

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: January 5, 2021

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB20-0576
959 West Avenue

An application has been filed requesting Design Review Approval for exterior design modifications to an existing Design Review Approval including the redesign and reconfiguration of the existing commercial facades, hardscape and landscape improvements and an updated signage program including one or more variances from the signage regulations and from the maximum allowable projection in required yards. This application is also requesting modification of conditions of the original Final Orders. This item was originally approved in 2001 and 2003, pursuant to DRB File No. 14084 and DRB File No.17195, respectively.

RECOMMENDATION:

Approval of the design of the project

Approval with conditions of the modifications and deletions to DRB Orders 14084 and 17189

Approval of the variance requests

LEGAL DESCRIPTION:

Lots 8, 9, 10, 11, 12, 13, 14 and 15, of Block 3, of amended plat Fleetwood Subdivision, according to the Plat Thereof, as recorded in Plat Book 28 at Page 34, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On February 22, 2001, the Design Review Board reviewed and approved an application for the construction of a new five-story garage with accessory retail, pursuant to DRB File No. 14084. A separate application, DRB File No. 17189, pertaining to signage was reviewed and approved by the DRB on August 19, 2003.

SITE DATA:

Zoning: RM-2
Future Land Use: RM-2
Lot Size: 58,565 SF (1.344 acres)
Existing FAR: Not applicable for a parking garage.
Proposed FAR: No change*

*As represented by the applicant

SURROUNDING PROPERTIES:

North: Surface parking lot
South: 9-story 1973 residential building
East: 2-Story office building and three one-story commercial buildings
West: DRB20-0528, 900-910 West Avenue – Southgate Tower

THE PROJECT:

The applicant has submitted plans entitled "Shoppes at West Avenue", as prepared by **Urban Robot & Associates** dated November 9, 2020.

The project includes the redesign and reconfiguration of commercial facades, landscape and hardscape improvements, and an updated signage program that includes variances. This application is also requesting modifications of conditions of the original Final Orders. This item was originally approved in 2001 and 2003, pursuant to DRB File No. 14084 and DRB File No.17195, respectively.

The applicant is requesting the following variance(s):

1. A variance to exceed the maximum number of one (1) sign allowed in the RM-2 zoning district per street frontage, in order to install three (3) signs facing West Avenue.
2. A variance to exceed by 7.5 SF the maximum sign area of zero (0) SF for the installation of a monument sign with 7.5 SF facing West Avenue.
3. A variance to exceed by 15 SF the maximum sign area of zero (0) SF for the installation of a projecting sign with 15 SF facing West Avenue.
4. A variance to exceed the maximum number of one (1) sign allowed in the RM-2 zoning district per street frontage, in order to install two (2) signs facing 9th Street.
5. A variance to exceed by 7.5 SF the maximum sign area of zero (0) SF for the installation of a monument sign with 7.5 SF facing 9th Street.

The aforementioned variances are requested from:

Sec. 138-13. - General sign requirements and design standards.

The following standards shall apply to all signs unless otherwise exempted in this chapter or these land development regulations:

(6) Only one wall, projecting, or detached sign shall be permitted per allowed frontage for each principal or licensed accessory use, unless otherwise allowed in this chapter.

Sec. 138-16. - Wall sign.

Maximum quantity per frontage, Wall Sign Design Standards per District, RM-2: One (1) wall, projecting or detached.

The applicant is proposing a new signage plan for the property that contains ground floor commercial uses and a parking garage. The project includes wall signs, awning signs, window signs, monument signs, projecting signs and a directory sign. As the property is located within the RM-2 residential multifamily district, only one type of sign is allowed per main use per street frontage and accessory uses can also install individual signs with a minimum of 20 sf allowed. The allowable (1) sign facing West Avenue is a wall sign with 20 sf at the main entrance reading 'The Shops at West Avenue'. The new monument sign and projecting

parking sign on the north side are not allowed absent a variance because the subject site is only one property although it is substantially larger than most of the surrounding properties, as it is an entire block in width. The site is surrounded by 3 streets and contains more than 7 individual lots.

Based on the large size of the property, multiple individual properties could potentially exist and similar signs comprised of one for each separate property would be allowed under the code. Staff finds that the large size of the property creates the practical difficulties that result in the need for the variances requested. The signs proposed are compatible with the scale of the site and building's architecture and are consistent in size with the maximum area allowed per type of sign. Additionally, the variance requests are not expected to have a negative impact on the existing property or the surrounding area. In summary, staff would recommend approval of the sign variances #1, #2, #3, #4, and #5.

6. A variance to exceed the maximum 25% allowed projection within the front yard of 20'-0" in order to provide pavement up to the front property line facing West Avenue.

This variance is requested from:

Sec. 142-1132. Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted.

(6) Porches, platforms and terraces up to 30 inches above the grade elevation of the lot, as defined in chapter 114.

