

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 3, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB23-1029**
1200 Lincoln Road & 1628-1634 Alton Road

An application has been filed requesting Design Review Approval and related variance(s) for a hanging sign to exceed the maximum allowable signage area for a previously approved five-story commercial and hotel building.

RECOMMENDATION:

Approval of the design of the hanging sign

Approval of the variances requested for the proposed hanging sign.

HISTORY:

On September 23, 2014, the Planning Board approved PB File No. 2207, granting a Conditional Use Permit (CUP) for the construction of a commercial development exceeding 50,000 square feet. On October 07, 2014, the Design Review Board approved a new five-story commercial building with accessory parking, pursuant to DRB File No. 23078. Both of those Land Use Board approvals were for lots 3 through 9 of the subject block. The 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. (DRB0416-0015). This project was approved to take place in three (3) phases as a phased development project. The applicants also requested Design Review Approval for the installation of an artistic super graphic on the north and east elevation, but this portion of the application was deferred to a later date and was never heard. In interim, the applicant sought a change to the land development regulations relating to the structure type for supergraphics.

On February 06, 2017, the Design Review Board approved modifications in order to adjust the elevation to incorporate a taller first floor and variances to exceed the maximum height of a roof deck and to exceed its maximum area allowed. (DRB16-0090).

On October 03, 2017, the Design review Board approved a previously requested, (in 2016) artistic super graphic on the north and east elevations of the building and a variance to reduce the minimum hotel unit size. (DRB0416-0015).

On September 16, 2019 the Design Review Board approved for ratification and approval, pursuant to a settlement agreement between the City and the Applicant, of a portion of “electronic noncommercial graphics and images” elements of the building; exterior design modifications to the exterior of the building including exterior lighting features; and the design of a uniform commercial signage program including variances to exceed the maximum size for projecting signs, to exceed the maximum aggregate sign area allowed per tenant, to exceed the maximum size for directory signs, to install directory signs as projecting signs, to install more than one directory sign, to install multiple signs above the first floor, to install multiple signs without providing direct access from the street, to install signage facing a non-street façade, to install a building identification sign below the roof line and to install a building identification sign as a projecting sign. (DRB18-0337).

On December 14, 2020 the Planning Board approved a new Conditional Use Permit related to an outdoor movie theater with an accessory bar. This included approval for an Open-Air Entertainment Establishment, an Outdoor Entertainment Establishment and a Neighborhood Impact Establishment, pursuant to (PB20-0377).

On January 05, 2021 the Design Review Board Approved the construction of a new rooftop outdoor movie theatre and bar addition and other exterior design modifications to an existing parking garage level of a previously approved five story building. (DRB20-0556).

On January 04, 2024 the Design Review Board Approved modification to the conditions of approval related to the design and materials required for the abutting sidewalks. (DRB23-0979).

On February 06, 2024 the Design Review Board approved 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 requested to modify one of the conditions of approval related to the design and materials required for the abutting sidewalks.

LEGAL DESCRIPTION:

Lots 8 and 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. (per survey submitted by the applicant).

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 applicant has submitted plans entitled "CITIZEN M Miami South Beach", as prepared by **Americaribe., Gensler, and Oakhurst Sign & Graphics**. The applicant is proposing a new hanging sign, for the Citizen M hotel that is currently under construction.

The applicant is requesting the following variances:

1. A variance to exceed by 5.82 SF the maximum size area per side of 3 SF for the installation of a hanging sign.
2. A variance to exceed the text height of 6" as proposed.
3. A variance to allow the internal sign illumination as proposed.

