

# MIAMIBEACH


## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: July 5, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director 

SUBJECT: DRB0416-0015  
**1600-1634 Alton Road "1212 Lincoln Road" – Commercial Development**

The applicants, ARRP Miami LLC, 1212 Lincoln, LLC, and Wells Fargo Bank, are requesting Design Review Approval for the construction a new five-story commercial building with accessory parking and a hotel component to replace all existing structures on site, including variances to reduce the required pedestal and tower front, street side and rear setbacks for hotel use, and to reduce the required pedestal and tower rear setback for commercial use. The applicants are also requesting Design Review Approval for the installation of an artistic super graphic on the north and east elevation. This project is proposed to take place in three (3) phases as a phased development project. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

#### **RECOMMENDATION:**

Approval with conditions

Approval of the three phase shedule

Approval of the variances (#1-#9)

Continue the artistic super graphic to a future meeting date

#### **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.

#### **BACKGROUND**

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 have since acquired the remaining lots on the block (lots 1 and 2) and are requesting approval for a new design that encompasses 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.

#### **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:**

Hotel: 100 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 April 4, 2016. The northernmost property part of this comprehensive project, located at the corner, Wells Fargo Bank, has a mailing address of 1634 Alton Road / 1200 Lincoln Road.

The applicants are proposing to demolish multiple existing one- and two-story commercial buildings and construct a new 5-story commercial building with accessory parking and a hotel component. The development consists of a new two-story, highly transparent commercial building with three floors of parking above along a prominent block that spans 472 linear feet of the western edge of Alton Road from Lincoln Road southward to 16<sup>th</sup> Street. The northern portion of the site is proposed to have a 5-story, 100-unit hotel and ground floor commercial component.

The predominant portion of the project consists of two floors for retail spaces in an open marketplace or 'mercado' concept with 92,725 SF of allocated commercial space and 447 accessory parking spaces located on the upper three levels. All commercial uses are proposed to front Alton Road and Lincoln Road with dynamic two story spaces. The design encourages pedestrian activity through the introduction of wide openings at the street level, attractive stairs leading from the Alton Road sidewalk to the second level, and extensive circulation and public spaces. Delivery, trash and service areas have been configured to be accessed from Alton Court in the same manner as the existing conditions.

The development is similar in many aspects to the previously approved 2014 plan, but this version features the commercial spaces configured in order to create an innovative old-world inspired 'mercado' design, the addition of a 5-story hotel component, and most notably, the expansion of the project southward onto the site at 1600 Alton Road, and (as requested by the residential neighbors to the west of the property) the removal of all garage access from the adjacent alley. The applicants are also requesting approval for the installation of an artistic super graphic on the north and east elevation.

In accordance with section 142-303 of the City Code, new construction of structures 50,000 SF and over in the CD-2 zoning district must receive a Conditional Use approval from the Planning Board whose review shall be the first step in the approval process prior to the review of the Design Review Board. On May 24, 2014, the applicants received Conditional Use approval by the Planning Board, pursuant to PB File No. 2325.

The applicants are requesting the following nine variance(s):

**HOTEL: FRONT (east)**

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.

- Variance requested from:

**Sec. 142-307. - Setback requirements.**

*(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:*

*Pedestal and tower (non-oceanfront), Front: 0'. Residential uses shall follow the RM setbacks. (See sections 142-156, 142-218 and 142-247.)*

**Sec. 142-156, 142-218, 142-247. - Setback requirements.**

*The setback requirements for the RM residential multifamily districts are as follows:*

*Pedestal Front: 20'-0"*

The CD-2 district allows commercial uses and required parking to be located at zero setback from the front property line; however, any uses with residential components are required to be setback 20'-0" from the front property line (for structures up to 50'-0" high). The applicants are proposing the hotel units at the third through fifth floors to be located at zero setback fronting Alton Road. The approval of this variance will allow the hotel units at the 3<sup>rd</sup> and 4<sup>th</sup> floors (up to 50'-0" in height) to be setback flush with the lower floors containing commercial uses.