(11) Walkways: Maximum 44 inches. May be increased to a maximum of five feet for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the design review or certificate of appropriateness procedures, as applicable, and pursuant to chapter 118, article VI, of the city Code.

The front yard of the property is substantially paved and is non-conforming; the applicant is proposing the reconfiguration of the landscape and pavement as part of the improvements to the site. In order to accommodate an extension of pavement beyond the allowed 25% projection into the front yard, and up to the front property line, a variance is being sought. The surrounding area is highly pedestrian oriented due to the amount of commercial spaces in the area. Staff does not have an objection to this particular proposal, provided it does not reduce the existing pervious surface areas. The existing conditions of the property, including the commercial uses at the ground level, create practical difficulties in terms of providing the minimum amount of pervious space. As such, staff recommends approval of the variance requested.

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 with the application comply with the following hardship criteria, 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.

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:

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 signage program requires multiple 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 signage program requires multiple 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 proposed signage program requires multiple variances to be granted by the Design Review Board.
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 signage program requires multiple 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.
Not Satisfied; the proposed signage program requires multiple variances to be granted by the Design Review Board.
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.

Satisfied

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not Satisfied; the proposed signage program requires multiple variances to be granted by the Design Review Board.

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

Satisfied

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Not Satisfied; the proposed illuminated signage may negatively impact the neighboring residential properties.

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Not Satisfied; the proposed projecting signage may negatively impact the neighboring residential properties

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.

Satisfied

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

Satisfied

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not Applicable

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Satisfied
A recycling plan will be provided as part of the submittal for a demolition permit to the building department.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
All windows will be replaced with hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Satisfied
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
All new landscaping will consist of Florida friendly plants.
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
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.
Satisfied
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Satisfied
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable
- (10) In all new projects, water retention systems shall be provided.
Not Satisfied
- (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 applicant is proposing façade and site improvements to an existing five story parking garage with ground floor retail. The site spans the entire block on the west side of West Avenue between 9th and 10th Streets. The proposed improvements include the redesign and reconfiguration of commercial facades, exterior paint and stucco work, new shade devices, hardscape, landscape and new signage. The following summarizes the most significant proposed design modifications:

- New stucco and paint throughout, with blue accented cornice details;
- Replacement and reconfiguration of existing commercial facades with bronze metal storefronts, new glazing systems and illuminated channel letter storefront signs, including variances (See 'Project' and 'Variance Review');
- New simple, rectangular metal frame awnings for each commercial façade. Woven fabric is proposed in a candy stripe pattern of white and a color pastel - the striping color palette includes the choice of light blue, pale gray and lemon yellow;
- Installation of a new signage program for each current and future tenant, including variances (See 'Project' and 'Variance Review');
- Installation of two (2) new monument signs on each corner of the site including variances (See 'Project' and 'Variance Review'). Each monument sign is

- approximately four feet in height and features laser cut engraved letters on a metal plate that is secured to oolitic stone;
- Installation of two (2) new projecting PARKING signs (one facing 9th Street and the other facing 10th Street), that with a length of 12'-9" consists of 1'-2" wide individual LED lit letters, including variances (See 'Project' and 'Variance Review');
 - Redesign of the primary garage entrance on West Avenue. Proposed design includes the removal of the existing mosaic tile and replacing it with a synthetic moss tile system, a new glazing configuration and system in a bronze finish, and a new, projecting bronze metal awning with illuminated signage that reads "THE SHOPS AT WEST AVENUE;"
 - A new, bronze metal plate directory sign with white metal illuminated signs that is accented by an Ipe wood frame;
 - New landscape planters and concrete benches that highlight the eastern edge of the property line and face the commercial façades, delineating a pedestrian corridor; and
 - Replacement of hardscape pavers in striped pattern of caramel, black and white stone pavers.

The subject site contains a main-use parking garage with accessory ground floor retail that spans the entire length of the block on West Avenue, wrapping around to 9th Street with commercial spaces and 10th Street with an entrance to the parking. The current design of the structure is simple – a predominately stucco building with a pronounced central volume wherein the main entrance to the garage is announced with a framed mosaic entrance door and floor to ceiling glazing that rises five stories. Simple storefront glazing and awnings define the ground floor retail.

The applicant seeks to improve the exterior with new paint and stucco, and significantly redesign the commercial component on the ground floor with bronze metal storefronts that are detailed with new candy-striped awnings, illuminated signage, and new floor to ceiling bronze glazing. The applicant is also proposing a redesign of the main entrance to the garage, proposing similar bronze metal fenestration, replacing the mosaic tile with an artificial moss green wall, and introducing a projecting bronze metal marquee with illuminated signage.

