

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members DATE: March 5, 2024

FROM: Thomas R. Mooney, AICP  for TRM
Planning Director

SUBJECT: **DRB23-0991, 1600-1624 Alton Rd a.k.a "1212 Lincoln Rd."**

An application has been filed requesting modifications to a previously issued Design Review Approval for the construction of a new 5-story commercial building, including accessory parking and a hotel component. Specifically, the applicant is requesting modifications to the roof top of the parking garage associated with the construction of two outdoor padel courts.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lots 1, 2, 3, 4, 5, 6, and 7, Block 45 Commercial Subdivision, According to the Plat Thereof, as recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

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 remaining lots on the block (lots 1 and lots 2) were subsequently acquired by the applicant. On May 24, 2016, the Planning Board approved a new Conditional Use Permit for the construction of a commercial development, encompassing the entire block, exceeding 50,000 SF pursuant to PB File No. 2325.

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

SITE DATA:

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

LAND USES:

North: (across Lincoln Road) Commercial

South: (across 16th Street) Commercial

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 – Roof Top Padel Courts", as prepared by **Robert R. Bistry** dated 2-4-2024.

The "1212" Lincoln" is a mixed-use development spanning the entire block on the west side of Alton Road between 16th Street and Lincoln Road. It is comprised of retail, hotel, parking and a rooftop movie theater. The applicant is proposing to construct two (2) new padel courts on the roof top of the existing parking garage, replacing existing parking space. Included in the application is associated lighting, fencing for the courts and new surface finish.

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:

- Accessory lighting fixtures, when customarily associated with the use of court games, shall be erected so as to direct light only on the premises on which they are located.. Light is permitted to be cast on any public right-of-way.
- All chain-link fences shall be coated with green, brown or black materials.
- The tandem parking spaces shown may only be used by a valet operator.

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

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

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

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied

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- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Partially Satisfied; the applicant will be required to substantiate that with the removal of existing parking spaces, all uses in the building, including the proposed new padel courts, satisfy the parking requirements.
- d. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
- e. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this 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.
Satisfied
- f. 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.
Partially Satisfied; provided that the hours of operation are limited, the proposed use should not have a negative impact on surrounding properties.
- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are 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.
Satisfied
- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Satisfied
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Not Applicable

- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied.
- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Applicable
- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied
- r. 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
- s. The structure and site complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Satisfied

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Not Applicable
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Not Applicable
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable

(10) In all new projects, water retention systems shall be provided.

Not Applicable

(11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied

(12) The project design shall minimize the potential for a project causing a heat island effect on site.

Satisfied

Staff ANALYSIS:

DESIGN REVIEW

The “1212” Lincoln” is a mixed-use development spanning the entire block on the west side of Alton Road between 16th Street and Lincoln Road. This development is comprised of retail, hotel, parking and a rooftop outdoor movie theater. The applicant is proposing to construct two (2) new padel courts on the roof top of the existing parking garage, replacing existing parking spaces. Included in the application is associated lighting, fencing for the courts and new surface finish.

The applicant is proposing two (2) 35' x 66' padel courts on the rooftop at the northeast corner of the existing parking garage. The existing parking within this area will be replaced with the proposed courts. The fencing and lighting for the courts is setback from the eastern edge of the building 12'-5". As proposed, the fencing is approximately 13 feet above the new court surface, with the lighting located at a height of approximately 17 feet above the court surface. The courts are setback approximately 94 feet from the west side of the property.

Although the applicant has provided lighting fixture details, they will also be required to provide a photometric plan to ensure that there is no light spillage onto adjacent properties at time of building permit. While the courts will be located directly to the east of a surface city parking lot, there are residential multifamily buildings located to the north and south of this parking lot that could be impacted by noise and light from the proposed courts. Due to the close proximity to residential uses, staff recommends that the hours of operation be limited to no earlier than 9:00 a.m. and no later than 9:00 p.m., seven days a week. Staff would also recommend that the applicant return to the Board for a 90-day progress report, once the courts are in operation, in order to evaluate the operation and any modifications that may be required, including hours of operation.

Overall, staff is supportive of the design of the padel courts for this location and recommends the approval of the design with the conditions noted in the draft order.

RECOMMENDATION:

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

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 5, 2024

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

FILE NO: DRB23-0991

IN RE: An application has been filed requesting modifications to a previously issued Design Review Approval for the construction of a new 5-story commercial building, including accessory parking and a hotel component. Specifically, the applicant is requesting modifications to the roof top of the parking garage associated with the construction of two outdoor padel courts.

LEGAL: Lots 1, 2, 3, 4, 5, 6, and 7, Block 45 Commercial Subdivision, According to the Plat Thereof, as recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

APPLICANTS: 1212 Lincoln, LLC and 1600 ARRP Alton, LLC c/o Crescent Heights

ORDER

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria c and f in Section 2.5.3.1 of the Land Development Regulations.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Sea Level Rise Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations

- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings for the proposed construction shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. A photometric plan shall be required, demonstrating that there is no light spillage onto neighboring properties.
 - b. All light poles shall consist of downward facing light fixtures, and the finish of such fixtures shall be black, white or silver, subject to the review and approval of staff.
 - c. Only chainlink fencing associated with the actual courts shall be permitted, and shall consist of a black vinyl coated finish.
 - d. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. The final design details and pattern of the hardscape and exterior walkways shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. Prior to the issuance of a Certificate of Completion, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
 2. The hours of operation shall be limited from 9:00 am to 9:00 pm, 7 days a week. All associated court lighting shall be turned off by 9:00 pm nightly, and all use of the facilities shall cease no later than 9:00 pm.
 3. The applicant shall return to the Board for a progress report within 90 days of commencement of operations, at which time the Board may modify the conditions in a non-substantive matter, including hours of operation.

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

II. Variance(s) and Waiver(s)

- A. No variance(s) were filed as part of this application.

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

III. General Terms and Conditions applying to both ‘I. Design Review Approval and ‘II. Variances and Waivers’ noted above.

- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. All allowable construction signage shall be in accordance with Section 6.3.2 of the Land Development Regulations.
- C. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- D. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- E. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- H. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- I. The conditions of approval herein are binding on the applicant, the property’s owners, operators, and all successors in interest and assigns.
- J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is

GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled ""1212 Lincoln Road – Roof Top Padel Courts", as prepared by **Robert R. Bistry** dated 2-4-2024, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

[illegible]

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

{NOTARIAL SEAL}

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

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

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