



# BERCOW RADELL FERNANDEZ LARKIN & TAPANES

ZONING, LAND USE AND ENVIRONMENTAL LAW

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## VIA ELECTRONIC FILING

November 16, 2020

Thomas Mooney, Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: "1212 Lincoln" Development - Modification to List of Permitted  
Noncommercial Artistic Images.

Dear Tom:

This firm represents ARRP 1600 Alton, LLC and 1212 Lincoln, LLC (collectively the "Applicant") the owners of Phase I of the "1212 Lincoln" development located on the west side of Alton Road between 16 Street and Lincoln Road. Please consider this letter the Applicant's letter of intent in support of an application to supplement the approved electronic noncommercial artistic images permitted on the building's illuminated screens. We believe that the proposed art program will be a benefit to the development and the surrounding neighborhood.

The Property. The "1212 Lincoln" project spans the entire block on the west side of Alton just south of Lincoln Road: 1600, 1614, 1616, 1620, 1624, 1628, and 1634 Alton Road (hereinafter "the Property"). The Property is zoned Commercial Medium Intensity (CD-2) under the City's land development regulations and is located in the recently created Parking District No. 6 for the Alton Road corridor. Phase I of the project includes all but 1628 and 1634 Alton Road, which will be developed as the second phase of the project.

Existing Development. The Design Review Board approved the development of the Property with an innovative commercial building and associated structured parking. The approved plan includes commercial uses on the first and second floors, addressing both Alton Road and Lincoln Road. The second Phase of the project, separated from the southern portion by a "grand stair" providing pedestrian access

from Alton to the second floor, will be developed with the City's first "Citizen M" hotel.

Electronic Noncommercial Graphics and Images. The Board approved illuminated noncommercial graphics in the project, located in two areas. The proposed electronic noncommercial graphics will be located as follows:

1. Grand Staircase. The Applicant proposes to display a screen along the northern wall of the south portion of the building - facing north. This area will be viewable from the east and northeast, along Alton Road and from the Lincoln Road pedestrian area. We believe that this noncommercial graphic will be helpful in increasing pedestrian activity along this portion of Alton Road.
2. Southern Wall. The Applicant also proposes to locate a noncommercial graphic along the southeast portion of the building facing 16th Street. This noncommercial graphic will face the commercial uses to the south and will be viewable from Alton Road. The graphic will not be viewable from the residential uses to the west along West Avenue as it will be blocked completely by the building (see attached plans).

Graphic Technology. The approved graphics will be provided by LED panels on the southern wall and within the grand staircase. The LED system is designed for outdoor applications and is rated to operate successfully in oceanfront areas. The LED panels will be utilized at all times to avoid the appearance of a "blank wall."

This technology will allow for the innovative graphic display proposed by the Applicant and allow for any necessary adjustments required to ensure no adverse impacts from the operation of the systems once they are installed and operating. As you know, the Applicant has already located the graphics in areas of the project not visible from residential uses and has committed to continuing to work with the Department on fine tuning the operation of the displays and projector following installation in case issues arise. Images will be switched in less than one second and the Applicant will not be employing "transitions" between images, such as fade ins or fade outs.

As noted below, the Applicant will be incorporating an automatic restriction on the system that will either turn off the system or reduce its intensity to no more than 250 nits after midnight daily. The Applicant will keep the LED system operational at all times in order to avoid a "blank wall" appearance if at all possible.

Approved and Proposed Images. The Board approved a limited palette of images to be employed on the two screens. Specifically, the screens are currently limited to displaying images of the murals that were installed on the bank building at 1634 Alton Road. The Applicant now proposes to supplement the approved images with a new package that integrates art from some of today's greatest living artists appearing in a virtual "gallery" within the screen. As you will note from the attached, the virtual gallery spaces have been designed to fully integrate with the building design, creating a unique effect where it appears that viewers are looking into a real space within the structure.

The graphics are proposed to include both static and animated images and feature a select number of designs from both established and emerging artists. Each design evidences the work of artists and engages with virtual architectural spaces custom-tailored to each artists' vision. The work is both cinematic and content-driven. The short films are open to select artists and producers. We believe that this revised image collection will be a great addition to the 1212 Lincoln experience.

Design Approval Request. The Applicant hereby requests design review approval of the proposed additional images depicted on the attached materials. As you will note, the proposed images represent a significant advance for publicly accessible art in the City of Miami Beach.

Sea Level Rise and Resiliency. 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.

*This provision is not applicable to the instant application.*

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

*This provision is not applicable to the instant application.*

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

*This provision is not applicable to the instant application.*

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.

*The existing landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area. No new landscaping is proposed as part of the application.*

(5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

*The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.*

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three additional feet in height.

*The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.*

(7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

*The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.*

(8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

*This provision is not applicable to the instant application.*

(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 54 of the city Code.

*This provision is not applicable to the instant application.*

(10) As applicable to all new construction, stormwater retention systems shall be provided.

*The underlying project has been designed with stormwater retention as required, but this requirement is inapplicable to the instant application.*

(11) Cool pavement materials or porous pavement materials shall be utilized.

*This provision is not applicable to the instant application.*

(12) The design of each project shall minimize the potential for heat island effects on-site.

*The underlying project has been designed with to avoid the heat island effect, but this requirement is inapplicable to the instant application.*

Conclusion. The Applicant is excited to bring this new development to the Lincoln Road area. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

Graham Penn

cc: Russell Galbut  
Marisa Galbut  
Jason Galbut