Within the surrounding area, residential uses can be found that are at zero setback along Alton Road, specifically, in the SunTrust building located at 1665 Alton Road that obtained approval by the Board of Adjustment for a similar front setback variance in 2006. Recently, in May 3, 2016, the Design Review Board approved a similar variance that allows residential uses up to the front property line along three street frontages at 1698 Alton Road (DRB File No. 23214). Furthermore, from an urban design standpoint the approval would more contextually appropriate to frame the wide Alton Road corridor which is lined to the east with the 1111 Garage and the 8-story Regal Cinema buildings.

The commercial uses within the immediate vicinity, such as the retail spaces and restaurants, are service-related to the hotel use and would not have a negative impact on the new hotel units located at the property line. In addition, Alton Road is one of the few right-of-ways in Miami Beach with 100'-0" of width, which allows for a unique front setback between properties. Further, should the residential use be setback the required 20'-0" from the front, a more negative impact would occur on the units adjacent to the south portion of the site, if a 5-story strictly commercial structure with zero setback is constructed, as the balconies and views of the hotel units would be limited and blocked by the commercial building. Based on these conditions staff finds that there are practical difficulties that justify the variance request and recommends approval of the variance #1.

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 zero setback from the front property line, facing Alton Road.

- Variance requested from:

**Sec. 142-307. - Setback requirements.**

*(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:*

*Pedestal and tower (non-oceanfront), Front: 0', Residential uses shall follow the RM setbacks. (See sections 142-156, 142-218 and 142-247.)*

**Sec. 142-218. Setback requirements.**

*The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:*

*Tower, Front: 20'-0" + 1'-0" for every 1'-0" increase in height above 50'-0", to a maximum of 50'-0", then shall remain constant.*

This variance request is similar to variance #1 as it pertains to the hotel units located at the property line, but at a higher level. Variance #1 pertains to the “pedestal” portion of the building, defined as the structure’s height up to 50’-0”, while variance #2 is associated with the hotel units located at the 5<sup>th</sup> floor, within the “tower” portion of the building, related to the structure’s height above 50’-0”. The Code requires that residential uses located at the tower level be additionally setback from the front property line, based on the height above 50’-0”. In this case, the project is proposed up to 60’-0” in height, which requires that the top 10’-0” of the building be setback 30’-0” from the front property line. The applicant is proposing the same front setback of zero feet from for the hotel units at the 5<sup>th</sup> floor.

The City recently adopted Ordinance No. 2016-3992 which increased in allowable building height to 60’-0” but specific within the CD-2 district for mixed-use projects along Alton Road. This ordinance also recognizes the mixed-use character along Alton Road and the strong need for increasing parking availability in the area; the project is in keeping with the intent of the ordinance by developing the site with a mixed-use project and supplying much needed parking for the area. However, additional setback is still required for residential uses at the tower level, above the 50’-0” elevation.

As noted in the previous variance #1, the proposed residential use at the property line would not be negatively affected by the adjacent commercial uses, such as retail, bank, restaurants, and market, as these uses are service-related to the residential use. The 100’-0” of separation between the properties fronting Alton Road also would help to mitigate any adverse impact on the hotel use. Furthermore, the location in height, at the 5<sup>th</sup> level, of the hotel units creates a reasonable buffer from the surrounding commercial uses. Finally, the proposal is compatible with the height and setback of the Regal Cinema building located across the street, and will enhance the sense of enclosure of Alton Road with a better urban height to width ratio for the street. Based on these conditions, staff finds that practical difficulties exist that justify the request and as such recommends approval of variance #2.

**HOTEL USE ALONG ALLEY: REAR (west)**

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.
  - Variances requested from:

**Sec. 142-307. - Setback requirements.**

*(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:*

*Pedestal and Tower (non-oceanfront), Rear: Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247.*

**Sec. 142-156, 142-218, 142-247. - Setback requirements.**

*The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows: Pedestal, Rear, Non-oceanfront lots: 10% of lot depth.*

The hotel use is configured on the northern portion of the site. The rather small, main entrance and lobby area are located on the first and second floors, setback 10'-0" from the rear property line where 15'-0" is required and accessed along Lincoln Road from a slight recess. The 3<sup>rd</sup> and 4<sup>th</sup> floors containing hotel units are setback zero feet from the rear. The existing alley provides additional separation from the abutting properties at the rear. In this particular instance, the subject property has a buffer of 20'-0" from the adjacent rear properties in the form of Alton Court that runs north-south along the entire block. The residential use is actually setback approximately 30'-0" at the first and second floors and setback approximately 20'-0" at the third and fourth floors from the adjacent rear properties containing mostly residential uses as well. Staff finds that the alley provides a reasonable separation and that the hotel uses would not be negatively affected. Throughout the City, properties that abut alleys have been consistently recognized as a site condition that contains an element that imposes difficulties associated with the required rear setback. Staff recommends approval of variance #3 and #4.

