BERCOW
RADELL
FERNANDEZ
LARKIN +
TAPANES
ZONING, LAND USE AND
ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office
305.377.6222 fax
gpenn@brzoninglaw.com

VIA ELECTRONIC FILING

November 6, 2023

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

Re: citizenM South Beach – Modification to 2016 Design Review Board Approval.

Dear Tom:

This firm represents OSIB Miami Beach Properties, LLC (the "Applicant") the owners of Phase II 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 a technical modification to the original Design Review Board Order for the 1212 Lincoln project. As you will note, the sole request is to remove a condition that has become impossible to accommodate.

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 The Property represents Phase II of the overall project, located on 1628-1634 Alton road (hereinafter "the Property"). The Property is zoned Commercial Medium Intensity (CD-2) under the City's land development regulations.

Existing Approvals. The Design Review Board approved the development of the overall 1212 Lincoln assemblage with an innovative commercial building and associated structured parking in 2016. The approved plan includes commercial uses on the first and second floors of Phase I, addressing both Alton Road and Lincoln Road. Phase I of

the development has been completed. 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 include the City's first "citizenM" hotel and additional retail space.



Crosswalk Condition. At the time of the 2016 approval, the City administration was encouraging the development of pavered crosswalks in rights of ways where possible. In reviewing the 1212 Lincoln application, City staff's recommendation was to install pavered crosswalks in the Alton Road right of way. As contemplated by City staff, the pavers would be similar to those installed in Lincoln Lane adjacent to Soundscape Park, a design that the City also accommodated in the renovations to the Convention Center. See example to the right.

The 2016 approval for the 1212 Lincoln project included Condition No. 5(f), which required the installation of "[p]avers and concrete banding for a minimum width of 15'-0" shall be utilized for the north-south crosswalk across Lincoln Road and the two east-west crosswalks across Lincoln Road, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria. and/or the directions from the Board."

The Board's condition did not require the crosswalks to be maintained by the property owners. The City further did not require the crosswalk improvement to be constructed as part of the Phase I portion of the development. The issue was re-visited years later during the permit review for Phase II.

FDOT Review. The Applicant spent a significant amount attempting to reconcile the Board's condition regarding crosswalks with what would be acceptable to the Florida Department of Transportation ("FDOT"). After months of discussions, FDOT concluded that it could not approve pavers in the right of way of Alton Road. As you know, Alton

Road in this area of the City remains the City's single most important north/south corridor A 2019 analysis found that Alton Road carries approximately 32,348 vehicles per day, which is more than double than Washington Avenue. Any surface improvements in Alton Road will therefore take significant abuse.

FDOT concluded that pavered crosswalks would not be appropriate and, in the event the City desired a different surface, required the use of stamped asphalt. FDOT further required that the City undertake the maintenance of any alternative surface; a requirement the City has suggested it will transfer to the Applicant.



It has become clear that stamped asphalt would be inconsistent with the goals of the original 2016 Order. While stamped asphalt may be close to as attractive as pavers at the time of installation, maintenance, especially on a major road like Alton Road, will be onerous and unduly expensive. Even on far less traveled rights of way, like Collins Avenue (pictured above), stamped asphalt quickly becomes unsightly and requires excessive maintenance. The Applicant, the owner of one commercial parcel, should not be responsible for the Sisyphean task of attempting to make stamped asphalt remain attractive at this location, especially given that the 2016 Order did not purport to transfer maintenance responsibilities..

<u>Requested Modification to 2016 Order.</u> It has become apparent that implementing the crosswalk condition from the Board's 2016 Order is simply impossible. Accordingly, the Applicant hereby requests the deletion of Condition No. 5(f).

Sea Level Rise and Resiliency. Section 7.1.2.4 of the Resiliency Code 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