

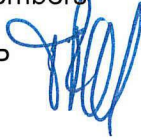
MIAMI BEACH  
PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 03, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB0416-0015

**1600-1634 Alton Road "1212 Lincoln Road" – Commercial Development**

This project was approved as a phased development project and obtained a Conditional Use application approved by the Planning Board in 2016. The applicants, ARRP Miami, LLC, 1212 Lincoln, LLC, and Wells Fargo Bank, are requesting Design Review Approval for the installation of an artistic super graphic on the north and east elevations for a new five-story commercial building with accessory parking and a hotel component, with variances. Specifically, the applicants are requesting Design Review Approval for a previously requested, (in 2016) artistic super graphic on the north and east elevations of the building. Additionally, the applicants are requesting a variance to reduce the minimum hotel unit size.

**RECOMMENDATION:**

Continue to a future meeting date for further design development.

**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 applicants then acquired the remaining lots on the block (lots 1 and 2, i.e. Dunkin Donuts site) and began a new approval process for a new design that encompassed the entire block.

On May 24, 2016, the Planning Board approved a new Conditional Use Permit for the construction of a commercial development 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 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, pursuant to DRB0416-0015. This project was approved to take place in three (3) phases as a phased development project. The applicants also requested Design Review Approval for the installation of an artistic super graphic on the north and east elevation, but this portion of the application was deferred to a later date and was never heard. In interim, the applicant sought a change to the land development regulations relating to the structure type for supergraphics.

On July 5, 2016, the DRB approved the following variances:

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 (3<sup>rd</sup>) and fourth (4<sup>th</sup>) 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 (5<sup>th</sup>) 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 (1<sup>st</sup>) and second (2<sup>nd</sup>) 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 (3<sup>rd</sup>) and fourth (4<sup>th</sup>) 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 (5<sup>th</sup>) 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 (5<sup>th</sup>) 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.

On February 06, 2017, pursuant to DRB16-0090, the DRB approved the following design modification:

1. The height of the ground floor retail component shall be permitted to be increased as proposed, the first floor of the building may be measured up to twenty (20) feet.

On February 06, 2017, pursuant to DRB16-0090, the DRB approved the following variances:

10. A variance to exceed by 2'-0" the maximum height allowed of 3'-0" above the main roof line for accessible roof deck to construct 8,974 sf of deck area at five feet (5'-0") above the main roof line.
11. A variance to exceed by 50% the maximum roof deck area allowed of 50% of the enclosed floor below in order to construct an accessible roof deck with 100% of the area of the enclosed floor below.

**SITE DATA:**

Zoning: CD-2 MEDIUM INTENSITY COMMERCIAL DISTRICT  
Future Land Use: CD  
Lot Size: 70,666 SF / 1.62 acre  
Proposed FAR: 2.0 – 141,332 SF Total Area as represented by the applicant  
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  
Proposed Uses:  
    Previous Hotel: 100 Units / 44,938 SF  
    Proposed Hotel: **168 Units** / 44,938 SF  
    Retail: 92,725 SF  
    Parking: 447 Spaces

**LAND USES:**

North: (across Lincoln Road) Commercial  
South: (across 16th Street) Commercial  
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 **Perkins + Will**, dated August 03, 2017.

The applicants are requesting Design Review Approval for a previously requested artistic super graphic on the north and east elevations of the building.

The applicants are requesting minor adjustments to the previously approved schedule of the phased development.

The applicants are requesting the following variance(s):

**HOTEL:**

1. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 SF and 85% of units shall be 335 SF or larger, in order to permit 165 hotel units (98.2%) at less than 300 SF (the smallest at 186 SF) and 3 units (1.8%) at 421SF.
  - Variance requested from:

**Sec. 142-306. Development regulations.**

The development regulations in the CD-2 commercial, medium intensity district are as follows: Minimum Unit Size (Square Feet) Hotel unit: 15%: 300—335, 85%: 335+

The applicant is proposing 165 hotel units that do not conform to the minimum area. The project features 98% of the rooms below the minimum 300 SF and **only 2%** comply with the minimum required. The property is composed of multiple lots, containing 70,666 SF of lot area, and the development program with the number of hotel units resulting in the variance request is the applicants' choice. Staff is unable to find any practical difficulties or hardship associated with the proposed undersized hotel rooms that fall below the minimum required threshold for historic

buildings. The City Code allows the retention of originally constructed hotel rooms with a minimum area of 200 SF within historic buildings, as noted below:

For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed four (4) persons.

