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HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: July 5, 2016

FILE NO: DRB0416-0015

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

APPLICANTS: ARRP Miami LLC, 1212 Lincoln LLC, and Wells Fargo Bank

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 applicants, ARRP Miami LLC, 1212 Lincoln, LLC, and Wells Fargo Bank, are requesting Design Review Approval for the construction 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. The applicants are also requesting Design Review Approval for the installation of an artistic super graphic on the north and east elevation. This project is proposed to take place in three (3) phases as a phased development project. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

ORDER

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval and for one or more variances.

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 a 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 2-5, 8, 10-11, and 14 in Section 118-251 of the Miami Beach Code.

C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. The project shall comply with all the conditions imposed by the Planning Board Order No. 2325.

2. The project may take place in three phases as a phased development project in accordance with the following phasing schedule:

   a. **Phase I** (lots 3 through 7 of Block 45) shall consist of all proposed development south of the surface lot of Wells Fargo Bank, 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 approval; and

      Phase II (lots 8 and 9 of Block 45) shall consist of all proposed development north of lots 3 through 7 of Block 45, and as defined as depicted on the submitted plans. 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; and

      Phase III (lots 1 and 2 of Block 45) shall consist of all proposed development north of lots 3 through 7 of Block 45, and as defined as depicted on the submitted plans. A building permit for the Phase III improvements shall issue within twelve (12) months following the issuance of the final certificate of occupancy for the Phase II 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.

3. The artistic super graphic shall not be permitted as currently proposed. Further design development and details of the proposed artistic super graphic shall be required including scaled elevations depicting the exact locations along portions of the north and east side elevations, the method of illuminations and complete catalogue of artistic imagery shall submitted and design to be reviewed by the Board at a future meeting date.

4. Revised elevation, site plan and floor plan drawings shall be submitted to and reviewed by staff, at a minimum, such drawings shall incorporate the following:

   a. The architect shall further refine the ground floor corner condition at Alton Road and Lincoln Road to better engage and enhance the pedestrian experience and details 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.

   b. The final design and details including samples of the proposed exterior parking garage screening 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.

c. The internal garage lighting shall be shielded to inhibit direct views of all internal light sources.

d. Any rooftop light poles located along the perimeter of the building edge shall be eliminated or replaced with a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All rooftop light poles shall be limited to a maximum height of 10'-0". All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, 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 roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.

f. Pavers and concrete banding shall be utilized for the vehicular entry drive, 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 interior walls of the first level of the parking garage entrance and ramps shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

h. All garage roofing shall contain, and be properly maintained to perpetuate, the proposed patterned design of the roof surfaces, 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 active roof deck of the hotel shall not exceed **50%** of the enclosed floor area immediately one floor below, below in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

j. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass, incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

k. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the east and north walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.

l. The entire ground and second level exterior paving system of the 'mercado' and pedestrian areas, and its design and detailing, shall be clearly identified with all colors, textures and materials clearly differentiating the areas as identified as pedestrian-only regions, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

m. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

n. The final design and details including interior elevations of the proposed lightwell 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.

o. The final details of all exterior surface finishes and materials, including samples, 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.

p. All kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.

q. The final design and details including irrigation plans of the proposed green wall screening 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.

r. All building signage shall require a separate permit. A uniform sign plan for the overall project shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

s. All overhead utility lines that abut the property within Alton Court from 16th Street to Lincoln Road shall be placed underground.

t. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.

u. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

v. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be

made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.

w. The west elevation shall not be permitted as proposed. The entire west wall for the parking and ramping portions of the project shall be further refined to incorporate greater visual interest and substantially buffer any negative impact of vehicles upon the neighboring residential western parcels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

x. The applicant shall provide additional details for the corner park (Phase III), including location of benches, landscape materials, location of paths, lighting, etc. and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.

y. 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.

z. 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.

5. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

a. Further design development and details of the proposed corner park (Phase III), shall be required including a detailed landscape plan with specification for the landscape material, the exact locations of furniture and walkways, and the method of illuminations. The final layout and design of the park shall be subject to the review and approval of staff.

b. The proposed café seating abutting the corner park (Phase III), shall be redesigned to be less segregated from the park, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

c. Large canopy shade trees shall have a minimum of 18' – 20' on center spacing to allow for proper canopy growth. Where canopy trees are within 5' – 10' of sidewalks and roadways, Silva cells or an approved alternative shall be required in order to increase the available rooting area and subject to the review and approval of staff.

d. A true "green" roof shall be incorporated into the hotel roof plan that encompasses 50% of the total rooftop area(s) with plant beds of sufficient size to accommodate trees and landscaping. The applicant shall provide a cross

section of planters and clarify dimensions. Sufficient depth of soil shall be provided for all proposed roof deck and third level landscaping to ensure the proper health and growth of all landscape materials, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

e. The landscape plan along Alton Court shall be further developed to incorporate additional Florida plant species and increase the buffer to the neighboring residential properties to the west, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

f. Pavers 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.

g. All landscape areas abutting driveways and parking areas shall be defined by raised curb, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

h. All proposed planters shall be built-in planters with irrigation systems in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

i. Sufficient depth of soil shall be provided for all proposed roof deck landscaping to ensure the proper health and growth of all landscape materials, in a manner to be reviewed and approved by staff.

j. A fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

l. The applicants shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.

m. The applicants shall install, at minimum, 12 bicycle racks to be distributed along Alton Road subject to review and approval of FDOT and the Public Works and Planning Department, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. All short term Bicycle racks shall be located in a highly visible location near the main entrances to the use.

n. The design of the exterior seating and landscaping area located on public ROW shall be subject to the approval of the Public Works Department and shall be subject to a maintenance agreement with the City.

o. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.

p. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

6. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

7. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical 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 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

8. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.

9. 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.

10. 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.

11. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

12. 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.

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):

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.

B. The applicants have submitted plans and documents with the application that satisfys 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 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 **Approves** 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.

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. 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. If there is a roadway or right-of-way between parcels, that parcel separated from the remaining development shall not be considered a unified development site and shall not be joined into the covenant in lieu of unity of title or unity of title for the actual unified development site.

B. 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 proximity of the new building to the public right-of way.

C. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical 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 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.

D. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.

E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

G. 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.

H. 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.

I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

J. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings 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 signed and sealed April 4, 2016, and those supplemental sheets entitled "Concept 85%", as prepared by **AVRO | KO**, dated June 6, 2016, 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 set forth in this Order. No building permit may be issued unless and until all 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 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 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 should 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 6th day of July, 2016.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 6th day of July 2016 by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

JESSICA GONZALEZ
MY COMMISSION #FF958771
EXPIRES: FEB 09, 2020
Bonded through 1st State Insurance

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 2-9-20

Approved As To Form:
City Attorney's Office: (7/5/16)

Filed with the Clerk of the Design Review Board on (7-6-16)

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