

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 02, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB18-0337
1600-1634 Alton Road "1212 Lincoln Road"

DRB18-0337, 1614-1634 Alton Road "1212" Lincoln Road. An application has been filed requesting Design Review Approval for ratification and approval, pursuant to a settlement agreement between the City and the Applicant, of a portion of "electronic noncommercial graphics and images" elements of the building; exterior design modifications to the exterior of the building including exterior lighting features; and the design of a uniform commercial signage program including variances to exceed the maximum size for projecting signs, to exceed the maximum aggregate sign area allowed per tenant, to exceed the maximum size for directory signs, to install directory signs as projecting signs, to install more than one directory sign, to install multiple signs above the first floor, to install multiple signs without providing direct access from the street, to install signage facing a non-street façade, to install a building identification sign below the roof line and to install a building identification sign as a projecting sign.

RECOMMENDATION:

Continue to a future meeting date

LEGAL DESCRIPTION:

Lots 1 thru 9 of Block 45 of the "Commercial Subdivision", According to the Plat thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On September 23, 2014, the Planning Board approved PB File No. 2207, granting a Conditional Use Permit (CUP) for the construction of a commercial development exceeding 50,000 square feet. On October 07, 2014, the Design Review Board approved a new five-story commercial building with accessory parking, pursuant to DRB File No. 23078. Both of those Land Use Board approvals were for lots 3 through 9 of the subject block. The applicants then acquired the remaining lots on the block (lots 1 and 2, i.e. Dunkin Donuts site) and began a new approval process for a new design that encompassed the entire block.

On May 24, 2016, the Planning Board approved a new Conditional Use Permit for the construction of a commercial development exceeding 50,000 SF, pursuant to PB File No. 2325.

On July 5, 2016, the Design Review Board approved a new five-story commercial building with accessory parking and a hotel component to replace all existing structures on site, including variances to reduce the required pedestal and tower front, street side and rear setbacks for hotel use, and to reduce the required pedestal and tower rear setback for commercial use, pursuant to DRB0416-0015. This project was approved to take place in three (3) phases as a phased development project. The applicants also requested Design Review Approval for the installation of an artistic super graphic on the north and east elevation, but this portion of the application

On July 5, 2016, the DRB approved the following variances:

1. A variance to reduce the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with hotel uses on the third (3rd) and fourth (4th) floors at 0' setback from the front property line, facing Alton Road.
2. A variance to reduce the minimum required tower front setback of 30'-0" for residential uses in order to construct a building with hotel uses on the fifth (5th) floor at 0' setback from the front property line, facing Alton Road.
3. A variance to reduce by 5'-0" the minimum required pedestal rear setback of 15'-0" for residential uses in order to construct a building with hotel uses on the first (1st) and second (2nd) floors at 10'-0" from the rear property line facing the alley.
4. A variance to reduce the minimum required pedestal rear setback of 15'-0" for residential uses in order to construct a building with hotel uses on the third (3rd) and fourth (4th) floors at 0' setback from the rear property line facing the alley.
5. A variance to reduce the minimum required tower rear setback of 22'-6" for residential uses in order to construct a building with hotel uses on the fifth (5th) floor at 0' setback from the rear property line facing the alley.
6. A variance to reduce the minimum required pedestal street side setback of 37'-9" for residential uses in order to construct a building with hotel uses setback from 15'-7 to 0' from the north side property line, facing Lincoln Road.
7. A variance to reduce the minimum required tower street side setback of 37'-9" for residential uses in order to construct a building with hotel uses on the fifth (5th) floor at 0' setback from the north side property line, facing Lincoln Road.
8. A variance to reduce the minimum required pedestal rear setback of 5'-0" for commercial uses in order to construct the a building at 0' setback from the rear property line.
9. A variance to reduce the minimum required tower rear setback of 5'-0" for commercial uses in order to construct the a building at 0' setback from the rear property line.

On February 06, 2017, pursuant to DRB16-0090, the DRB approved the following variances:

10. A variance to exceed by 2'-0" the maximum height allowed of 3'-0" above the main roof line for accessible roof deck to construct 8,974 sf of deck area at five feet (5'-0") above the main roof line.
11. A variance to exceed by 50% the maximum roof deck area allowed of 50% of the enclosed floor below in order to construct an accessible roof deck with 100% of the area of the enclosed floor below.

On February 06, 2017, pursuant to DRB16-0090, the DRB approved the following design modification:

- The height of the ground floor retail component shall be permitted to be increased as

proposed, the first floor of the building may be measured up to twenty (20) feet.

On October 03, 2017, the Design Review Board approved two digital LED screens featuring artistic super graphics on the north and east elevations of the building, pursuant to DRB0416-0015.

On October 03, 2017, the DRB approved the following variance:

12. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 SF and 85% of units shall be 335 SF or larger, in order to permit 165 hotel units (98.2%) at less than 300 SF (the smallest at 186 SF) and 3 units (1.8%) at 421SF.