The project is seeking to construct 153 hotel rooms below 200 SF to which staff cannot find any justification to support. Staff recommends denial of the variance for a lack of hardship.

#### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that **do not** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of the requested variances 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 **do not** 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.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **commercial mixed 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 inconsistent with the following sections of the City Code, in addition to the requested variances:

- **Sec. 138-204. - Noncommercial graphics and images.**  
(b) Electronic graphics and images. Artistic murals, graphics and images, including projected or illuminated still images and/or neon banding, may be installed on a building or structure, if approved by the design review board or historic preservation board, as applicable, in accordance with the applicable design review or certificate of appropriateness criteria.
- Unless moving images are approved by the design review board or historic preservation board, as applicable, only still, non-moving, murals, graphics or images shall be permitted.
- Unless a larger size is approved by the design review board or historic preservation board, as applicable, the maximum size of an electronic mural, graphic or image shall not exceed 100 square feet when facing a street or sidewalk

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:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. 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 Satisfied; the proposed project requires a variance to be granted by the Design Review Board.**
3. 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 Satisfied; the proposed project requires a variance to be granted by the Design Review Board.**

4. 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 118-252.  
**Not Satisfied; Additional details of other pertinent aspects of the project are also needed and highlighted in the 'Analysis' portion of the recommendation.**
5. 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 Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Not Satisfied; the proposed project requires a variance to be granted by the Design Review Board.**
6. The proposed Structure, and/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.  
**Satisfied**
7. 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 Satisfied; The ability to control or limit hours of operation is required in order to ensure that there are no negative impacts from the digital displays on adjacent properties, in particular residential properties.**
8. 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 safely 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.  
**Not Satisfied; The ability to control or limit hours of operation is required in order to ensure that there are no negative impacts from the digital displays on traveling motorists, in particular north bound vehicles passing 16<sup>th</sup> Street.**
9. 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 Satisfied; The ability to control or limit hours of operation is required in order to ensure that there are no negative impacts from the digital displays on adjacent properties, in particular residential properties.**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Not Satisfied; No details of the "corner park" has been provided.**

11. 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 Satisfied; The ability to control or limit hours of operation is required in order to ensure that there are no negative impacts from the digital displays on adjacent properties, in particular residential properties.**
12. 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**
13. 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**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Not Applicable**
15. 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**
16. 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**
17. 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**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code 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**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied; see below**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development 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.  
**Not Satisfied**  
**A recycling plan will be provided as part of the submittal for a demolition permit to the building department.**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**  
**All windows will be replaced with hurricane proof impact windows.**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**  
**Windows are operable.**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**  
**All new landscaping will consist of Florida friendly plants.**
- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.  
**Satisfied**  
**Sea Level Rise projections were taken into account.**
- (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.  
**Not Satisfied**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Satisfied**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Not Satisfied**
- (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 Satisfied**
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Not Satisfied**



**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The original application was originally approved at the July 05, 2016 meeting with the exception of the artistic super graphic. This aspect of the design was continued on numerous occasions in order to comply with the modifications that were pending to the City's sign code as well as further development as recommended by staff. The applicant is requesting approval for a revised phasing, approval of the "electronic noncommercial graphics and images" (artistic super graphic), and a variance from the minimum hotel room size requirement.

