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MIAMIBEACH

PLANNING DEPARTMENT
Staff Report & Recommendation Design Review Board

TO: DRB Chairperson and Members DATE: February 6, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS for TRM

SUBJECT: **DRB23-0979, a.k.a. DRB0416-0015**
1628 Alton Road, a.k.a. "1212 Lincoln"

An application has been filed requesting modifications to a previously issued Design Review Approval for the construction of a new 5-story commercial building, including accessory parking and a hotel component. Specifically, the applicant is requesting to modify one of the conditions of approval related to the design and materials required for the abutting sidewalks.

RECOMMENDATION:
Approval

LEGAL DESCRIPTION:
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.

HISTORY:
On September 23, 2014, the Planning Board approved PB File No. 2207, granting a Conditional Use Permit (CUP) for the construction of a commercial development exceeding 50,000 square feet. On October 07, 2014, the Design Review Board approved a new five-story commercial building with accessory parking, pursuant to DRB File No. 23078. Both of those Land Use Board approvals were for lots 3 through 9 of the subject block. The remaining lots on the block (lots 1 and lots 2) were subsequently acquired by the applicant. On May 24, 2016, the Planning Board approved a new Conditional Use Permit for the construction of a commercial development, encompassing the entire block, exceeding 50,000 SF pursuant to PB File No. 2325.

On July 5, 2016, the Design Review Board approved a new five-story commercial building with accessory parking and a hotel component to replace all existing structures on site, including variances, pursuant to DRB0416-0015.

SITE DATA:

Zoning:	CD-2 MEDIUM INTENSITY COMMERCIAL DISTRICT
Future Land Use:	CD
Lot Size:	70,666 SF / 1.62 acre
FAR:	2.0 – 141,332 SF
Permitted FAR:	2.0 – 141,332 SF
Proposed Height:	60'-0" 5 stories / 77'-0" to greatest architectural projection
Permitted Height:	60'-0" / 5 stories

LAND USES:
North: (across Lincoln Road) Commercial
South: (across 16th Street) Commercial

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East: (across Alton Road) Commercial / Regal Cinemas
West: (across Alton Court) Public Parking/Multifamily Residential

THE PROJECT:
The applicants have submitted plans entitled "1212 Lincoln Road", as prepared by **Gensler** dated 05.12.22.

The “1212” Lincoln” is a mixed-use development spanning the entire block on the west side of Alton Road between 16th Street and Lincoln Road. It is comprised of retail, hotel, parking and a rooftop movie theater. The applicant is proposing the modifications of a condition in the original final order, DRB0416-0015, that relates to the design and materials required for the abutting sidewalks within the right-of-way.

CONSISTENCY WITH COMPREHENSIVE PLAN
A preliminary review of the project indicates that the proposed **commercial use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:
A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:
Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Applicable

b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Applicable

c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Applicable

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d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.
Not Applicable

e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.
Not Applicable

f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.
Not Applicable

g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Not Applicable

h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.
Satisfied

i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Applicable

j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Applicable

k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Applicable

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l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Applicable

m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable

n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable

o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable

p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Not Applicable

q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable

r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights- of-way.
Not Applicable

s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations 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.

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Not Applicable

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Not Applicable

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.
Not Applicable

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways 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 (3) additional feet in height.
Not Applicable

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Not Applicable

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable

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 of 54 of the City Code.
Not Applicable

10. In all new projects, water retention systems shall be provided.
Not Applicable

11. Cool pavement materials or porous pavement materials shall be utilized.
Not Applicable

12. The project design shall minimize the potential for a project causing a heat island

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effect on site.
Not Applicable

STAFF ANALYSIS:
DESIGN REVIEW
The "1212" Lincoln" is a mixed-use development spanning the entire block on the west side of Alton Road between 16th Street and Lincoln Road. This development is comprised of retail, hotel, parking and a rooftop movie theater. The applicant is before the Design Review Board to modify one of the conditions of approval related to the design and materials required for the abutting sidewalks.

