

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 11, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB25-1086, F.K.A. DRB24-1015**
1801 Alton Road

An application has been filed requesting a modification to a previously approved project that consisted of the construction of a new 1-story commercial building, including a variance from the minimum landscape requirement bordering a temporary or provisional surface parking lot abutting a property line, street, or sidewalk, and one or more waivers, replacing an existing two-story commercial building. Specifically, the applicant is proposing to retain the existing two-story commercial building and is requesting variances for the continued use of existing parking lot lighting, to maintain existing asphalt hardscape, and maintain existing landscape borders around the parking areas. Additionally, the applicant is requesting to modify the design of the proposed building to include an elevator and staircase to allow access to the roof deck and green roof.

RECOMMENDATION:

Approval of the design with conditions.
Approval of the variances.

HISTORY

On October 1, 2024, the Design Review Board reviewed and approved an application for the construction of a new one-story commercial building to replace an existing two-story commercial building, pursuant to DRB24-1015, including design waivers and variances.

LEGAL DESCRIPTION:

The East 50 feet of lot 6, Lot 10 LESS the North 2.8 feet thereof, and all of Lot 11, Block 11, of THE ALTON BEACH REALTY COMPANY'S PLAT OF ISLAND VIEW SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 115. of the Public Records of Miami-Dade County, Florida, LESS those lands conveyed to the City of Miami Beach by Deeds recorded in Deed Book 1343, Page 69 and Deed Book 1343, Page 74, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	CD-1	*As represented by the applicant	
Future Land Use:	CD-1	Height:	
Parking District:	1	Existing:	42'-0"
Lot Size:	46,845 SF	Proposed New:	22'-0" from BFE +1
Existing FAR:	22,071 SF / 0.47	Maximum:	40'-0"
Proposed new FAR:	4,668 SF	CMB Grade:	4.3' NGVD
Total project FAR:	26,739 / 0.57*	Base Flood Elevation:	8.0' NGVD
Maximum FAR:	46,845 SF/ 1.0	Existing Use:	Office

Proposed Use: Office
Required Parking: 17 Spaces
Provided Parking: 62 51 Spaces

SURROUNDING PROPERTIES

North: One-Story Commercial
South: Canal
West: Five-story Commercial
East: Two-story Commercial

EXISTING STRUCTURE:

Year Constructed: 1981
Architect: Isaac Sklar Assoc.

THE PROJECT:

The applicant has submitted plans entitled "New Single Story Commercial Building", as designed by **Gonzalez Architecture**, signed, sealed, and dated April 2, 2025.

The applicant is requesting the review and approval of modifications to a previously approved application (DRB24-1015). The previously approved design proposed to replace an existing two-story commercial building with a new one-story building, which included the following waiver and three variances.

The following waiver was approved by the DRB, pursuant to DRB24-1015, on October 1, 2024:

1. A waiver from additional requirements for Long Frontage Standards for new construction with non-residential uses on the ground floor, per **Sec. 7.1.2.2.2.** of the City Code.

The following variance(s) were approved by the DRB, pursuant to DRB24-1015, on October 1, 2024:

1. A variance from **Sec. 5.3.2.** to maintain the existing 16-foot-long parking spaces that do not provide two (2) feet of pervious area overhang in place of wheel stops for a total length of 18 feet.
2. A variance **Sec. 5.3.12.d.** to maintain the asphalt hardscape of an existing parking area, instead of pavers set in sand, grass pavers, or similar semi-pervious material.
3. A variance from **Sec. 4.2.8.a.1** to maintain the existing landscape borders around a parking area, when five feet is required.

The applicant is returning to the Board with modifications to the application that include the retention of the existing two-story commercial building, the continued use of the existing parking lot, and the addition of an elevator and staircase, allowing access to the roof deck and green roof of the new 1-story commercial building.

The applicant is requesting the following waiver(s):

1. A waiver from the "circulation zone" requirement for Long Frontage Standards for new construction with non-residential uses on the ground floor, per **Sec. 7.1.2.2.f.2.** of the City Code.

The applicant is requesting the following variance(s):

1. A variance from **Sec. 5.3.7.** to allow for the continued use of existing lighting infrastructure, where minimum illumination levels for new parking facilities are required.
2. A variance **Sec. 5.3.11.c.** to maintain the use of the existing asphalt hardscape on the existing surface parking, where high albedo surface material or porous pavement is required.
3. A variance from **Sec. 4.2.8.b.** to retain the existing landscape buffer around the parking area, measuring from four to five feet; where eight-foot, six-inch (8'-6") landscaping buffers at the end of all parking rows, exclusive of the curb dimension, are required.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that partially 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 comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- 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;

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the requirements of the City Code with the exception of the variance(s) requested.

