along Alton Road and a variance to eliminate required off-street loading spaces.

ANALYSIS

DESIGN REVIEW

The applicant is requesting Design Review Approval for the construction of a new hotel and an accessory restaurant. The site is comprised of three parcels that will be unified with a Covenant in Lieu of Unity of Title. The northern parcel (lots 4 and 5) currently contains a defunct 'Boston Market' restaurant which will be demolished in order to accommodate the proposed structure. The southern parcel (lot 3) currently contains a two-story commercial building which is proposed to be renovated and modernized with a new façade that will provide a seamless transition to the new construction. The applicant plans to purchase air rights from the owner of the southern parcel in order to transfer available floor area to this project. The design features a dynamic cantilevered structure that is proposed to encroach over and above the existing commercial

establishment. The applicant has proffered to dedicate land to the City of Miami Beach to expand the pedestrian promenade along Collins Canal.

The structure will contain 96 guest rooms with a rooftop pool deck and a ground floor accessory restaurant with 160 seats. The proposed project is located in Parking District 6, which contains several reductions for required parking in order to encourage alternative modes of transportation. A total of 59 parking spaces are provided on site primarily on the second floor through the use of mechanical parking lifts. It is important to note that on December 15, 2015 the project was reviewed and approved by the Planning Board with regard to important issues related to the operations of the project, including parking, valet operations, traffic, deliveries, sanitation and security.

Staff is very supportive of the modern design vocabulary proposed, which will establish an iconic gateway to Alton Road, one of the City's two major north-south corridors. The proposed design features rich exterior finishes that will be a great addition to this highly visible corner parcel. While generally supportive of the scale and massing of the proposed project, staff does have some major concerns regarding certain aspects of this project. Staff's primary design concerns pertain to the proposed Collins Canal Walk and the northeast corner of the site.

This northeast corner portion of the subject parcel has a unique elevation in that the grade of the sidewalk along Alton Road changes from 4.73' NGVD to 6.15' NGVD. The existing canal walkway also changes in elevation from 7.86' NGVD at the midpoint to 5.28' NGVD at the northwest corner of the site. Staff's concern is that the applicant is proposing a finished floor of 7.25' NGVD for the restaurant fronting the Canal which would be below the elevation of the proposed Canal Walk. Staff would recommend that the ground floor be raised to accommodate the higher elevation of the Canal walk and the entrance be redesigned in a manner which will accommodate these changes in elevation along the north property line.

Furthermore, there is a neighboring five-story Marriot hotel nearing completion immediately to the west of the site. These two projects are on a unique triangular block, consisting of only three properties in total, that share a 20'-0" wide alley (Alton Court) between them. Collins Canal is approximately 560' in length between 17th Street and Alton Road; therefore a consistent and continuous Canal Walk is very important. The neighboring project at 1231 17th Street provided a continuous setback of 17'-11" from the north property line to the building, which staff maintains is necessary for planting substantial canopy trees and providing pedestrian walkways. The proposed project, on the other hand, is proposing a setback of 12'-9" on the west which narrows to 9'-7" in the northeast corner of the site. Additionally, the projection of the slab above further reduces the area's 'open to the sky' nature to approximately 7'-3" at the most prominent corner of the site which limits the amount of landscaping that can be planted along this edge. Staff would strongly recommend the north setback be increased to align with the neighboring building that has a 17'-11" rear setback for the entire length of the canal. Further, staff believes that the setback should be further increased in the northeast corner in order to create a more inviting area for pedestrians at the street level and emphasize the view corridor to the Canal. Additionally, the projections into the north should also be minimized in order to allow ample room for the canopy shade trees to mature.

The commercial component of this project limits the landscaped areas on the site and while the applicant is proposing built-in planters on the roof, these landscaped areas will only be experienced by the hotel guests. Therefore, it's critical that the dedicated landscaped areas along the Canal Walk have generous room to grow and flourish. The landscape plan identifies four Gumbo Limbo trees to be planted along the Canal Walk. The project directly west of this

property planted three Green Buttonwood trees and five Foxtail Palms along the Canal. Staff would recommend the applicant continue the use of Green Buttonwood trees to provide a consistent tree canopy along this edge.

The proposed project is located in Parking District No. 6, which allows for several reductions of the required parking for some uses. The proposed garage contains 59 parking spaces where typically they would have been required to provide 88 spaces. Reductions are being provided for providing two carpool spaces on the ground floor, for being located within 1,000 feet of a central public parking facility, and for providing bicycle facilities [10 long-term bike racks and 20 short-term bike racks]. The plans provided by the applicant indicate that there are two carpool spaces and one ADA accessible space on the ground floor adjacent to a one-way access corridor from Alton Road towards Alton Court. This corridor leads to a drop-off area at the northwest corner of the site. Access to the upper level from the garage is through a ramp that is accessed from Alton Court. The upper level of the garage contains 28 spaces with mechanical lifts for a total of 56 spaces. Staff's concern is that the ground level ADA parking, drop-off area, and carpool spaces are located adjacent to the two loading spaces and visible from the restaurant and the street since the applicant has not provided a proper liner for these spaces. Furthermore, the south elevation of the restaurant, facing the corridor, appears to be partially made of a glass storefront system facing the loading area. Moreover, this area is also labeled as the location for the kitchen, bathrooms and back of house for the restaurant. Another layout concern is the location of the ADA parking space located adjacent to the restaurant's trash room. Staff would recommend a complete redesign of these areas including the possibility for the two "window displays" to be consolidated into one unified area that would constitute a liner.

In summary, staff is recommending this application be continued to a future meeting date in order for the applicant to address the concerns herein.

