CFN: 20210105306 BOOK 32343 PAGE 2684
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HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: January 5, 2021

PROPERTY/FOLIO: **1600-1624 Alton Road "1212 Lincoln Road"**

1600 Alton Road	02-3234-018-0120
1602 Alton Road	02-3234-018-0120
1604 Alton Road	02-3234-018-0120
1614 Alton Road	02-3234-018-0130
1616 Alton Road	02-3234-018-0140
1620 Alton Road	02-3234-018-0150
1624 Alton Road	02-3234-018-0160
1628 Alton Road	02-3234-018-0170
1634 Alton Road	02-3234-018-0180

FILE NO: DRB20-0556

IN RE: The Application for modifications to a previously approved Design Review Approval for the construction of a new rooftop outdoor movie theatre and bar addition and other exterior design modifications to an existing parking garage level of a previously approved five story building.

LEGAL: Lots 1, 2, 3, 4, 5, 6, and 7, 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.

APPLICANTS: 1212 Lincoln, LLC and 1600 ARRP Alton, LLC

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 10 and 11 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, 10, 11 and 23 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, February 06, 2017 pursuant to DRB16-0090, and July 03, 2019 and September 16, 2019 pursuant to DRB18-0337, shall remain in effect except as modified and approved herein.

3. The project shall comply with the condition imposed by the Planning Board Order No. PB20-0377.

4. The project shall comply with the modifications and conditions set forth in the Settlement and Release Agreement, approved and executed pursuant to City Resolution No. 2018-30286.

5. Revised elevation, site plan and image drawings for the proposed new rooftop cinema at existing parking deck located at 1614-1634 Alton Road "1212 Lincoln Road" shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

a. Full parking calculations for the entire site, including all phases, shall be provided as part of the Building Permit associated with the roof top modifications approved herein, in order to demonstrate full compliance with the City's parking requirements.

b. Lighting for rooftop level shall be shielded and not visible to neighboring properties, with the maximum height of any new light poles not to exceed a height of 10'-0" from the finished level of the rooftop deck and parking level, subject to the review and approval of staff.

c. The final location of the rooftop bar and hours of operation shall be subject to the review and approval of the Planning Board.

d. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

e. All rooftop structures shall be of retractable canvas and shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

f. The final design and details of the proposed screen and associated structure shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

g. The final design and details of the proposed wind screens 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.

h. The final design and details of the proposed steel modular structures 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.

i. The final design and details of the modular retractable roofs 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.

j. Large movable planters with appropriately sized landscaping shall be required along the west side of the rooftop seating areas, as indicated on the proposed rooftop plans, and a substantial number of additional large movable planters shall be required throughout the remainder of the bar and dining seating areas, in a manner to be reviewed and approved by staff.

k. 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.

l. 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. No variance(s) were filed as part of this application.

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 "Rooftop

Cinema Club", as prepared by **Studio Mc+G Architecture**, dated 11/09/2020, 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 1/14/2021 | 10:32 AM EST.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, AICP
Chief of Planning & Zoning
For the Chair

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

The foregoing instrument was acknowledged before me this 14th day of January 2021 by Michael Belush, Chief of Planning and Zoning, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

GABRIELA C. FREITAS
MY COMMISSION #GG131281
EXPIRES: AUG 03, 2021
Bonded through 1st State Insurance

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: Aug. 3, 2021

Approved As To Form:
City Attorney's Office: _____ (1/14/2021)

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