In addition to the improvements slated for the facades, the applicant is also proposing landscape and hardscape modifications to the nearly 20' wide sidewalk area that fronts the West Avenue elevation. The proposed design introduces concrete benches and landscape planters that flank the edge of the property and face the ground floor retail to create a cohesive pedestrian paseo. The new pedestrian space includes landscape and stone paving that resembles calçada Portuguesa –small stones that create large mosaics of contrasting colors.

Lastly, the applicant is proposing a new signage scheme not only to the individual storefronts but the building at large. Along with the building I.D. – "THE SHOPS AT WEST AVENUE" – that will illuminate the new entrance marquee, the project proposes two monument signs within the pedestrian paseo, facing West Avenue and 10th Street and to the south facing West Avenue and 9th Street. Further, the applicant seeks to introduce two projecting PARKING signs - one on the 10th Street elevation and the other on the 9th Street elevation.

Overall, staff is supportive of the design as it relates to the façade and hardscape improvements. The proposed modifications to the exterior and the storefront will invigorate

the existing building. Furthermore, the redesign develops the expansive pedestrian realm with landscape, site furniture and new paving that will significantly contribute to a vibrant pedestrian corridor.

MODIFICATION OF PRIOR CONDITIONS

This application is also requesting modification of conditions of the original Final Orders. This item was originally approved in 2001 and 2003, pursuant to DRB File No. 14084 and DRB File No.17195, respectively; these orders included several conditions related to the exterior furnishings of the building. The applicant is requesting approval of the following specific modifications to conditions of DRB Order #14084:

Modification of DRB Order #14084 Condition B1(d):

FROM:

All awnings shall consist of a woven fabric and shall incorporate a simple, rectangular pitch, with no side panels or valences.

TO:

All awnings shall be consistent in fabric, pattern and placement, subject to the review and approval of staff.

Deletion of DRB Order #14084 Condition B.1(g):

FROM:

The center feature of the east and west elevations shall be increased to three (3) bays and the book-ends shall be increased to two (2) bays in order to better break down the scale and mass of the structure as it relates to the entire City block, in a manner consistent with Exhibit "A" submitted at the meeting, subject to the review and approval of staff.

TO:

~~*The center feature of the east and west elevations shall be increased to three (3) bays and the book-ends shall be increased to two (2) bays in order to better break down the scale and mass of the structure as it relates to the entire City block, in a manner consistent with Exhibit "A" submitted at the meeting, subject to the review and approval of staff.*~~

Deletion of DRB Order #14084 Condition B.1(h):

FROM:

The six (6) remaining intermediate bays, flanking the new three (3) bay center feature on the east and west elevations, shall be in an alternating A, B format; alternatively an AA, BB format, or variations thereof, may be utilized, in a manner consistent with Exhibit "A" submitted at the meeting, subject to the review and approval of staff.

TO:

~~*The six (6) remaining intermediate bays, flanking the new three (3) bay center feature on the east and west elevations, shall be in an alternating A, B format; alternatively an AA, BB format, or variations thereof, may be utilized, in a manner consistent with Exhibit "A" submitted at the meeting, subject to the review and approval of staff.*~~

Deletion of DRB Order #14084 Condition B.2(a):

FROM:

All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, subject to the review and approval of staff.

TO:

All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, subject to the review and approval of staff.

Deletion of DRB Order #14084 Condition B.3:

FROM:

All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit.

TO:

All signage shall be consistent in type and placement, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

With exception of the proposed deletion of condition B.2(a), staff is supportive of all the proposed modifications of conditions. Regarding condition B.2(a), this is a standard condition and the applicant hasn't provided substantial information concerning the type and installation of pavers proposed for the pedestrian corridor and flex zone. As such, staff recommends condition B.2(a) remain.

VARIANCE ANALYSIS

As the property is located within the RM-2 zoning district, one (1) sign is allowed with 0.33 sf per linear frontage up to 30 sf with a minimum area of 20 sf on each street frontage. Although the building has a length of approximately 366', it contains only two main uses, parking and accessory commercial with multiple tenants; only one sign per frontage is allowed. The length of the building could accommodate up to 120 sf of aggregate sign area along West Avenue if the property had multiple ownership with different main uses.

A similar condition occurs on 9th Street where 2 main signs are proposed. More than two (2) signs could potentially be installed along 9th Street. The proposed monument signs are below the maximum sign area of 15 sf for this type of sign and the total main sign area proposed does not exceed the maximum aggregate area based on the length of the building. Staff finds that this condition creates the practical difficulties justifying the sign variances requested. As such, staff recommends approval of all sign variances #1 thru #5.

Staff also has no objections to variance #6 as the non-conforming pavers in the front yard have existed for a long time. Additionally, the proposed configuration would improve the site conditions and would not result in a negative impact on this highly pedestrian area.

In summary, staff recommends approval of all variances requested.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, that the proposed modifications to the conditions in the DRB orders be **approved** with conditions, and the variance requests be **approved**. If the board should move to approve the project, in some form, staff recommends that any such approval be 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, as applicable.