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.

CONSISTENCY WITH COMPREHENSIVE PLAN:

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

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
- b. 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.
- c. 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.
Satisfied; however, the applicant is requesting waivers of the frontage standards. and variances for the parking lot.
- d. 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 2.5.3.2.
Satisfied.
- e. 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 article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.
Satisfied.
- f. The proposed structure, 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; however, the applicant is requesting waivers of the frontage standards.
- g. 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.

- h. 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 safety 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.
Partially Satisfied; the applicant is requesting a waiver of the frontage standards for a 'circulation zone', where the existing drive lane curbs are proposed as mountable in order to maintain a clear pedestrian path.
- i. 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.
Not Satisfied; a lighting plan has not submitted, and the applicant is requesting a variance to maintain existing parking lot light fixtures that do not meet the illumination requirements of the Code.
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Satisfied; the applicant is requesting variances related to landscape of parking areas.
- k. 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.
- l. 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.
- m. 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 Applicable.
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied.

- o. 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.
- p. 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 Applicable.
- q. 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 Applicable.
- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights- of-way.
Not Applicable.
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Not Satisfied; see below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- 1. A recycling or salvage plan for partial or total demolition shall be provided.
To be satisfied at time of building permit.
- 2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- 3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- 4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- 5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied
7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Satisfied
10. In all new projects, water retention systems shall be provided.
Satisfied
11. Cool pavement materials or porous pavement materials shall be utilized.
Not Satisfied
12. The project design shall minimize the potential for a project causing a heat island effect on site.
Partially Satisfied; except where variances are requested for asphalt to remain.

ANALYSIS:
DESIGN REVIEW

The subject site is irregularly shaped and is prominently located at the northeast corner of the intersection of Alton Road and Dade Boulevard. Access to the site is from 19th Street, Alton Road and Dade Boulevard. The existing, two-story structure was originally constructed as a bank building with offices. The main façade is setback beyond a generous lawn and pedestrian ramp on Alton Road, with the offices and banking driveways located on Dade Boulevard. Along the northern edge of the property (19th street) is a surface parking area.

In contrast to the previously approved design, the applicant is proposing to retain the existing two-story building, demolishing some minor exterior walls on the ground floor where it will meet with the new, one-story commercial building. The applicant is also proposing some revisions to the new one-story building that includes an accessible roof deck with an associated interior staircase and elevator.

Staff is supportive of the applicant's modifications, especially as it includes the maintenance of the existing two-story building. Staff finds the modified program better utilizes the large, prominent site, and the composition of buildings on the site, with the newly designed one-story

structure in the foreground facing Alton Road, creates a greater presence at a major Miami Beach intersection.

This application also includes a waiver request for the long frontage standard that is required for new construction with nonresidential uses on the ground floor on frontages with a width greater than 150 feet. Pursuant to the long standard regulations, the applicant is required to provide a parallel circulation area and landscape zone. Specifically, the sidewalk shall contain a "circulation zone" with a minimum dimension of 10 feet in width. Within the circulation zone, a minimum 5' clear pedestrian path shall be free of obstruction, including but not limited to outdoor cafes, handrails, and outswing doors.

Whereas the previously approved application had provided along the entirety of Alton Road and Dade Boulevard a 10-foot circulation zone, the modified design with the retainment of the existing two-story building does not fully comply with the applicable regulations. On Dade Boulevard, a portion of the ground floor of the existing two-story building and the adjacent existing drive lanes encroach into the 10-foot clear path. To regain an ample clear pedestrian path and circulation zone, the design jogs the sidewalk around the encroaching building mass, removing a landscape border, and proposes the installation of mountable curbs to allow for a flush pedestrian crossing. As proposed, the design of the sidewalk and landscape endeavors to provide as close as possible a 10-foot clear path, maintaining a 5' clear pedestrian. As such, staff is supportive of the waiver.