5. A variance to reduce the minimum required tower rear setback of 22'-6" for residential uses in order to construct a building with hotel uses on the fifth (5th) floor at zero setback from the rear property line facing the alley.

- Variance requested from:

**Sec. 142-307. - Setback requirements.**

*(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:*

*Pedestal and Tower (non-oceanfront), Rear: 5'-0", 10'-0" when abutting a residential district, unless separated by a street or waterway in which case it shall be zero feet. Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247*

**Sec. 142-156, 142-218, 142-247. - Setback requirements.**

*The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows: Tower, Rear, Non-oceanfront lots: 15% of lot depth.*

This variance is for the hotel units located on the 5<sup>th</sup> floor proposed at zero setback from the rear following the setback of the hotel units at the 3<sup>rd</sup> and 4<sup>th</sup> floors. This variance pertains to the tower portion of the building that requires a setback of 22'-6" from the rear property line for the residential use above 50'-0" in height. As previously noted in variance #4, the existing alley creates practical difficulties that justify this type of variance. Staff finds that the existing 20'-0" alley and the location higher than 50'-0" constitute sufficient buffer from the adjacent properties. Staff recommends approval of variance #5.

**HOTEL: SIDE FACING A STREET (north)**

6. A variance to reduce the minimum required pedestal street side setback of 37'-9" for residential uses in order to construct a building with hotel uses setback from 15'-7" to 0' from the north side property line, facing Lincoln Road.
7. A variance to reduce the minimum required tower street side setback of 37'-9" for residential uses in order to construct a building with hotel uses on the fifth (5th) floor at 0' setback from the north side property line, facing Lincoln Road.
  - Variances requested from:

**Sec. 142-307. - Setback requirements.**

*(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:*

*Pedestal and tower (non-oceanfront), Side, facing a Street: Residential uses shall follow the RM-1, 2, 3 setbacks. (See sections 142-156, 142-218 and 142-247.)*

**Sec. 142-156, 142-218, 142-247. - Setback requirements.**

*The setback requirements for the RM-1, RM-2 and RM-3 residential multifamily districts are as follows:*

*Pedestal, Tower, Side Facing a Street—Minimum: 7'-6" or 8% of lot width, whichever is greater.*

The residential uses require a side facing street setback based on the width of the property. The site is block-long unified development of aggregated 9 lots from Lincoln Road to 16<sup>th</sup> Street. The lot width of the site is approximately 471'-9" which requires a street side setback of 37'-9". This unusually large lot length of the property imposes practical difficulties to design a building that is compatible with its surrounding and also conforming to the zoning regulations. Similar variances were recently approved by the Board for a mixed-use project that spanned the entire block from Alton Road to West Avenue along the south side of 17<sup>th</sup> Street (DRB File No. 23214) to locate residential uses abutting the street side property line in the surrounding commercial district. In this case, variance #6 pertains to the lobby area proposed at the 1<sup>st</sup> and 2<sup>nd</sup> floors and hotel units located at 3<sup>rd</sup> and 4<sup>th</sup> floors. Variance #7 is for the hotel units located at 5<sup>th</sup> floor. Although at the property line, the hotel units facing the side street are setback approximately 100'-0" from the commercial properties across the street. The adjacent property to the west is a multifamily residential building which should not have a negative impact from the proposed hotel use or vice versa due to the existing alley between the properties. Staff finds that variances #6 and #7 satisfy the practical difficulties that justify the granting of the requested variances.