**SUPER GRAPHIC REVIEW**

Staff generally has no objections to the initial concept of the installation of an artistic super graphic along portions of the exterior facing north and east elevation of the proposed mixed-use building, especially when the interventions activate otherwise blank featureless walls. The proposed supergraphic is composed as "electronic noncommercial graphics and images" to display a varying array of artistic digital imagery to be illuminated upon the two (2) large LED screen wall(s). The original program and content of the artistic super graphic had been broken into four components that include: 'information' wallcasts, 'holiday' wallcasts, 'artist' wallcasts and 'graphic' wallcasts. On October 10, 2016, the concept was presented to the Design Review Board but portions of the original supergraphic program could not have been approved without modifications to the City's signage ordinance. On October 19, 2016, modifications to the sign ordinance were adopted which included, among other things, the allowance of projected or illuminated still/changing imagery, a provision that "murals" or "supergraphics" could not face a residential district, and restricted to the number of such electronic murals, graphics or images to not exceed two (2) per property.

The applicant is proposing to install two, large scale LED panels in two separate locations on the 140,000SF building—on the southern wall facing 16<sup>th</sup> Street, and within the open air grand staircase off of Alton Road. The larger LED panel will measure 90'-8" wide and 37'-9" high to display noncommercial graphics and images will face the commercial uses to the south, across 16<sup>th</sup> Street, and will be viewable from Alton Road. The other LED panel screen will measure 24'-11" wide and 43'-3" high will be installed along the northern wall of the south portion of the building within the open air grand staircase—facing north. This will be viewable from Lincoln Road. Both LED panels are open air exterior architectural elements, structurally connected to the wall of the building. The applicant is proposing to operate the graphic system of the LED panels at all times.

Below is a breakdown of each of the revised four different schemes of the proposed super graphic:

- **Enzo Gallo Murals Designs.** Embedded into the exterior walls of the existing bank building are mosaic murals depicting scenes of Americana by artist Enzo Gallo. Gallo installed the murals on the bank building in 1971, after the building became home to "American Savings". The applicant has agreed to attempt to remove the murals intact during the construction process and reuse the murals in other Wells Fargo locations or elsewhere on the site. The electronic graphic images are conceived as high quality photographs of the six tile murals representing aspects of American history that will alternate imagery throughout the LED panels. A complete inventory of the proposed mural imagery has been submitted as part of the super graphics approval.
- **Miami Beach Designs.** The location projections are conceived as showcase for the City of Miami Beach, internationally known for its highly photographic nature and instantly recognizable Ocean Drive. A complete inventory of the city imagery will be

required and care to be given to ensure no advertising is part of the imagery as part of the super graphics approval.

- **Abstract Artistic Designs.** The images of abstract artistic projections are proposed.
- **Nature View Designs.** The images of nature projections are proposed.

A complete inventory of the proposed imagery will be required to be reviewed in its entirety as part of the super graphics approval. Staff would recommend that as part of any future approval the DRB allow some latitude in what may be substituted at a later date and reviewed and approved by staff.

Staff's primary concern is the structural mechanism and digital display screens provided that conveys the electronic murals, graphics or images. The architect has selected two large LED boards to be attached to two blank walls within the exterior skin of the 'mercado' project. Staff believes along with advancement in architectural mesh lighting solutions, that the team is missing an opportunity to seamlessly blend the driving concept of the desired imagery into the skin of the architecture.

Mediamesh is a high-grade architectural woven stainless steel mesh that is very flexible and can secure to any shape building or structure. It is an elegant, proven product that has been installed on buildings around the world. Mediamesh is the only transparent large-scale media technology available that provides architectural aesthetics that enhance the look and feel of buildings, while providing a powerful digital media platform.

There is a known company that is a leading digital media establishment that designs, installs, and operates LED media systems on building facades and has applied the patent-pending Mediamesh technology to digital LED displays, creating a unique, transparent surface for showcasing digital images on large-scale buildings. Any content that can be displayed on a computer screen can be shown on these screens: images, graphics, text/words, movies and more. Of equal importance, when the screen is off, the screen blends with the building architecture; but when it's on, images float across the screen surface in high-pixel resolution.