VARIANCE REVIEW

The applicant is requesting the following variance(s):

1. A variance requested from **Section Sec. 5.3.7.** regarding minimum illumination levels for parking structures:

Adequate lighting shall be provided. The lighting shall be arranged and installed to minimize glare on property in a residential district. Parking facilities shall be illuminated from one-half hour after sunset to one-half hour before sunrise at the levels specified below with a uniformity ratio of 10:1:

USE	MINIMUM ILLUMINATION (FC)
Commercial lots	
Small (5—10 spaces)	0.4
Medium (11—99 spaces)	0.6
Large (100+ spaces)	0.9

The site contains an existing parking lot that the applicant does not wish to remove at this time. The parking lot has spaces that do not comply with current requirements for parking space dimensions. In this case, the parking spaces are 16 feet but do not provide the 2-foot pervious area overhang and do not comply with the minimum overall length of 18 feet. The applicant has indicated that they expect to redevelop this area in the near future and therefore do not want to undergo the expense of replacing a parking lot that they do not expect to remain in the near in

the future. The applicant contends that this represents a practical difficulty; staff is not opposed to the granting of the variance.

2. A variance requested from **Sec. 5.3.11.c.** regarding the design of surface parking lots:
 - c. Open-air parking lots, open to the sky, shall be constructed with:
 1. a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or
 2. porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.

Section 5.3.12.d requires that surface parking lots consist of pavers or similar semi-pervious materials. The applicant contends that meeting these surface requirements presents a practical difficulty as the parking area is existing and is expected to be redeveloped in the near future. Staff does not have an objection to the granting of the proposed variance.

3. A variance requested from Sec. 4.2.8 **Landscaped areas in permanent parking lots:**
 - b. A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:
 1. A landscaped area with a tree shall be required at the end of all parking rows, particularly when abutting an aisle or building. Planting areas for each tree shall have a minimum width of eight feet, six inches, exclusive of the curb dimension, and shall be planted or covered with other landscape materials. Structural soil shall be required under the adjacent parking stalls to meet the minimum required soil volumes per section 4.2.3.

Section 3.2.9.a.1 requires that temporary parking lots have a five-foot wide landscape buffer, and the existing parking lot provides landscape areas that are less than 5 feet. The applicant contends that meeting these landscape requirements presents a practical difficulty as the parking area is existing and is expected to be redeveloped in the near future. Since the applicant is proposing to provide dense landscaping in the parking lot area, staff does not have an objection to the granting of the proposed variance.

RECOMMENDATION:

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

DESIGN REVIEW BOARD

City of Miami Beach, Florida

MEETING DATE: September 11, 2025

PROPERTY/FOLIO: **1801 Alton Road 02-3233-012-0090**

FILE NO: DRB25-1086, F.K.A. DRB24-1015

IN RE: An application has been filed requesting Design Review Approval for the construction of a new 1-story commercial building, including a variance from the minimum landscape requirement bordering a temporary or provisional surface parking lot abutting a property line, street, or sidewalk, and one or more waivers, replacing an existing two-story commercial building.

LEGAL: The East 50 feet of lot 6, Lot 10 LESS the North 2.8 feet thereof, and all of Lot 11, Block 11, of THE ALTON BEACH REALTY COMPANY'S PLAT OF ISLAND VIEW SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 115. of the Public Records of Miami-Dade County, Florida, LESS those lands conveyed to the City of Miami Beach by Deeds recorded in Deed Book 1343, Page 69 and Deed Book 1343, Page 74, of the Public Records of Miami-Dade County, Florida.

APPLICANTS: Santa Elena Holdings LLC

SUPPLEMENTAL 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 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria i, j, and s in Section 2.5.3.1 of the Land Development Regulations.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1 and 11, in Section 7.1.2.4(a)(i) of the Land Development Regulations.
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the proposed new one-story Commercial building at 1801 Alton Road shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. All of the original conditions of approval by this Board shall remain in full force and effect under the Final Order dated October 1, 2024, pursuant to DRB24-1015, except as modified herein.
 - b. The Long Frontage Standards for new construction with non-residential uses on the ground floor on Alton Road and 18th Street, per sec. 7.1.2.2.f.2, of the Resiliency Code are waived as proposed.
 - a. The retention of the existing two-story commercial building shall be approved as proposed.
 - b. The proposed new accessible roof on the one-story commercial building shall be approved as proposed.
 - c. The proposed interior staircase and elevator for access to the new accessible roof deck shall be approved as proposed.
 - d. The final details, color and material finish of the new roof deck fence on the new one-story building, including samples, shall be submitted, in a manner to be reviewed and approved by staff, consistent with the Design Review Criteria and/or the directions from the Board.
 - e. The final details of the proposed mountable curb proposed for the exit drive way on Dade Boulevard, including samples, shall be submitted, in a manner to be reviewed and approved by staff, consistent with the Design Review Criteria and/or the directions from the Board.
 - f. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. 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.
 - h. URBAN HEAT ISLAND ORDINANCE Section 7.5.3.2(g)(iv) new driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in Section 1.2.1 of this Code, and (v) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in Section 1.2.1, shall be prohibited.