Further, on October 03, 2017, the DRB approved two artistic noncommercial electronic graphics: one facing south (Southern Wall) at a proposed size of approximately 90'-2" wide and 37'-2" high for a total area of **3,380 SF**; and one facing north (Grand Staircase) at a proposed size of 24'-5" wide and 43'-8" high for a total area of **1,063 SF**. Both LED panels were designed as open air exterior architectural elements, structurally connected to the wall of the building. The applicant proposed to operate the graphic system of the LED panels at all times. The City Manager sought appellate review by the City Commission of the design by the DRB to approve the south wall graphic sized at 3,380 SF; the City Manager did not appeal the north wall graphic (Grand Staircase). Today's application includes the ratification and approval, pursuant to a settlement agreement between the City and the Applicant, for a reduction in size for the south wall graphic from 3,380 SF to no greater than 1,005 SF in area. Additionally, a reduction of the operational hours for both signs was agreed upon as part of the settlement agreement.

On June 04, 2019, the item was continued to the July 02, 2019 DRB meeting at the request of the applicant.

APPROVED PROJECT:

Zoning:	CD-2 MEDIUM INTENSITY COMMERCIAL DISTRICT
Future Land Use:	CD
Lot Size:	70,666 SF / 1.62 acre
Proposed FAR:	2.0 – 141,332 SF Total Area as represented by the applicant
Permitted FAR:	2.0 – 141,332 SF
Proposed Height:	60'-0" 5 stories / 77'-0" to greatest architectural projection
Permitted Height:	60'-0" / 5 stories
Proposed Uses:	
Previous Hotel:	100 Units / 44,938 SF
Proposed Hotel:	168 Units / 44,938 SF
Retail:	92,725 SF
Parking:	447 Spaces

LAND USES:

North: (across Lincoln Road) Commercial
South: (across 16th Street) Commercial
East: (across Alton Road) Commercial / Regal Cinemas
West: (across Alton Court) Public Parking/Multifamily Residential

THE PROJECT:

The applicant has submitted a revised supplemental Letter of Intent dated June 10, 2019 stating that the applicant has agreed to modify the original requests in regards to certain signage reductions that

move the overall signage program closer in alignment to the zoning regulations and towards staff recommendation. The applicant has resubmitted the previous plans entitled "1212 Lincoln Road", as prepared by **Perkins + Will**, dated April 08, 2019 that do not reflect these changes identified in the letter of intent. Staff continues to have concerns with the overall amount of sign variances.

The project includes variances for the installation of multiple signs, a comprehensive master signage plan, facing Alton Road and 16th Street at multiple levels of the building.

The applicant is requesting the following variances:

A. SIGN AREA AT THE GROUND FLOOR: The following variances pertain to the installation of the uniform signage program at the ground level.

~~1 - 6. Variances to exceed by 5.0 SF the maximum sign area of 15 SF allowed for projecting signs in order to install one 20 SF projecting sign for 6 commercial spaces at the ground level along Alton Road.~~

- ~~• Variances requested from:~~

Sec. 138-18. Projecting sign.

~~Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following chart:~~

~~Maximum area, projecting Sign Design Standards per District, CD-2: 15 SF.~~

7 - 12. Variances to exceed by 1.81 SF the maximum sign area of 21.18 SF in order to install one 20 SF projecting sign and one 3 SF projecting sign for 6 commercial spaces at the ground level along Alton Road resulting in an aggregate sign area of 23 SF for each commercial space.

- Variances requested from:

Sec. 138-16. Wall sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Maximum area percentage, Wall Sign Design Standards per District, CD-2: 0.75 square feet for every foot of linear frontage.

Maximum quantity per frontage, Wall Sign Design Standards per District, CD-2: Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area.

Variances #1 through 12 pertain to the installation of the uniform signage program for up to six retail tenants at the ground level, each proposing two signs that exceed the maximum sign area allowed with one greater in size than what is permitted. Staff recommends reducing the signs to comply with the maximum size limitations for signs. Staff also recommends that all of the signs be designed in a consistent manner reflective in the framing elements. Individuality for the various retailers may consist of brushed or natural metal lettering in a font consistent with the brand identity of each tenant. The

signage program for this project should enliven and improve the pedestrian experience along Alton Road and continue the shopping corridor of Lincoln Road in a high quality manner.

The applicant has submitted a revised supplemental Letter of Intent dated June 10, 2019 stating that the applicant has agreed to the following revisions:

- Ground Level Tenant Signs. The larger projecting signs will be reduced to a maximum of 15 SF with eighteen (18) inch letters (20 SF previously requested, so variances 1-6 are withdrawn). The smaller blade signs will remain a maximum of 3 SF in size. That will result in a variance of 3 SF per tenant rather than the previously requested 8 SF.
13. A variance to install two (2) directory signs at the ground level where only one is allowed fronting Alton Road.
 14. A variance to install a directory sign as a projecting sign at the ground floor on the north side.
 15. A variance to install a directory sign as a projecting sign at the ground floor on the south side.
 16. A variance to exceed by ~~9 SF~~ **4 SF** the maximum sign area of 6 SF for directory signs in order to install a directory sign at the ground level with ~~45 SF~~ **10 SF** on the north side fronting Alton Road.
 17. A variance to exceed by ~~9 SF~~ **4 SF** the maximum sign area of 6 SF for directory signs in order to install a directory sign at the ground level with ~~45 SF~~ **10 SF** on the south side fronting Alton Road.
- Variances requested from:

Sec. 138-20. - Directory signs.