AA arena LED screen made of stainless steel mesh, the screen is 70 percent transparent

Mediamesh "curtains" are made of linear tubes filled with LED nodes that provide the "pixels" for a large-format display mesh. At only three quarters of an inch thick, the mesh panel is incredibly durable, and has the ability to withstand extreme heat and cold. The material can cover any



square footage of the building's exterior, providing a sleek, stainless steel mesh fabric with interwoven LED lights to render an array of images.

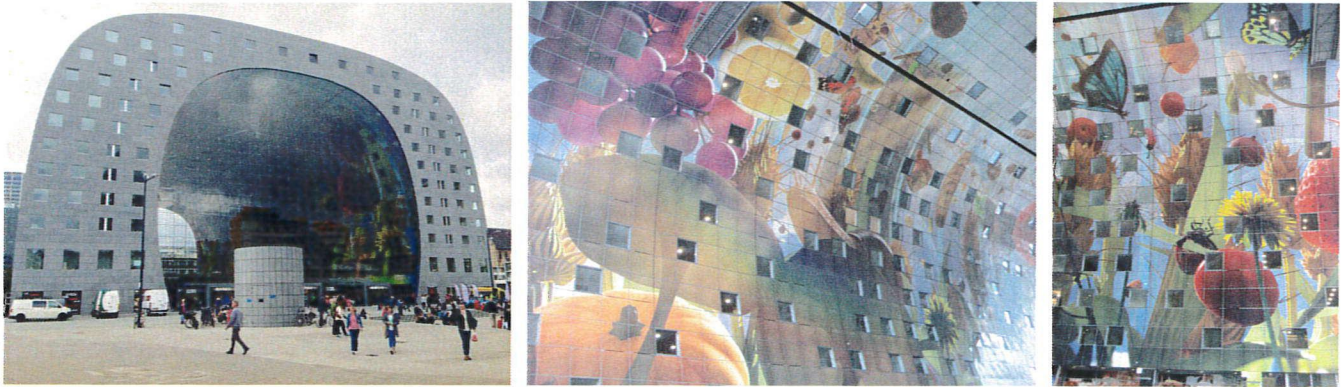
As Archdaily described, "one of the New York City's most forgettable buildings has been transformed into a model of modern technology". The Port Authority Bus Terminal (PABT), located in midtown Manhattan between 40th and 42nd street, now boasts the world's largest transparent media façade which effectively covers the building's outdated steel façade. The project features 16 panels containing 1.325 million LED diodes. The panels are tensioned stainless steel metal fabric installed on two sides of the building, each side comprising eight panels. The size and shape of the installation creates two surfaces for simultaneous, separate or continuous messaging. The size of the installation allows for an image resolution that retains its brilliance blocks away from the building.



The Port Authority Bus Terminal's façade transformed by a massive, state-of-the-art digital screen that projects high-resolution graphics, animated text and video at the corner of 8th Avenue and 42nd Street.

Another potential option for integrating moving imagery and graphics to architecture is seen in the Market Hall (Markthal) in Rotterdam. The grey natural stone building has an archwise structure like a horseshoe. The building has a glass facade on both sides, that is made up of smaller glass windows. The smaller windows are mostly squared and interior facing. The inside of the building is adorned with a digital artwork that was separated in 4,000 pieces and then printed on perforated aluminum panels. The 4000 aluminum panels are now on the inside of the hall and are punctured by the distinct and functioning interior windows.





The interior façade of the Markthal is arced with the individual digital panels that are architectonic in themselves but also allow the architecture of the building to remain.

Staff recommends that the architect further explore more advanced display options in order to truly become a visual centerpiece for the City, serving as an innovative and bold stage as envisioned by the team. As such, staff recommends the application be continued to a future date, with specific direction to address the issues and concerns raised herein.