At the time of this project's approval, the city was encouraging the use of pavers in pedestrian crosswalks. The final order for the subject project contains a condition for utilizing pavers and concrete banding for a minimum width of 15'-0" for the north-south crosswalk across Lincoln Road and the two east-west crosswalks across Alton Road. The design and materiality of the recommended crosswalks are similar to others installed throughout the city at that time and include the crosswalk on Lincoln Lane adjacent to Soundscape Park and those at the Convention Center. The design is recognized by alternating gray and white bands of pavers.

However, Alton Road, which is a State road, has a very high level of service for vehicles and the Florida Department of Transportation (FDOT) determined that pavers in crosswalks are not appropriate for such a heavily used thoroughfare. FDOT, which has design, construction and maintenance jurisdiction over Alton Road, including all surface materials, would not authorize pavers for the crosswalks and instead indicated that stamped asphalt would be required.

The 2016 DRB approval for the 1212 Lincoln project included a condition that requires pavers and concrete banding for a minimum width of 15'-0" within the north-south crosswalk across Lincoln Road and the two east-west crosswalks across Alton Road. However, given the direction from FDOT, the applicant is unable to fulfill this condition of the Order and is requesting the following modification to Condition No. I.C.5.f of DRB Order DRB0416-0015:

Condition I.C.5.f.:

FROM:
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.

TO:
~~Pavers and concrete banding~~ Stamped Asphalt paving 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~~ Alton Road, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

Staff is supportive of the proposed modification to this condition.

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RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: February 6, 2024

PROPERTY: **1628 Alton Road, a.k.a. "1212 Lincoln"**
1628 Alton Road 02-3234-018-0170
1634 Alton Road 02-3234-018-0180

FILE NO: DRB23-0979, a.k.a. DRB0416-0015

IN RE: An application requesting modifications to a previously issued Design Review Approval for the construction of a new 5-story commercial building, including accessory parking and a hotel component. Specifically, the applicant is requesting to modify one of the conditions of approval related to the design and materials required for the abutting sidewalks.

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.

APPLICANT: OSIB Miami Beach Properties, LLC c/o citizen Hotels

SUPPLEMENTAL 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 2.1.3.1 of the Land Development Regulations. 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 consistent with Design Review Criteria in Section 2.5.3.1 of the Land Development Regulations.

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 consistent with Sea Level Rise Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations

DRAFT

D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. The project shall comply with the conditions imposed by the Planning Board Order No. 2325, dated May 24, 2016.

2. The property shall comply with all of the conditions of the original approval enumerated in the Final Order DRB0416-0015, dated July 5, 2016.

3. Condition I.C.5.f. of the original final order, dated July 5, 2016, shall be amended as follows:

I.C.5.f. ~~Pavers and concrete~~ Stamped asphalt 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~~ Alton Road, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

Underline denotes added language and ~~strikethrough~~ denotes stricken language from the original final Orde.

In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

II. Variance(s) and Waiver(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 and Waivers'* noted above.

A. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

B. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.

C. 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.

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

E. 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.

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

G. 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 **Gensler** dated 05.12.22. 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
Michael Belush, AICP
Planning & Design Officer
For the Chair

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Michael Belush, Planning & Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL]

Approved As To Form:
City Attorney's Office: _____ ( )

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

“Exhibit A”

Legal Description per Survey

Main Parcel

FOLIO: 02–3234–017–0160
LOTS 2 AND 3, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

FOLIO: 02–3234–017–0170
LOTS 4 AND 5, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

FOLIO: 02–3234–017–0180
LOT 6, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

FOLIO: 02–3233–017–0050
LOT 15, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

FOLIO: 02–3234–017–0190
LOTS 7 AND 8, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

North Parcel

FOLIO: 02–3233–017–0040
LOT 14, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

FOLIO: 02–3233–017–0030
LOTS 12 AND 13, AND THE 20 FEET OF ALLEY LYG. & E ADJ. CLOSED PER RES #2016–26489, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

FOLIO: 02–3234–017–0200
LOTS 9 AND 10, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

South Parcel

FOLIO: 02–3233–017–0100
LOTS 20 AND 21, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,