Commercial buildings are allowed an exterior directory sign, attached to the building, up to six square feet in area, listing the names of all licensed uses within the building is permitted; sign material and placement shall be subject to approval through the design review process

Variances #13 through #17 pertain to the installation of two directory signs at the ground level, providing pedestrians and shoppers with information and wayfinding direction to the second floor retail area that has circulation access "internal" from the sidewalk. Theoretically, staff has no objections for the improved signage and limited informational graphics system for a multi-story building with a two-story retail component to the building that spans an entire 350'-0" long city block; however, no information or detail has been provided indicating what copy is proposed on the "directional signs" copy, i.e., "to upper level" or "second level access". Without this basic information it is not possible to review the proposed directional signage.

The applicant has submitted a revised supplemental Letter of Intent dated June 10, 2019 stating that the applicant has agreed to the following revisions:

- Directional Signs. The Applicant had requested two directional signs at the pedestrian entrances at the ground level. The Applicant is requesting to reduce the size of these signs to 10 SF each with a maximum letter height of eighteen (18) inches. This reduction will allow the signs to meet the goal of directing pedestrians to the second level while avoiding too much sign clutter.

B. SIGN AREA ABOVE GROUND FLOOR: SECOND FLOOR (RETAIL AND 'PARKING'): The Code does not allow signs for businesses located above the first floor, therefore no sign area is allowed. The project proposes multiple signs on the second level of the commercial building along Alton Road. The project also proposes two dynamic *P A R K I N G* signs above the ground floor of the commercial building, one installed along 16th Street perpendicular to the r-o-w and one installed along Alton Road also perpendicular to the r-o-w.

18 - 25. Variances from the requirement of having direct access to the street for each licensed establishment to install eighteen (18) signs for 8 commercial spaces at the second floor of the building.

26. A variance from the requirement of having direct access to the street for each licensed establishment to install a projecting sign for parking facing Alton Road.

- Variances requested from:

Sec. 138-13. General sign requirements and design standards.

The following standards shall apply to all signs unless otherwise exempted in this chapter or these land development regulations:

(1) Direct access to the street or waterway from the licensed establishment is required for a sign that faces a public right-of-way or waterway.

27 - 44. Variances for the installation of eighteen (18) signs to be located above the ground floor for 8 commercial spaces at the second floor.

45. A variance to install a projecting sign for parking above the ground floor facing Alton Road.

46. A variance to install a projecting sign for parking above the ground floor facing 6th Street.

- Variances requested from:

Sec. 138-16. Wall sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Height restrictions, Wall Sign Design Standards per District, CD-2, Shall not be located above the ground floor.

47 – 54. Variances to exceed by 5 SF the maximum sign area of 15 SF for projecting signs in order to install one 20 SF projecting sign for 8 commercial spaces at the second floor.

55. A variance to exceed by 215.9 SF the maximum sign area of 15 SF for projecting signs in order to install a projecting sign for parking with 230.9 SF facing Alton Road.

56. A variance to exceed by 130.3 SF the maximum 15 SF for projecting signs in order to install a projecting sign for parking facing 6th Street with 145.3 SF.

- Variances requested from:

Sec. 138-18. Projecting sign.

Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following chart:

Maximum area, projecting Sign Design Standards per District, CD-2: 15 square feet.

- 57 – 64. Variances to exceed by a range from 23 SF to 26 SF the maximum of zero (0 square feet) square feet of sign area allowed in order to install one 20 SF projecting sign and one 3 SF projecting sign for 6 commercial spaces and one 20 SF projecting sign and two (2) 3 SF projecting signs for 2 commercial spaces at the second floor resulting in an aggregate sign area ranging from 23 SF to 26 SF for each commercial space.

Variances #18 through #64 pertain to the installation of the uniform signage program for up to eight retail tenants above the ground level, each proposing two signs similar to the ground floor retail components. Theoretically, staff has no objections for signage above the ground floor when the underlying zoning allows for five-story retail building. The Code already provides for this exception when the project is "a vertical retail center". These "stacked big box buildings" allow for greater sized graphics and signs including multiple commercial uses that are located above the ground floor over the smaller, "mom and pop" retailer which may be less than 12,500 SF and not located in a structure with a minimum of 150,000 gross square footage floor area.

That said staff believes that through proper design review of a uniform signage program consistent in method of installation, illuminated and size, an appropriate signage solution can be realized for a building with multiple levels of retail and dining. At a minimum, staff recommends reducing the second floor signs to comply with the ground floor size limitations for signs.

C. SIGN AREA ABOVE THE GROUND FLOOR: SECOND FLOOR ('PARKING'): The project proposes two dynamic *P A R K I N G* signs above the ground floor of the commercial building, one installed along 16th Street perpendicular to the r-o-w and one installed along Alton Road also perpendicular to the r-o-w.

65. A variance to exceed by 230.9 SF the maximum zero (0 SF) SF of sign area allowed in order to install a projecting sign for parking facing Alton Road with a total area of 230.9 SF.
66. A variance to exceed by 82.7 SF the 62.6 SF maximum aggregate sign area allowed in order to install a projecting sign for parking with 145.3 SF facing 6th Street.

- Variances requested from:

Sec. 138-16. Wall sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Maximum area percentage, Wall Sign Design Standards per District, CD-2: 0.75 square feet for every foot of linear frontage.

Maximum quantity per frontage, Wall Sign Design Standards per District, CD-2: Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area.

Variances #65 and #66 and #55 and #56 are specific to the two, dynamic *P A R K I N G* signs. The project, approved in 2016 as a new five-story commercial building with accessory parking and a hotel component, always contemplated being a multi-level retail building with a three level parking component above, in order to provide a much needed parking resource for the western end of Lincoln Road. The applicant believes that wayfinding will be necessary since there is no longer a curb cut from Alton Road and access to the parking is restricted to a three-way drive aisle off of 16th Street. While staff does not disagree with the necessity of providing clear, well designed and not visually obtrusive signage, staff does believe that as proposed the size of the signage and method of illumination is too intense for the site, specifically to the *P A R K I N G* sign along 16th Street adjacent to an existing two-story multifamily building across Alton Court. Staff would recommend a reduction in size for both signs and that the Parking sign along 16th Street, adjacent to alley, be redesigned as a solid plate open only facing Alton Road so that the illumination of the PARKING copy is not visible from West Avenue. There are additional lighting elements proposed along this elevation that staff will discuss under the ‘Design Review’ portion of the recommendation.

67. A variance to install a projecting sign on a non-street façade at the north side of the building for the commercial space located at the north corner of the second floor of the building.

- Variance requested from:

Sec. 138-13. General sign requirements and design standards.

The following standards shall apply to all signs unless otherwise exempted in this chapter or these land development regulations:

(2) Signs shall front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage

D. BUILDING IDENTIFICATION SIGN (‘1212’)

68. A variance to relocate a building identification sign below the main roof line facing Alton Road.

69. A variance to install a building identification sign as a projecting sign facing Alton Road.

70. A variance to exceed by 157.5 SF the maximum sign area of 15 SF for a projecting sign proposed as a building identification sign with 172.5 SF facing Alton Road.

- Variances requested from:

Sec. 138-16. Wall sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Supplemental standards, Wall Sign Design Standards per District, CD-2.: Hotels, apartments-hotels, and commercial buildings two stories or higher may be permitted one building identification sign above the roofline, with an area not to exceed one percent of the wall area on which it is placed. The placement and design of the sign shall be subject to approval through the design review process.

Sec. 138-18. Projecting sign.

Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following chart:

Maximum area, projecting Sign Design Standards per District, CD-2: 15 square feet.

The applicant is proposing to locate a 173 SF sign to serve as the building ID sign for the new building, just north of the grand staircase. The sign is designed as a dual faced non-illuminated vertical panel measuring 5'-9" wide by 30'-0" high. Each side of the silver metal backplate contains the numerals 1-2-1-2 as 4'-10" high reverse channel white letters. The font selection as depicted in the plans appears to be a standard sans serif 'Arial bold' or similar typeface, presumably for clear legibility of the numbers. The building id sign is allowed only above the main roof of the building, as a flat sign not exceeding 12 inches from the wall. The proposed sign is considered a projecting sign as it extends more than 12 inches from the building walls and also because its location. The relocation of the sign to the building walls and perpendicular to the walls seeks to increase visibility of the store to the surrounding commercial area. Again the location of the building and its main façade parallel to the street, limit its visibility from the Lincoln Road area which creates the practical difficulties that lead to the variance requested. In this regard, the slender vertical blade is the best solution to seamlessly attach a building id sign without compromising the design of the building as it is attached to the garage structure spanning vertically from the roof.

As noted in the top portion of this report, staff and the Board have reviewed this project multiple times. The development program, its uses and location of the commercial spaces and parking is the design choice of the applicant. The two-story commercial uses and the number of tenants is also the business decision of the applicant. The restrictions for sign area and location above the first floor are part of the intent of the sign ordinance to preserve the architectural character of the City.

The applicant notes on the letter of intent that the variances requested are necessary due to the site's location, size, existing development and street frontage. It is not clear to staff the relationship of these aspects to the variances requested. The site is unique along Alton Road for its large transparency of the facades, super graphics, and variety of textures and significant lighting, which makes the entire block a focal point along Alton Road from several blocks away. In this case, although the new building is larger than many developments along Alton Road, as a whole, it contains multiple commercial spaces (14), as any other block of in the City with two-story commercial spaces. The frontage also provides a covered walkway that allows pedestrians to spend more time on the premises. The current code allows up to 21 SF of signage for each commercial space at the ground floor and the directory sign facilitates the location of a specific commercial space within the property. The business sign variances requested are for 16 commercial spaces including parking. The Code restricts the business signs located above the first floor in order to mitigate conflicts with the building's architecture, with certain allowances for building identification signs. With regard to the building identification sign, staff would note that because the sign is proposed as a projecting sign (with a variance) and the Code allows the maximum sign area calculation for double-faced signs to count only once, there is a 'bonus' sign area on the other side of a projecting sign that is allowed. Therefore, additional sign area will be on display of the property. The granting of these variances will benefit the applicant with a privilege that is not available to other two-story commercial spaces in the City.