#### **PHASED DEVELOPMENT REVIEW**

Staff notes that the approval was also for a phased development schedule. The applicant is proposing the following modifications to the phasing schedule:

**Phase I** (lots 1 and 2 and lots 3 through 7 of Block 45) shall consist of all proposed development south of the surface lot of Wells Fargo Bank, except that it will exclude the first story of the existing buildings on lots 1 and 2 (1600 Alton Road site), 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 original approval.

**Phase II** (lots 8 and 9 of Block 45) shall consist of all proposed development north of lot 7 of Block 45, and as defined as depicted on the submitted plans. Phase II will include the demolition of the Wells Fargo bank and construction of the new corner retail and hotel building. 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.

As depicted on the plans, staff is supportive of the phasing schedule.

#### **VARIANCE REVIEW**

As identified under the 'Project' description, the variance being requested pertains to the sizes of the rooms within the proposed hotel use of the new development. The proposal consists of ground floor commercial with second floor 'mercado', a ground floor bank facility, with multi level accessory parking levels and a new five story hotel in the northernmost portion of the site. The original approval featured 100 hotel rooms of regulation size before the developer had established a specific operator for the hotel. The applicants are now in discussion with 'Citizen M' European hotel chain, with one outlet in New York. This trendsetting chain foregoes the traditional hotel experience in many areas and seeks to primarily be a hotel driven to the desire to create 'affordable luxury.' The breakdown of the new configuration seeks a hotel with a 168 room count (162 rooms at 188-218SF, 3 rooms at 291 SF and 3 rooms at 421SF)

The proposal herein seeks to reduce the minimum hotel room size through the variance

process. However, staff did not identify special conditions and circumstances exist that 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. The proposal is new construction on an assemblage of nine lots encompassing an entire city block.

For comparison and relevance to this application, on October 14, 2015, the City adopted Code changes to the Washington Avenue corridor regulations, providing an incentive for new development that new hotel construction or conversion to hotel use have a minimum hotel room unit size of 175 SF, provided larger public hotel spaces and amenities are provided.

Furthermore, below are some of the properties that recently have obtained variances to retain undersized hotel rooms within the Historic Districts. The level of non-conformity of the hotel units proposed with 98% of non-conformity exceeds the percentage of the undersized hotel units approved for historic buildings.

HPB16-0068-1434 Washington Avenue, approved on May 9, 2017

Year constructed: 1925  
Total of hotel rooms: 118  
Units below 200 sf: 48  
Smallest room size: 167 SF

HPB16-0082-1436 Drexel Avenue, approved on May 9, 2017

Year constructed: 1925  
Total of hotel rooms: 44  
Units below 200 sf: 31  
Smallest room size: 163 SF

HPB0616-0038-334 20<sup>th</sup> Street, approved on September 13, 2016

Year constructed: 1936  
Total of hotel rooms: 81  
Units below 200 sf: 0  
Smallest room size: 226 SF

Staff is not opposed to this form (or size) of hotel lodging, but believes that the proper avenue for allowance of these smaller hotel units is through a code amendment to the LDRs and not through the granting of a variance. Accordingly, staff recommends denial of the variance request.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be continued to the December 05, 2017 Design Review Board meeting in order to address the concerns noted herein.

TRM/JGM/IV

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: October 03, 2017

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 Application for Design Review Approval for the installation of an artistic super graphic on the north and east elevations for a new five-story commercial building with accessory parking and a hotel component with variances. Specifically, the applicants are requesting Design Review Approval for a previously requested artistic super graphic on the north and east elevations of the building. Additionally, the applicants are requesting a new variance to reduce the minimum hotel unit size.

**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 118-252(a) of the Miami Beach Code. 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 9 in Section 118-251 of the Miami Beach Code.
- 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 inconsistent with Sea Level Rise Criteria 1, 5, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
  - 1. The project shall comply with all the conditions imposed by the Planning Board Order No. 2325.