- i. 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 shall be prepared by and bear the seal of a Landscape Architect licensed to practice in the State of Florida. The corresponding landscape plans shall be submitted to and approved by staff. At a minimum, landscape plans shall comply with Chapter 46 Tree Preservation and Protection Ordinance of the City Code and Chapter 4, Landscape Requirements of the Land Development Regulations and shall incorporate the following:
 - a. Any existing canopy shade tree(s) on site with a caliper size of 4” of greater being impacted by the construction shall be carefully root pruned, protected and/or relocated. This shall not apply to prohibited tree species. A Tree Disposition Plan shall be provided for Planning staff review and approval prior to the issuance of a Building Permit.
 - b. Prior to the issuance of a building permit, the applicant shall submit a tree survey and tree disposition plan that includes the approved tree protection fencing detail for existing mature trees and palms to remain. Such plans shall be subject to the review and approval of staff. A tree work permit shall be obtained prior to the removal of any existing trees and palms.
 - c. In new construction projects, street trees are required within the public right of way. Street trees are in addition to the required lot trees according to the Chapter 2 Landscape Ordinance. All proposed street tree plantings shall be reviewed and approved by the Public Works Department and a right of way permit shall be obtained prior to any plantings in the right of way.
 - d. Suspended paver systems such as Silva Cells or equal shall be installed where street trees are planted in right of way sidewalk and other hardscape areas in a manner to be reviewed and approved by staff. Suspended paver systems shall be clearly delineated in the landscape plans. Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.
 - e. Root guards or barriers shall be installed to protect utilities and structures within close proximity of proposed tree plantings. The root guards shall be clearly delineated in the landscape plans and shall be reviewed and approved by staff.
 - f. Irrigation systems shall be designed and installed corresponding to the water requirements of the proposed plantings and as required in the Chapter 2 Landscape Ordinance. The irrigation system shall be extended into the public right of way. A rain shut off device is required to be installed as part of the irrigation system.
 - a. 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.

- b. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- g. Prior to the issuance of a Certificate of Occupancy, the Project Landscape 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to 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), which were either approved by the Board or Denied:
 1. A variance from **Sec. 5.3.7.** to allow for the continued use of existing lighting infrastructure, where minimum illumination levels for new parking facilities are required.
 2. A variance **Sec. 5.3.11.c.** to maintain the use of the existing asphalt hardscape on the existing surface parking, where high albedo surface material or porous pavement is required.
 3. A variance from **Sec. 4.2.8.b.** to retain the existing landscape buffer around the parking area, measuring from four to five feet; where eight-foot, six-inch (8'-6") landscaping buffers at the end of all parking rows, exclusive of the curb dimension, are required.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above 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, the Board has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- i. 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;

- ii. The special conditions and circumstances do not result from the action of the applicant;
 - iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
 - iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
 - v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
 - vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
 - vii. 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; and
 - viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
- C. The Board hereby **Approves the variance request**, and imposes the following condition based on its authority in Section 2.8.4 of the Land Development Regulations:
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. All new construction over 7,000 square feet shall comply with the “Green Building” requirements in section 7.1.3.2 of the Resiliency Code.
- B. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

- C. All allowable construction signage shall be in accordance with Section 6.3.2 of the Land Development Regulations.
- D. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- E. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- F. The contractor(s) shall ensure that the street and the alley directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and alley areas before leaving at the end of each day.
- G. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- H. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- I. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- J. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- K. 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.
- L. 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.
- M. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- N. 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the revised plans, entitled "New Single Story Commercial Building", as designed by **Gonzalez Architecture**, signed, sealed, and dated April 2, 2025, 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 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 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 Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For the Chair

STATE OF FLORIDA)
)SS

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by Rogelio A. Madan, AICP, Development & Resiliency Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the
Design Review Board on _____ ()