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CFN: 20240151900 BOOK 34109 PAGE 3192
DATE:02/27/2024 02:32:21 PM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

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

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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 for a minimum width of 15'-0" shall be utilized for~~ If allowed by FDOT, and subject to FDOT approval, the north-south crosswalk across Lincoln Road and the two east-west crosswalks across ~~Lincoln~~ Alton Road, shall consist of painted crosswalks that extend the general design intention of the staggered pattern black/white stone of the 1100 Block of 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 applicant shall not be responsible for the ongoing/future maintenance of the crosswalks after installation.

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.

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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

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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 2/26/2024 | 11:29 AM EST.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:
Michael A. Belush
DEC3ECF2EB68404...

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 26 day of February 2024 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.

MIRIAM HERRERA
Notary Public - State of Florida
Commission # HH 470768
My Comm. Expires Dec 16, 2027
Bonded through National Notary Assn.

{NOTARIAL SEAL]

Notary: Miriam Herrera
Print Name Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-27
Commission Number: HH 470768

Approved As To Form:
City Attorney's Office: DocuSigned by: Farzat Andasheva A843D7D7D15F455 2/26/2024 | 11:29 AM EST ( )

Filed with the Clerk of

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the Design Review Board on DocuSigned by: Jessica Gonzalez 0FC3F3E9D654A5 (2/26/2024 | 12:46 PM EST)

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"Exhibit A"

Legal Description per Survey

Main Parcel

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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North Parcel

FOLIO: 02-3234-007-0040
LOT 14, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-007-0050
LOTS 12 AND 13, AND THE 5.0 FEET OF ALLEY LYG & E AD. CLOSED PER RES #[illegible] PLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-007-0060
LOTS 9 AND 10, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 96, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

South Parcel

FOLIO: [illegible]
LOTS 7, 8 AND 9, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

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