**COMMERCIAL USE ALONG ALLEY: REAR (west)**

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 zero 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 zero setback from the rear property line.
  - Variances requested from:

**Sec. 142-307. - Setback requirements.**

*(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows: Pedestal and tower (non-oceanfront), Rear: 5'-0".*

Commercial uses are required to be setback 5'-0" from the rear property line at the pedestal and tower level. The project proposes a building setback of 10'-0" at the first floor to provide for required loading spaces. The second thru fifth floors have a setback that varies from 10'-0" to zero feet. The 5'-0" rear setback required is intended for properties that share the same rear property line. In this particular instance, the subject property has a buffer of 20'-0" from the adjacent rear properties in the form of an existing alley that runs along the entire site. However, alleys are not considered a 'street' for zoning purposes and as such a 5'-0" setback is required. A variance request of this kind (for the reduction of the setback abutting an alley) has been previously approved by the Historic Preservation Board, Design Review Board and Board of Adjustment on numerous occasions. Throughout the City, properties that abut alleys have been recognized as a site condition that contains an element (the alley) that imposes difficulties associated with the required rear setback. Most recently, similar variances have been approved for other properties in the commercial district along Alton Road, specifically for the previously mentioned approval pursuant to DRB File No. 23214. Staff finds that the existing alley creates practical difficulties for the applicant that justify the approval of variances #8 and #9.

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

The applicant has submitted plans and documents with the application that 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 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 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. - Artistic or super graphics.  
Artistic or super graphics and/or neon banding that have no commercial association are permitted, and may or may not face a street, with the approval of the design review board.
- A Conditional Use Permit is required, pursuant to Article IV Section 118, and Article II Section 142 of the Miami Beach City Code, for the construction of a commercial building exceeding 50,000 square feet, including parking. (PB File No. 2327).

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.

**ACCESSIBILITY COMPLIANCE**

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

**CONCURRENCY DETERMINATION:**

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

**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 several variances 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 several variances 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; the super graphic projecting art wall has not been sufficiently detailed. 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 several variances 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.  
**Satisfied**
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 location of bicycle racks along Alton Road have not been shown.**

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.

**Satisfied**

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

**Not satisfied; the exterior paving material has not been sufficiently detailed.**

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; a well decorated wall or other screening method should be introduced along the west side to ensure minimal light spillage onto Alton Road and minimize disturbance upon the neighboring residential areas west of the alley.**

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).

**Satisfied**

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 Satisfied; the upper garage parking levels require an architectural treatment to enhance the overall appearance of the project.**

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Not satisfied; a roof plan showing the location of mechanical equipment and details of the associated screening hasnot been provided**

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).

**Satisfied**

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.  
**Satisfied; the proposed first floor retail component continues to activate the street level transparency and achieves pedestrian compatibility and creates visual interest.**
  
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.  
**Satisfied; the location of all of the required loading spaces and delivery of goods have been arranged along the alley.**

## **ANALYSIS**

### **DESIGN REVIEW**

The applicants are proposing an innovative mixed-use building (featuring exterior facing artistic super graphics) and associated structured parking. A retail/market/restaurant concept is proposed within the first and second floors, addressing both Alton Road and Lincoln Road. The center of the project will be taken up with a pedestrian-friendly 'mercado' area that is conceived to be composed of multiple small establishments, including numerous food and beverage uses and food purveyors. According to the letter of intent, the applicants seek to develop this portion of the project as a modern version of a traditional marketplace, similar in nature to New York's 'Eataly' which is a large Italian marketplace comprising a variety of restaurants, food and beverage counters, bakery, retail items, and a cooking school. The northern portion of the project will consist of additional retail/service uses, including the relocated Wells Fargo Bank branch, as well as the proposed 5-story component. The hotel entry, including valet stacking, will be located along Lincoln Road. The hotel units are configured on the 3<sup>rd</sup> through 5<sup>th</sup> floors and will include a rooftop pool and terrace. On May 24, 2014, Planning Board approved a new Conditional Use Permit for the construction of the 50,000SF commercial development, pursuant to PB File No. 2325. The project is proposed to take place as a three-phased development.

