

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 5, 2024

PROPERTY/FOLIO: **1600-1624 Alton Rd a.k.a "1212 Lincoln Rd." / 02-3234-018-001**

FILE NO: DRB23-0991

IN RE: An application for 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 modifications to the roof top of the parking garage associated with the construction of two outdoor padel courts.

LEGAL: Lots 1, 2, 3, 4, 5, 6, and 7, Block 45 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 c/o Crescent Heights

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 inconsistent with Design Review Criteria c and f 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
- 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:

DS
MB

1. Revised elevation, site plan and floor plan drawings for the proposed construction shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. A photometric plan shall be required, demonstrating that there is no light spillage onto neighboring properties.
 - b. All light poles shall consist of downward facing light fixtures, and the finish of such fixtures shall be black, white or silver, subject to the review and approval of staff.
 - c. Only chainlink fencing associated with the actual courts shall be permitted, and shall consist of a black vinyl coated finish.
 - d. 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.
 - e. The final design details and pattern of the hardscape and exterior walkways 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. Prior to the issuance of a Certificate of Completion, 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 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. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless

DS



otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

- B. All allowable construction signage shall be in accordance with Section 6.3.2 of the Land Development Regulations.
- C. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- D. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- E. 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.
- 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 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 – Roof Top Padel Courts", as prepared by **Robert R. Bistry** dated 2-4-2024, 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

DS


DRB23-0979, 1600-1624 Alton Rd

Page 4 of 5
March 5, 2024

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 4/18/2024 | 11:52 AM EDT.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:



DEC3ECF2EB68404...

BY:

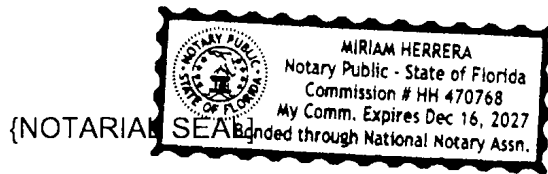
Michael A. Belush, AICP
Planning & Design Officer
For the Chair

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

The foregoing instrument was acknowledged before me this 24 day of April, 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

DS


DRB23-0979, 1600-1624 Alton Rd

Page 5 of 5
March 5, 2024

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: *Farooq Andashewa*
City Attorney's Office: *AS43D7D7D15F455* (4/18/2024 | 11:52 AM EDT)

Filed with the Clerk of
the Design Review Board on *Jessica Gonzalez* (4/18/2024 | 3:49 PM EDT)
10FC3F3E9D654A5

DS
MB