

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 16, 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.

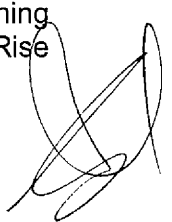
IN RE: The Application for Design Review Approval for ratification and approval, pursuant to a settlement agreement between the City and the Applicant, of a portion of "electronic noncommercial graphics and images" elements of the building; exterior design modifications to the exterior of the building 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.

MODIFIED 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.

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- 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 to DRB16-0090, and July 03, 2019, pursuant to DRB18-0337 shall remain in effect except as modified and approved herein.
 3. The project modifications and conditions set forth in the Settlement and Release Agreement, approved and executed pursuant to City Resolution No. 2018-30286, are hereby ratified and approved by the Board.
 4. 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.
 5. 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. The digital display artistic super graphics shall comply with the conditions in the Settlement and Release Agreement between the City of Miami Beach and the applicant entered into on August 7th, 2018 and approved and executed pursuant to City Resolution No. 2018-30286.
 - b. 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.



- c. The size of the two electronic mural, graphics and images **shall** be approved as proposed.
- d. 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.
- e. 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.
- f. **OPERATIONAL CONDITIONS**
 - i. The Noise and Operational Conditions below are issued to the Applicants ("Operator") as owner, tenant and/or 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.
- 6. 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 individually mounted to the vertical façade 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 proposed 'PARKING' projecting signage shall be approved as proposed.



- c. The design of the first and second level retail signage shall not be approved as proposed. All ground floor and second floor retail signage shall be limited to a 15 SF projecting sign and 3 SF blade sign per tenant and shall be installed in the same location and method of construction. Each individual tenant shall 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.
- d. The proposed neon/LED lighting tubes along the upper levels of the southwest portion of the garage structure shall not be approved as proposed.
- e. The parking garage screening shall be approved as proposed. The final design details and color selection of the "crescent panel" cladding proposed finish 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. 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.
- 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.

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 on July 02, 2019:

- 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 denied)
- 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 square feet 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 denied)

The following variances were **approved** by the Board on September 16, 2019:

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 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.

The following variances were **approved** by the Board on July 03, 2019:

- 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 sixteen (16) signs to be located above the ground floor for 8 commercial spaces at the second floor.

The following variances were **approved** by the Board on September 16, 2019:

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.

The following variances were **denied** by the Board on July 03, 2019:

- 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.

The following variances were **approved** by the Board on September 16, 2019:

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.

The following variances were **approved** by the Board on July 03, 2019:

- 57 – 64. Variances to exceed by **18 SF** the maximum of zero (0 square feet) square feet of sign area allowed in order to install one **15 SF** projecting sign and one 3 SF projecting sign **a maximum of 8** commercial spaces at the second floor resulting in an aggregate sign area of 18 SF for each commercial space.

The following variances were **approved** by the Board on September 16, 2019:

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.

The following variance(s) were **denied** by the Board on July 03, 2019:

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.

The following variances were **approved** by the Board on July 03, 2019:

68. A variance to relocate a building identification sign '1212' below the main roof line facing Alton Road.
69. A variance to install a building identification sign '1212' 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 '1212' proposed as a building identification sign with 172.5 SF facing Alton Road.

- B. The applicants have 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.

The applicants have submitted plans and documents with the application that also partially 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. In addition to the previously approved variances for the Project, the Board hereby **Approves** Variance request(s) #13-17, #18-26, #45-46, #55-65, #57-64, #65-66 and #68-70, and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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

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

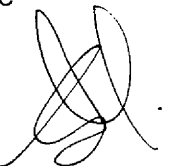
- A. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- C. 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 equipment 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 equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the light intensity and brightness of the digital display imagery, 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 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 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 July 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.

Dated this 24 day of September, 2019.

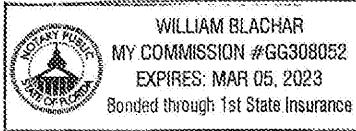
DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 24th day of September, 2019 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

[Signature]



William Blachar
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: March 5th, 2023

Approved As To Form: _____
City Attorney's Office: Nick Kallegas (9/24/2019)
Filed with the Clerk of the Design Review Board on Jason J. J. 9/24/19)

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