Staff commends the team for proposing an ambitious, high quality, dynamic structure to replace the low scale retail structures along Alton Road. Staff is supportive of the overall siting, massing, design and concept of the proposed structure. Pedestrian access to the market area will be from both Alton Road and 16<sup>th</sup> Street and has been incorporated into the architecture and orientation of the building. The design encourages pedestrian activity through the introduction of wide openings at the street level and a wide attractive stairwell leading from the Alton Road sidewalk to the second level of the 'mercado'. The architect has setback approximately 60% of the Alton Road frontage at the ground floor level. The numerous access points throughout the property facilitate pedestrian flow from east to west and from north to south. Pedestrians are able to walk around the perimeter, as well as through the property, via courtyard-like spaces during hours when the development is open to the public. Additionally, the ground level storefront systems have been designed with varying depths and angled faceted cuts that help break up the approximately four hundred seventy-two (472') linear feet of frontage along Alton Road. This highly transparent design will serve to activate this section of Alton Road, as well as the intersection of Lincoln Road. Staff notes that there is no ground floor pedestrian access from Alton Court alley.

Since the commercial component has a zero foot required setback, abundant landscape opportunities throughout the site are limited. However, the applicants have designed the structure with several landscape areas and open-air areas within the envelope of the building

which help break up the solidness of the structure and offers landscape surprises as one navigates within the development and further enhances the pedestrian experience throughout the project. The addition of a central lightwell within the commercial core of the ‘mercado’ allows for natural light to filter through the building throughout the day in order to promote the open feel of a marketplace, while at night, the upper areas are proposed to be lit with “twinkle lights”. The applicants also propose a live greenwall for Phase III above the ground floor retail located at the south corner of the property in order to screen the parking levels. Additionally, there are two landscaped terraces for the hotel.

The third floor of the hotel features an interior garden open to the sky which is landscaped with Gumbo Limbo trees, Thatch Palms and green walls that screen the parking levels. This interior garden is accessible only by the hotel guests through the fitness center. The hotel also has a rooftop deck and pool with a fully landscaped roof with native plants and trees such as Seagrape trees, Bay Cedar shrubs, Queen Emma Lily, and Coconut Palms. These layered plant materials offer a green buffer between the hotel and the residential uses west of the project. In Phase III, the applicants are also proposing to remove the surface parking lot located on the corner of Alton Road and 16<sup>th</sup> Street in order to create an urban pocket park. While staff is supportive of the removal of the surface parking, the proposed park is not detailed and the arrangement of the café seating, circulation into the ‘mercado’ and the park are not integrated and the layout is difficult to navigate. Staff would recommend further design development of this portion of the application.

Staff is very supportive of the modern design vocabulary proposed, which will establish an iconic gateway to Alton Road, one of the City’s two major north-south corridors and further enhance the entry to Lincoln Road which already benefits from the world-recognized 1111 parking structure. Although staff is confident that the proposed design will result in a unique and modern statement during both daytime and nighttime hours, staff has concerns that inappropriate lighting and merchandising could have serious adverse impacts on the new architecture and surrounding area. As such, staff would recommend that all interior lighting be designed in a manner so as not to have an overwhelming impact upon the surrounding areas and consist of indirect lighting elements with a soft, neutral color. Additionally, staff would recommend that transparent displays be permitted within 10’-0” from the storefront windows at the first and second levels. Additionally, a uniform sign plan should be designed to be consistent in materials, method of illumination and sign location.

While the applicants have submitted exciting concept drawings, staff does have some minor concerns with the execution of this concept, as adequate details, materials and finishes for many elevations have not been provided. The careful detailing of the double height glass curtain wall system, the details and material finishes of the interior ‘mercado’, will be critical to the successful execution of the proposed design. Further, the securing of the development has not been fully realized—access to the ‘mercado’ and hotel from Alton is through a grand open air staircase that appears to be accessible at all times, yet other portions are identified with roll down doors.

Staff has additional minor concerns regarding the final details for the project, as well with the potential negative impact that the parking and ramping system may incur upon the neighboring residential properties to the west. A well designed and opaque screening mechanism will need to be fully explored and installed along the ramp and parking areas of the western portion of the entrance ramp and parking levels to ensure minimal nuisance to the residential properties. The applicant will also need to address minimizing the potential spillage of headlights and tire screeching from the vehicles. Collectively, staff believes that all of these concerns can be addressed administratively, as indicated in the recommendation for approval below.

In summary, to fully address the design issues herein, staff is recommending that the application address the following specific areas:

- Additional details of how the parking and ramping systems will be buffered from the four neighboring residential buildings to the west of the subject block across the alley.
- Further details of the interior walls of the 'light well'.
- Further details of the 'mercado' roll-down doors. The applicants fail to explain how the area will be secured or if the pedestrian space is air-conditioned.
- Further details of the exterior storefront systems and proposed glass for the hotel component.
- Additional details for the corner park, including location of benches, landscape materials, location of paths, lighting, etc.

Overall, this ambitious, three-phased project has the potential to transform this important intersection into a vibrant and interactive retail destination. Staff believes that the '1212 Lincoln' design is a positive improvement for the neighborhood and will significantly increase pedestrian activity.

#### **PHASED DEVELOPMENT PROJECT REVIEW**

The applicant has obtained the entire western block of Alton Road between 16<sup>th</sup> Street and Lincoln Road. However, the uses at the recently acquired 1600 Alton have certain lease rights that will make the immediate redevelopment of this portion of that site impossible. Additionally, the bank needs to continue to operate during the construction of the project and to account for the lease terms, the applicants request that the project be divided into three phases as depicted on the submitted plans. As such, the first phase will include the construction of the central 'mercado', retail and the majority of the parking levels between the existing bank site and 1600 Alton. The second phase will include the demolition of the existing bank branch and completion of the northern corner retail space and hotel. The third and last phase includes the demolition of the western portion of the 1600 Alton building in order to provide the south entrance to the 'mercado' and the construction of the parking slabs above the existing retail building that is to be retained on site and incorporated into the design. Phase III also includes the elimination of the surface parking at the corner of Alton Road and 16<sup>th</sup> Street in order to provide a future park. Staff notes that the prior approval (DRB File No. 23078) was also for a phased development project to take place in two phases; however the addition of the southern lots requires the following phasing schedule:

**Phase I** (lots 3 through 7 of Block 45) shall consist of all proposed development south of the surface lot of Wells Fargo Bank, and as defined as depicted on the submitted plans. A building permit for the Phase I improvements shall issue within eighteen (18) months of the Board's approval

**Phase II** (lots 8 and 9 of Block 45) shall consist of all proposed development north of lots 3 through 7 of Block 45, and as defined as depicted on the submitted plans. A building permit for the Phase II improvements shall issue within twelve (12) months following the issuance of the final certificate of occupancy for the Phase I improvements.

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

improvements.

As depicted on the plans, staff is supportive of the phasing schedule and recommends approval of the phased development project.

### **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 art is a varying array of artistic projections to be cast upon the wall(s). The program and content of the artistic super graphic has been broken into four components that include: 'information' wallcasts, 'holiday' wallcasts, 'artist' wallcasts and 'graphic' wallcasts. Below is a breakdown of each of the four different portions of the proposed super graphic:

- The information projections are proposed as informative markers of upcoming events scheduled within the 'mercado' area. At this time, the City Code restricts signage to façades facing a street and prohibits general advertising. As proposed, this portion of the super graphic cannot be approved without modifications to the City's signage ordinance.
- The holiday projections are proposed as seasonal graphics and texts of holiday phrases celebrating specific observed national holidays throughout the year. At this time, the City Code restricts signage to façades facing a street, as such the applicant must remove all text, but general holiday imagery can remain. A complete inventory of the holiday 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.
- The artist projections are conceived as showcase for two artists, both known for their highly visual and graphic works. Jen Stark and Romero Britto have been selected. A complete inventory of the artists' slides and imagery will be required to be reviewed in its entirety as part of the super graphics approval.
- The graphic projections are conceived as alternating imagery depicting local flora and fauna of South Florida. 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.

The graphic wall 'mock-ups' submitted as part of this application for the artistic super graphic are still in the initial concept phase, which makes it difficult to review. The submittal does not provide measurements or details of the wall, the exact areas of the north and elevations it is proposed to cover, nor does it include a full catalogue of the imagery proposed. These are all necessary for the DRB to be able to review and approve an artistic super graphic. Further, the proposal does not detail the method of illumination nor means of projection of the graphics onto the buildings, or if the images are proposed to be static or variable. Additionally, there are inconsistencies with the City's current signage ordinance. Staff would recommend that the artistic super graphic portion of this application be continued to a future meeting date, in order to address the aforementioned concerns.