Overall, staff finds that the requested variances are excessive (70) and do not satisfy the criteria for approval. Staff recommends continuing the application to a future meeting date in order to allow the applicant time to explore an alternative sign package. In summary, staff maintains that the granting of

these variances would confer on the applicant a special privilege not granted for other properties in the same zoning district.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **do not** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of the requested variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicants have submitted plans and documents with the application that also **do not** 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.
- 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 133, article II, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, aside from the requested variances. 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 proposed signage program requires multiple variance requests.
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; the proposed signage program requires multiple variance requests.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the proposed signage program requires multiple variance requests.
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 proposed signage program requires multiple variance requests.
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; the proposed signage program requires multiple variance requests.
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; the proposed signage program requires multiple variance requests.
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; The ability to control or limit hours of operation is required in order to ensure that there are no negative impacts from the digital displays on adjacent properties, in particular residential properties.
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; The ability to control or limit hours of operation is required in order to ensure that there are no negative impacts from the digital displays on traveling motorists, in particular north bound vehicles passing 16th Street.

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.

Not Satisfied; the proposed signage program requires multiple variance requests.

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

Not applicable

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.

Not Satisfied; the proposed lighting and signage along 16th Street may negatively impact the neighboring residential properties.

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 proposed lighting and signage along 16th Street may negatively impact the neighboring residential properties

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

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 Applicable

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied

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 Applicable

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code 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
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development 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.
Not Satisfied
A recycling plan will be provided as part of the submittal for a demolition permit to the building department.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
All windows will be replaced with hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
Windows are operable.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
All new landscaping will consist of Florida friendly plants.
- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.
Satisfied
Sea Level Rise projections were taken into account.
- (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.
Not Satisfied
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Not Satisfied

- (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.

Not Satisfied

- (10) In all new projects, water retention systems shall be provided.

Not 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.

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The construction of the project is well under way and the applicant is requesting additional modifications to the previously approved design. These include changes to the interior configuration, the installation of a signage program proposing numerous variances, and the incorporation of an exterior lighting component and design details of the parking screening. The following summarizes the most significant proposed design modifications as they impact the specific "block" of the two-corner mixed use project:

1212 building

- Ratification of the size of artistic super graphic LED screen on the Southern Wall; and
- Installation of signage program for future general tenants, including variances for sizes of signs, location of signs above the ground floor, and multiple signs (See 'Project' and 'Variance Review'); and
- Installation of a new 1212 building ID sign including variances (See 'Project' and 'Variance Review'); and
- Installation of two new projecting PARKING signs for the proposed garage including variances (See 'Project' and 'Variance Review'); and
- Exterior façade modifications to east (Alton Road) elevation, including the installation of the decorative screening panels for the garage levels; and
- Exterior façade modifications to east (Alton Road) elevation, including the installation of an exterior lighting installation along the south (16th Street) elevation.

MODIFIED SIZE OF GRAPHIC ON SOUTHERN WALL

The applicant is requesting approval for a revised "electronic noncommercial graphics and images" (artistic super graphic), pursuant to a settlement agreement between the City and the Applicant, which among other things, provided for a reduction in size for the south wall graphic from 3,380 SF to no greater than 1,005 SF in area. Additionally, the settlement agreement provided for a reduction of the operational hours for both signs. The final location, orientation, and placement of the LED on the south

wall is still pending final decision by the applicant, as such a flexible location has been proposed (P. 38 of submitted plans). Staff is supportive of the reduced size and recommends that the applicant incorporate a scored patterning in the stucco to provide some visual interest to the otherwise blank wall resulting in the reduced screen size.

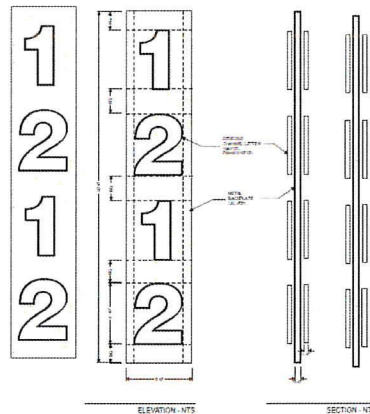
SIGNAGE PROGRAM

The applicant has shown a signage program for the ground floor tenants that will have the ability to differ in size, font style and color. A proper uniform signage plan should be designed to be consistent in materials, design type, method of illumination and sign location. When a building has multiple uses or storefronts, signs should be of a consistent size, type and location. This is not to suggest that creativity in types of signs be impeded, only that a rational relationship between the various entities within a building be established.

- **Ground Level Tenant Signs.** The larger projecting signs will be reduced to a maximum of fifteen (15) square feet with eighteen (18) inch letters (twenty (20) square feet previously requested). The smaller blade signs will remain a maximum of three (3) square feet in size. That will result in a variance of three (3) square feet per tenant rather than the previously requested eight (8) square feet.
- **Second Level Tenant Signs.** The Applicant is proposing to retain the requested twenty-three (23) square feet of projecting signage for each second level tenant to account for the limited visibility above the ground floor.
- **Directional Signs.** The Applicant had requested two directional signs at the pedestrian entrances at the ground level.