The aforementioned variances are requested from:

6.2.3 Hanging signs

a. In all districts except RS (1-4), and in addition to other permitted signs, one non-illuminated sign hanging from the underside of an awning or canopy is permitted in accordance with the following:

1. The area of the sign shall not exceed three square feet per side. Area shall be calculated based on the frame of the sign.
2. Letters shall not exceed six inches in height.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- i. 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;
- ii. The special conditions and circumstances do not result from the action of the applicant;
- iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same

zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

- v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- vii. 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; and
- viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, aside from the requested variance(s). 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.
Not applicable
- 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.
Not applicable
- 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.
Not applicable

- 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 2.5.3.2.
Not applicable
- 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.
Not applicable
- 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.
Not applicable
- 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.
Not applicable
- 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.
Not applicable
- 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.
Not applicable
- 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.
Not applicable

- 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 improvements.
Not applicable
- 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.
Not applicable
- 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.
Not applicable
- 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.
Not applicable

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.
Not applicable
- (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.
Not applicable
- (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.

Not applicable

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

Not applicable

STAFF ANALYSIS:

Design Review

The applicant is proposing a hanging sign facing Lincoln Road, located above the main hotel entrance "Citizen Hotel". The sign measures approximately 40" x 31 ¾" for an overall area of 1,270 Square inches / 8.82 SF per side. The sign is constructed on an aluminum cabinet with face panels painted in black with routed out ½" thick push thru letters, a translucent vinyl surface for "Citizen" in a white color, and "M" in red color, with reversed weeded out letters for "Hotel" in white color. The internal illumination is proposed by a low voltage white led modules and self-contained power supplies.

Variance Review

As noted under the 'Project' description, the variances being requested for signs pertain to hanging sign at the ground floor hotel entrance.

The propose sign exceeds the maximum area of 3 SF, the maximum text height of six (6) inches, and is proposed to be illuminated, which is not permitted pursuant to Chapter 6.2.3 of the Miami Beach Resiliency Code.

Although bigger than the typical hanging sign, this will serve as the primary sign for the establishment, and it will also be the only hanging sign proposed on the north elevation. The proposed size and location of the sign is proportional to the scale of the building and will not create any negative impacts to the surrounding area. Staff agrees that the regulations present a practical difficulty, as they prevent pedestrian wayfinding from Lincoln Road. As such, staff recommends approval of this variance.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be approved, including approval of the variances, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review, Sea Level Rise criteria and Hardship and Practical Difficulties criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 3, 2024

PROPERTY: **1628-1634 Alton Road, a.k.a. "1212 Lincoln"**
1628 Alton Road 02-3234-018-0170
1634 Alton Road 02-3234-018-0180

FILE NO: DRB23-1029

IN RE: An application has been filed requesting Design Review Approval and related variance(s) for a hanging sign to exceed the maximum allowable signage area for a previously approved five-story commercial and hotel building.

LEGAL: Lots 8 and 9 of Block 45 of the "Commercial Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

APPLICANT: OSIB Miami Beach Properties, LLC c/o citizen Hotels

ORDER

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Design Review Criteria in Section 2.5.3.1 of the Land Development Regulations.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Sea Level Rise Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations
- 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 drawings shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The design of the Hotel hanging sign facing Lincoln Road shall be approved as proposed.
 - b. 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.

Underline denotes added language and ~~strikethrough~~ denotes stricken language from the original final Order.

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)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance from Sec. 6.2.3.a.1. to exceed by 5.82 SF the maximum size area per side of 3 SF for the installation of a hanging sign.
 2. A variance from Sec. 6.2.3.a.2 to exceed the text height of 6" as proposed.
 3. A variance from Sec. 6.2.3.a. to allow the internal sign illumination as proposed.
- B. The applicant has submitted plans and documents with the application that DO NOT satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of the requested variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also DO NOT indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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

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

That granting the variance requested will not confer on the applicant any special privilege

that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

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

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

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

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

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable

C. The Board hereby **Approves** the variance requests

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. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- C. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 "CITIZEN M Miami South Beach", as prepared by **Americaribe., Gensler, and Oakhurst Sign & Graphics.** 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: _____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For the Chair

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)SS

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 _____ (