### **VARIANCE REVIEW**

As identified under the 'Project' description, the variances being requested pertain to 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 site contains 1.62 acres of lot area from the aggregation of 9 platted lots. This creates a property with approximately 472'-0" of linear frontage along Alton Road, two side facing a street conditions (16<sup>th</sup> Street and Lincoln Road), as well as a rear property line that abuts an alley, Alton Court, all of which combine for architectural challenges for strict adherence to underlying regulations due to determinations of front, rear, side facing street setback compliance for zoning purposes.

These site conditions are practical difficulties for the applicant to develop the mixed-use building and multiple variances are requested. Staff finds that the shape and size of the lot justify the nine requested variances in order to develop the site with an urbanistic responsible, mixed-use building. Staff recommends approval of all variance requests, conditioned upon revisions to the design of the project as noted above.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application, with the exception of the Design Review approval for the artistic super graphic, be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria. Staff recommends that the artistic super graphic application be continued to a future meeting date of **September 6, 2016**.

TRM/JGM

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

MEETING DATE: July 5, 2016

FILE NO: DRB0416-0015

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

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

LEGAL: Lots 1 thru 9 of Block 45 of the "Commercial Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The applicants, ARRP Miami LLC, 1212 Lincoln, LLC, and Wells Fargo Bank, are requesting Design Review Approval for the construction a new five-story commercial building with accessory parking and a hotel component to replace all existing structures on site, including variances to reduce the required pedestal and tower front, street side and rear setbacks for hotel use, and to reduce the required pedestal and tower rear setback for commercial use. The applicants are also requesting Design Review Approval for the installation of an artistic super graphic on the north and east elevation. This project is proposed to take place in three (3) phases as a phased development project. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

**ORDER**

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

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not a individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2-5, 8, 10-11, and 14 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:



1. The project shall comply with all the conditions imposed by the Planning Board Order No. 2325.
2. The project may take place in three phases as a phased development project in accordance with the following phasing schedule:
  - a. **Phase I** (lots 3 through 7 of Block 45) shall consist of all proposed development south of the surface lot of Wells Fargo Bank, and as defined as depicted on the submitted plans. A building permit for the Phase I improvements shall issue within eighteen (18) months of the Board's approval; and  

**Phase II** (lots 8 and 9 of Block 45) shall consist of all proposed development north of lots 3 through 7 of Block 45, and as defined as depicted on the submitted plans. A building permit for the Phase II improvements shall issue within twelve (12) months following the issuance of the final certificate of occupancy for the Phase I improvements; and

**Phase III** (lots 1 and 2 of Block 45) shall consist of all proposed development north of lots 3 through 7 of Block 45, and as defined as depicted on the submitted plans. A building permit for the Phase III improvements shall issue within twelve (12) months following the issuance of the final certificate of occupancy for the Phase II improvements.
  - b. The final certificate of occupancy for Phase I shall not be issued until the existing structure on lot 9 has been demolished and construction of Phase II has commenced.
3. The artistic super graphic shall not be permitted as currently proposed. Further design development and details of the proposed artistic super graphic shall be required including scaled elevations depicting the exact locations along portions of the north and east side elevations, the method of illuminations and complete catalogue of artistic imagery shall submitted and design to be reviewed by the Board at a future meeting date.
4. Revised elevation, site plan and floor plan drawings shall be submitted to and reviewed by staff, at a minimum, such drawings shall incorporate the following:
  - a. The final design and details including samples of the proposed exterior parking garage screening shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. The internal garage lighting shall be shielded to inhibit direct views of all internal light sources.
  - c. Any rooftop light poles located along the perimeter of the building edge shall be eliminated or replaced with a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All rooftop light poles shall be limited to a maximum height of 10'-0". All roof-top lighting fixtures shall be designed to