Specifically, a regimented uniform sign program, consisting of the exact same style, color and type of sign, is strongly discouraged. All signage should embrace the following: 1. A combination of some form of individual or channel letter, such as front lit, back lit or open face; 2. Variations in letter style, size, color and material; 3. All signage should be located in a similar vicinity, unique to each storefront; 4. Clear and precise detailing regarding method of connection and installation to building façade or architectural element; and, 4. Details of methods of illumination, conduits and wiring. Staff would recommend that all the storefront signs be designed as individual reverse channel letters with a brushed aluminum finish that can each be backlit with a color so desired by each future tenant. Staff would recommend the maximum height of any individual letter not exceed 18" in height and that all proposed letters be composed of a brushed aluminum finish. Staff is confident the project architect can successfully address the concerns raised herein, as well as the additional concerns enumerated in the attached draft order.

As it is specific to the '1212' building ID sign, staff recommends that the 30'-0" high solid panel sign containing the address numbers be eliminated and that the sign be redesigned as four, individual plate panel elements each containing one of the numeric type characters 1- 2- 1- 2. Staff believes that this type of designed sign would be a much more iconic address building ID sign that would distinguish the ID sign from the open faced *P A R K I N G* proposed elsewhere on the façade and be of a higher quality more commensurate with the architecture of the building.



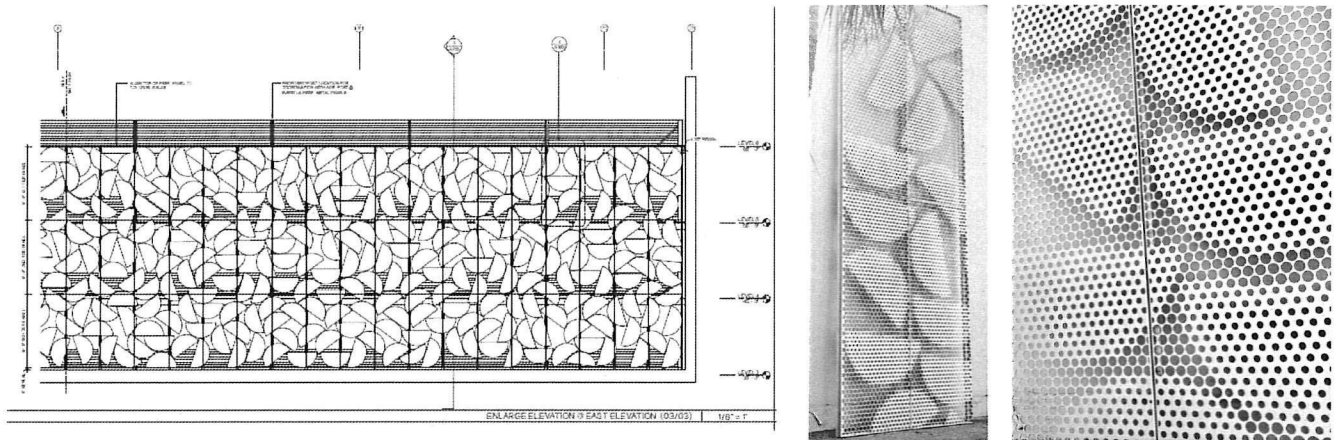
The applicant has submitted a revised supplemental Letter of Intent dated June 10, 2019 stating that the applicant has agreed to the following revisions:

- Building Identification Sign. The sign shall be re-designed so that each number is a separate channel letter with no backplate, with optional lighting. See below for concept:



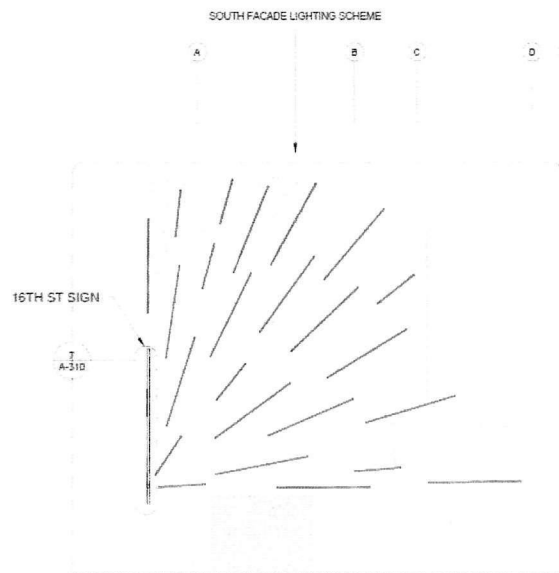
PARKING SCREEN

Along the Alton Road elevation from levels 3 to 5, the applicant is proposing to conceal the parking levels with a 287'-3' wide by 29'-0" high metal screen. The screen is comprised of many perforated panels, each 4'-6" wide by 9'-8" high, that, with a pattern of openings averaging 36%, create images of circular segments with varying orientations. Each panel has a distinct pattern that is book matched, lending to an overall random design where the distinction of panels disappears, and the circular slices are showcased.



EXTERIOR LIGHTING (16th Street)

The applicant is proposing on the 16th Street façade a decorative lighting scheme. The proposed lighting is composed of different sized neon light tubes that spring from the dynamic *P A R K I N G* sign as rays – providing illumination on the entirety of the façade from the second floor up.



The light scheme is attractive, but staff has concerns with the height of the scheme and the potential for light spillage to neighboring residential buildings. As proposed, the upper levels of the southwest portion of the garage structure, 24 individual tubes of neon or LED lighting elements adorn in a radiating manner beginning from the “P” and terminating at the “G” of the 16th Street *P A R K I N G* sign. While this move integrates the architectural lighting of the building and highlights the proposed signage, the potential for light spillage and visual nuisance to the neighboring residential properties is significant.