VARIANCE ANALYSIS

A recent change to the City Code eliminated the need for the advertised height variance originally sought by the applicant. Additionally, acknowledging the allowable height change in the Code, staff supports the requested variance (variance 1) for the parapet.

Planning staff does not support the requested variance (variance 2) to eliminate the active residential or commercial use requirement at the street level and finds that, in this instance, the applicant's alleged hardship is self-imposed. The elimination of the commercial liner is a self-imposed hardship since this is a completely new construction project consisting of three parcels with ample lot width and lot area. The combination of the three parcels results in a lot width of 209'-0" and a lot depth of 150'-0" which is more than adequate to comply with the minimum Code requirements. The proposed elimination of the active uses along the ground floor fronting Alton Road is directly correlated with the design decision to place the carpool parking spaces and the loading area directly adjacent to Alton Road. The granting of this variance would set a negative precedent since the elimination of this required active space is not supported under the Hardship Criteria.

Furthermore, the applicant is also requesting a variance to reduce the minimum off-street loading spaces (variance 3) required for a hotel and restaurant by one space, however they are not providing any evidence that the Parking Department would be amendable to create a commercial loading zone along this portion of Alton Road that has a very challenging intersection of Dade Boulevard or where said zone would be located. Additionally, the proposed loading areas have been designed with the minimum size allocated for a space which will

prohibit larger trucks to utilize the delivery areas.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **continued to May 03, 2016**, 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



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

MEETING DATE: March 01, 2016

FILE NO: 23213

PROPERTY: **1750 Alton Road**

APPLICANT: SOBE Alton LLC

LEGAL: Lots 3 and 4, less the South one inch (0.08') and all of Lot 5 of Block 17 of the "First Addition to Commercial Subdivision", according to Plat thereof as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County,.

IN RE: The Application for Design Review Board approval for the construction of a new five-story hotel including variances to exceed the maximum building height, a variance to reduce the number of required loading spaces, a variance to eliminate the residential or commercial use requirement for all floors of a building containing parking spaces at the ground level along every facade facing a street, and to reduce the required tower rear setback for residential uses.

ORDER

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not a individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning

Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1-10, 13, and 17 contained in Section 118-251 of the Miami Beach Code.

- C. The project would be consistent with the criteria and requirements contained in section 118-251 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings for the proposed commercial building at 1750 Alton Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The first level facing Alton Road shall be modified in a manner that incorporates active commercial uses along the entire East elevation. This shall include the relocation of parking spaces, 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 north setback shall be increased to 17'-11" to match the setback of the property to the west in order to provide a continuous, uninterrupted Canal Walk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. A greater setback shall be provide in the northeast corner of the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. Projections into the north setback shall be reduced to be no greater than 25% of setback provided, 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 ground floor shall be raised and the entrance shall be redesigned in a manner that allows for the changes in elevation along the north property line, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass and incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. Final details of all exterior surface finishes and materials shall be required, including the aluminum cladding on the architectural frame, Prodema wood cladding and architectural ceramic tile wall finishes, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - h. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of ten (10') feet from the exterior walls of the building, in a manner to be reviewed and approved by staff consistent with the Design Review

Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes; however, shelving, partitions, and checkout counters, or similar objects, shall not be permitted to be flush to the exterior walls of the building facing Alton Road and the Canal Walk.

- i. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
- j. Any future kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
- k. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, as well as on the roof deck, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. All rooftop lighting shall consist of a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
- n. The interior walls of the first level of the parking garage entrance, ramps and loading areas, shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- p. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- q. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
 - r. 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.
 - s. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - b. The proposed "Gumbo Limbo" trees along the Collins Canal Walk shall be replaced by "Green Buttonwood" trees to provide a continuous and consistent tree canopy along this stretch of the Canal, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. All proposed planters shall be built-in planters with irrigation systems in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. Pavers and concrete banding shall be utilized for the entire entry drive and loading zone area, including alternate colors of concrete banding in place of painted striping, 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 install an additional six (6) bicycle racks to be distributed along Alton Road subject to review and approval of FDOT and the Public Works and Planning Department, 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 shall install an additional six bicycle racks on the ground floor at the northeast portion of the site, proximate to the entry vestibule and northernmost elevator, in a manner to be reviewed and approved by staff

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

- g. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- i. Silva Cells, if technically feasible, shall be used along Alton Road and the Canal Walk for all plantings and clearly delineated on a revised landscape plan.
- j. 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.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

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

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following

variance(s):

1. ~~A variance to exceed by 3'-0" the maximum permitted height of 50'-0" as measured from the finish floor in order to construct a new five-story hotel to measure up to 53'-0" in height when measured from the finish floor (7.25' NGVD).~~
 2. A variance to reduce by 7'-6" the minimum required rear tower setback of 22'-6" in order to construct a five-story residential building at 15'-0" from the rear (west) property line.
 3. A variance to eliminate the residential or commercial use requirement for all floors of a building containing parking spaces at every level along every facade facing a street.
 4. A variance to reduce by one (1) the minimum required off-street loading spaces of three (3), in order to construct a new 5-story mixed-use building with two (2) loading spaces on the premises.
- 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 and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. Revised plans shall be submitted to clearly indicate the area counted in the required parking calculations.

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. 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.
- B. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- C. Vacant or unoccupied structures shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign obtained from the City's Police Department.
- D. 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.
- E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.

- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1750 Alton Hotel", as prepared by **Kobi Karp Architecture**, signed, sealed and dated January 06, 2016, and as approved by the Design Review Board, as determined by staff.

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

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project 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 application will expire and become null and void.

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