preclude light from spilling over to adjacent properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- d. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.
- e. Pavers and concrete banding shall be utilized for the vehicular entry drive, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. The interior walls of the first level of the parking garage entrance and ramps shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. All garage roofing shall contain, and be properly maintained to perpetuate, the proposed patterned design of the roof surfaces, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The active roof deck of the hotel shall not exceed **50%** of the enclosed floor area immediately one floor below, below in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass, incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the east and north walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
- k. The entire ground and second level exterior paving system of the 'mercado' and pedestrian areas, and its design and detailing, shall be clearly identified with all colors, textures and materials clearly differentiating the areas as identified as pedestrian-only regions, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- i. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. The final design and details including interior elevations of the proposed lightwell shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- n. 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.
- o. All kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
- p. The final design and details including irrigation plans of the proposed green wall screening shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- q. All building signage shall require a separate permit. A uniform sign plan for the overall project shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- r. All overhead utility lines that abut the property within Alton Court from 16<sup>th</sup> Street to Lincoln Road shall be placed underground.
- s. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
- t. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- u. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
- v. The west elevation shall not be permitted as proposed. The entire west wall for the parking and ramping portions of the project shall be further refined to incorporate greater visual interest and substantially buffer any negative impact

- of vehicles upon the neighboring residential western parcels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- w. The applicant shall provide additional details for the corner park (Phase III), including location of benches, landscape materials, location of paths, lighting, etc. and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
  - x. 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.
  - y. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
5. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. Further design development and details of the proposed corner park (Phase III), shall be required including a detailed landscape plan with specification for the landscape material, the exact locations of furniture and walkways, and the method of illuminations. The final layout and design of the park shall be subject to the review and approval of staff.
  - b. The proposed café seating abutting the corner park (Phase III), shall be redesigned to be less segregated from the park, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. Large canopy shade trees shall have a minimum of 18' – 20' on center spacing to allow for proper canopy growth. Where canopy trees are within 5' – 10' of sidewalks and roadways, Silva cells or an approved alternative shall be required in order to increase the available rooting area and subject to the review and approval of staff.
  - d. A true "green" roof shall be incorporated into the hotel roof plan that encompasses 50% of the total rooftop area(s) with plant beds of sufficient size to accommodate trees and landscaping. The applicant shall provide a cross section of planters and clarify dimensions. Sufficient depth of soil shall be provided for all proposed roof deck and third level landscaping to ensure the proper health and growth of all landscape materials, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- e. The landscape plan along Alton Court shall be further developed to incorporate additional Florida plant species and increase the buffer to the neighboring residential properties to the west, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. Pavers and concrete banding for a minimum width of 15'-0" shall be utilized for the north-south crosswalk across Lincoln Road and the two east-west crosswalks across Lincoln Road, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. All landscape areas abutting driveways and parking areas shall be defined by raised curb, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. All proposed planters shall be built-in planters with irrigation systems in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. Sufficient depth of soil shall be provided for all proposed roof deck landscaping to ensure the proper health and growth of all landscape materials, in a manner to be reviewed and approved by staff.
- j. A fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. The applicants shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- m. The applicants shall install, at minimum, 12 bicycle racks to be distributed along Alton Road subject to review and approval of FDOT and the Public Works and Planning Department, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. All short term Bicycle racks shall be located in a highly visible location near the main entrances to the use.
- n. The design of the exterior seating and landscaping area located on public ROW shall be subject to the approval of the Public Works Department and shall be subject to a maintenance agreement with the City.
- o. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall

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

- p. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
6. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
7. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board
8. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
9. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
10. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
11. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
12. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

## **II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
1. A variance to reduce the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with hotel uses on the third (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.
- B. The applicants have submitted plans and documents with the application that satisfys Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicants have submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board hereby **Approves** the Variance request(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.**

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney. If there is a roadway or right-of-way between parcels, that parcel separated from the remaining development shall not



be considered a unified development site and shall not be joined into the covenant in lieu of unity of title or unity of title for the actual unified development site.

- B. The applicants shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the new building to the public right-of way.
- C. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- D. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- H. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1212 Lincoln Road", as prepared by **Perkins + Will**, dated April 4, 2016, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

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

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf

of the Corporation. He is personally known to me.

\_\_\_\_\_  
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 \_\_\_\_\_ ( )