The applicant has submitted a revised supplemental Letter of Intent dated June 10, 2019 stating that the applicant has agreed to the following signage revisions:

- The proposed neon radial lights will be removed.

- The 'Parking Sign' along Alton Road shall be reduced from forty (40) to thirty (30) square feet in length.
- The 'Parking Sign' along 16th Street shall remain c-channel with neon lighting open only to the east. The proposed neon radial lights will be removed

VARIANCE REVIEW

As noted under the 'Project' description, the variances being requested for signs pertain to commercial spaces at the ground floor, second floor, parking as well as a building identification sign. The applicant has not identified that special conditions and circumstances exist that 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. The proposal is new construction on an assemblage of nine lots encompassing an entire city block with significant appeal through transparency, choice of materials, super graphics and lighting. As presently configured, staff is not supportive of the requested variances.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be continued to the September 3, 2019 Design Review Board meeting in order to address the concerns noted herein. In the event the Board finds merit in the design and approves the project, staff would recommend compliance with conditions enumerated in the attached draft Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise and Practical Difficulty and Hardship criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: July 02, 2019

FILE NO: DRB18-0337

PROPERTY: **1600-1634 Alton Road "1212 Lincoln Road"**

APPLICANTS: ARRP 1600 Alton LLC, 1212 Lincoln LLC, and Wells Fargo Bank NA

LEGAL: Lots 1 thru 9 of Block 45 of the "Commercial Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for ratification and approval, pursuant to a settlement agreement between the City and the Applicant, of a portion of "electronic noncommercial graphics and images" elements of the building; exterior design modifications to the exterior of the building including exterior lighting features; and the design of a uniform commercial signage program including variances to exceed the maximum size for projecting signs, to exceed the maximum aggregate sign area allowed per tenant, to exceed the maximum size for directory signs, to install directory signs as projecting signs, to install more than one directory sign, to install multiple signs above the first floor, to install multiple signs without providing direct access from the street, to install signage facing a non-street façade, to install a building identification sign below the roof line and to install a building identification sign as a projecting sign.

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 118-252(a) of the Miami Beach Code. 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 9 in Section 118-251 of the Miami Beach Code.
- 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 10 in Section 133-50(a) of the Miami Beach Code.

D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:

1. The project shall comply with all the conditions imposed by the Planning Board Order No. 2325.
2. All of the original conditions of approval by this Board, as reflected in the Final Order dated July 05, 2016, pursuant to DRB0416-0015, and February 06, 2017 pursuant DRB16-0090, shall remain in effect except as modified and approved herein.
3. The project may take place as a phased development project in accordance with the following phasing schedule:
 - a. **Phase I** (lots 1 and 2 and lots 3 through 7 of Block 45) shall consist of all proposed development south of the surface lot of Wells Fargo Bank, except that it will exclude the first story of the existing buildings on lots 1 and 2 (1600 Alton Road site), and as defined as depicted on the submitted plans. A building permit for the Phase I improvements shall issue within eighteen (18) months of the Board's original approval; and

Phase II (lots 8 and 9 of Block 45) shall consist of all proposed development north of lot 7 of Block 45, and as defined as depicted on the submitted plans. Phase II will include the demolition of the Wells Fargo bank and construction of the new corner retail and hotel building. A building permit for the Phase II improvements shall issue within twelve (12) months following the issuance of the final certificate of occupancy for the Phase I improvements.
 - b. The final certificate of occupancy for Phase I shall not be issued until the existing structure on lot 9 has been demolished and construction of Phase II has commenced.
4. Revised elevation, site plan and image drawings for the proposed digital display artistic super graphics along locations along portions of the north and east side elevations shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. A complete inventory of the proposed imagery will be required to be reviewed in its entirety as part of the super graphics approval and details shall be submitted in a manner to be reviewed and approved by the Board.
 - b. The size of the two electronic mural, graphics and images shall be approved as proposed.
 - c. The final design, location and orientation of the LED screen along the South Graphic Wall shall be flexible and subject to the review of staff.
 - d. The applicant shall explore further articulation in the form of score lines or other architectural demarcation of the exterior of the south graphic wall field of stucco, subject to the review of staff.

e. OPERATIONAL CONDITIONS

- i. The Noise and Operational Conditions below are issued to the Applicants ("Operator") as tenant and operator of the proposed LED panel screens and digital display equipments on the property. Any change of the operator shall require review and approval by the Design Review Board as a modification of this approval. Subsequent operators shall be required to appear before the Board, within ninety (90) days of change of operator to affirm their understanding of the conditions listed herein. The Board reserves the right to determine the timing and need for future progress reports for the new operator.
- ii. Within ninety (60) days of the issuance of the TCO or CO for the project, the Operator shall make a progress report to the Design Review Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
- iii. The images on the LED panels murals, graphics or images shall be reduced in illumination to a maximum of 250nits from Midnight– 2:00 a.m.
- iv. The proposed 24 hour program for the electronic murals, graphics and images **shall not** be permitted as proposed. The hours of operation for the digital display imagery to change shall be as follows:
 - Sunday – Thursday:
7:00 a.m. – Midnight
 - Friday - Saturday:
7:00 a.m. – 2:00 a.m.

5. Revised elevation, site plan and image drawings for the proposed signage program located at 1600-1634 Alton Road "1212 Lincoln Road" shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. The 30'-0" tall panel of the building '1212' ID sign shall not be permitted as proposed. The architect shall further refine the '1212' building ID signage as each of the typographic numerals to be pin mounted individually to the vertical support of the garage, subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
- b. The design of the first and second level retail signage shall not be approved as proposed. The white backplate lightbox shall be removed in its entirety and redesigned as single row of individual backlit reverse channel character letters with a brushed aluminum finish that can each be backlit along the aluminum canopy eyebrow over the entrance at the corner of Alton Road and 16th Street.
- c. The proposed neon/LED lighting tubes along the upper levels of the southwest portion of the garage structure shall not be approved as proposed.

- d. 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.
- e. 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.

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):

The following variance(s) were **denied** by the Board:

- 1 - 6. Variances to exceed by 5.0 square feet the maximum sign area of 15 square feet allowed for projecting signs in order to install one 20 square feet projecting sign for 6 commercial spaces at the ground level along Alton Road. (Variances denied)
- 7 - 12. Variances to exceed by 1.81 square feet the maximum sign area of 21.18 square feet in order to install one 20 square feet projecting sign and one 3 square feet projecting sign for 6 commercial spaces at the ground level along Alton Road resulting in an aggregate sign area of 23 square feet for each commercial space. (Variances denied)

The following variance(s) were **approved** by the Board, in a modified manner:

- 13. A variance to install two (2) directory signs at the ground level where only one is allowed fronting Alton Road.
- 14. A variance to install a directory sign as a projecting sign at the ground floor on the north side.
- 15. A variance to install a directory sign as a projecting sign at the ground floor on the south side.
- 16. A variance to exceed by 9 square feet the maximum sign area of 6 sf for directory signs in order to install a directory sign at the ground level with 15 sf on the north side fronting Alton Road.
- 17. A variance to exceed by 9 sf the maximum sign area of 6 sf for directory signs in order to install a directory sign at the ground level with 15 sf on the south side fronting Alton Road.

- 18 - 25. Variances from the requirement of having direct access to the street for each licensed establishment to install eighteen (18) signs for 8 commercial spaces at the second floor of the building.
26. A variance from the requirement of having direct access to the street for each licensed establishment to install a projecting sign for parking facing Alton Road.
- 27 - 44. Variances for the installation of eighteen (18) signs to be located above the ground floor for 8 commercial spaces at the second floor.
45. A variance to install a projecting sign for parking above the ground floor facing Alton Road.
46. A variance to install a projecting sign for parking above the ground floor facing 6th Street.
- 47 - 54. Variances to exceed by 5 square feet the maximum sign area of 15 square feet for projecting signs in order to install one 20 square feet projecting sign for 8 commercial spaces at the second floor.
55. A variance to exceed by 215.9 square feet the maximum sign area of 15 square feet for projecting signs in order to install a projecting sign for parking with 230.9 square feet facing Alton Road.
56. A variance to exceed by 130.3 square feet the maximum 15 square feet for projecting signs in order to install a projecting sign for parking facing 6th Street with 145.3 square feet.
- 57 - 64. Variances to exceed by a range from 23 square feet to 26 square feet the maximum of zero (0 square feet) square feet of sign area allowed in order to install one 20 square feet projecting sign and one 3 square feet projecting sign for 6 commercial spaces and one 20 square feet projecting sign and two (2) 3 square feet projecting signs for 2 commercial spaces at the second floor resulting in an aggregate sign area ranging from 23 square feet to 26 square feet for each commercial space.
65. A variance to exceed by 230.9 square feet the maximum zero (0 square feet) square feet of sign area allowed in order to install a projecting sign for parking facing Alton Road with a total area of 230.9 square feet.
66. A variance to exceed by 82.7 square feet the 62.6 square feet maximum aggregate sign area allowed in order to install a projecting sign for parking with 145.3 square feet facing 6th Street.
67. A variance to install a projecting sign on a non-street façade at the north side of the building for the commercial space located at the north corner of the second floor of the building.
68. A variance to relocate a building identification sign below the main roof line facing Alton Road.

69. A variance to install a building identification sign as a projecting sign facing Alton Road.
 70. A variance to exceed by 157.5 square feet the maximum sign area of 15 square feet for a projecting sign proposed as a building identification sign with 172.5 square feet facing Alton Road.
- B. The applicants have submitted plans and documents with the application that do not 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 applicants have submitted plans and documents with the application that also do not 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 **Denies** the Variance request(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

2. All ground floor signage associated with future retail tenants shall comply with the underlying signage regulations.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval' and 'II. Variances' noted above.

- A. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. The applicants shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the brightness, flickering, intensity and/or overall visual distraction of the new building's digital display equipments to the public right-of-way.
- F. In the event Code Compliance receives complaints of unreasonably bright and intense light, bothersome light pollution, or distractions from pedestrians or motorists from the digital display super graphics equipments, 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.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.

- J. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 plans, entitled "1212 Lincoln Road", as prepared by **Perkins + Will**, dated April 08, 2019, 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 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 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 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 the City Code, for revocation or modification of the application.

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