2. All of the original conditions of approval by this Board, as reflected in the Final Order dated July 05, 2016, pursuant to DRB0416-0015, and February 06, 2017 pursuant DRB16-0090, shall remain in effect except as modified and approved herein.
3. The project may take place as a phased development project in accordance with the following phasing schedule:
  - a. **Phase I** (lots 1 and 2 and lots 3 through 7 of Block 45) shall consist of all proposed development south of the surface lot of Wells Fargo Bank, except that it will exclude the first story of the existing buildings on lots 1 and 2 (1600 Alton Road site), 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 original approval; and  
  
**Phase II** (lots 8 and 9 of Block 45) shall consist of all proposed development north of lot 7 of Block 45, and as defined as depicted on the submitted plans. Phase II will include the demolition of the Wells Fargo bank and construction of the new corner retail and hotel building. 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.
  - 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.
4. Revised elevation, site plan and image drawings for the proposed digital display artistic super graphics along locations along portions of the north and east side elevations shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. A complete inventory of the proposed imagery will be required to be reviewed in its entirety as part of the super graphics approval and details shall be submitted in a manner to be reviewed and approved by the Board.
  - b. The proposed digital LED screens **shall not** be approved as proposed. The architect shall incorporate a technology that blends moving imagery and graphics to architecture in a more refined and advanced method, details shall be submitted in a manner to be reviewed and approved by the Board.
  - c. The electronic graphics and images **shall** be approved as proposed.
  - d. The moving electronic graphics and images **shall** be approved as proposed.
  - e. The size of the two electronic mural, graphics and images **shall** be approved as proposed.
  - f. OPERATIONAL CONDITIONS

- i. The Noise and Operational Conditions below are issued to the Applicant ARRPP Miami LLC, 1212 Lincoln LLC, and Wells Fargo Bank ("Operator") as tenant and operator of the proposed LED panel screens and digital display equipments on the property. Any change of the operator shall require review and approval by the Design Review Board as a modification of this approval. Subsequent operators shall be required to appear before the Board, within ninety (90) days of change of operator to affirm their understanding of the conditions listed herein. The Board reserves the right to determine the timing and need for future progress reports for the new operator.
  - ii. Within ninety (60) days of the issuance of the TCO or CO for the project, the Operator shall make a progress report to the Design Review Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
  - iii. The images on the LED panels murals, graphics or images shall be reduced in illumination to a maximum of 250nits from Midnight– 2:00 a.m.
  - iv. The proposed 24 hour program for the electronic murals, graphics and images **shall not** be permitted as proposed. The hours of operation for the digital display imagery to change shall be as follows:
    - Sunday – Thursday:  
7:00 a.m. – Midnight
    - Friday - Saturday:  
7:00 a.m. – 2:00 a.m.
5. Revised elevation, site plan and image drawings for the proposed hotel building located at 1600-1634 Alton Road "1212 Lincoln Road" shall be submitted to and approved 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 applicants shall provide additional details for the corner park (Phase I), 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.
  - 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. 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.
6. 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. The existing front surface parking lot along Alton Road and 16<sup>th</sup> Street on lots 1 and 2 shall not be permitted to remain. The parking area shall be removed and designed as a corner parklike area and seating area. Further design development and details of the proposed corner park (Phase I), 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 I), 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. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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.

**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 from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 SF and 85% of units shall be 335 SF or larger, in order to permit 165 hotel units (98.2%) at less than 300 SF (the smallest at 186 SF) and 3 units (1.8%) at 421 SF. (Variance denied)~~
- B. The applicants have submitted plans and documents with the application that do not satisfy 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 do not 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 **Denies** 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.
2. The hotel units shall meet the minimum size requirements, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from 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. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.

- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- D. 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.
- E. 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 brightness, flickering, intensity and/or overall visual distraction of the new building's digital display equipments to the public right-of way.
- F. In the event Code Compliance receives complaints of unreasonably bright and intense light, bothersome light pollution, or distractions from pedestrians or motorists from the digital display super graphics equipments, 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.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. The Supplemental 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 **Perkins + Will**, dated August 03, 2017, 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 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 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 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
JAMES G. MURPHY

## CHIEF OF URBAN DESIGN FOR THE CHAIR

[illegible]

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

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

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )