

MIAMI BEACH

PLANNING DEPARTMENT

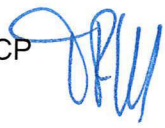
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 06, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0207
1698 Alton Road and 1681-1683 West Avenue

The applicant, 1681 Ventures LLC, is requesting Design Review Approval for exterior alterations to the ground floor façade of a new five-story building including changes to the storefronts to include the installation of commercial display walls on the primary storefront façade along 17th Street and to install signs including variances to exceed the maximum aggregate area allowed for multiple signs. Additionally, the applicant is requesting Design Review Approval for the installation of an artistic super graphic on the side (south) elevation above the ground floor of the new 5-story building.

RECOMMENDATION:

Denial of the requested modifications

Denial of the variances #1-#4

Continue the artistic super graphic to a future meeting date

LEGAL DESCRIPTION:

See Exhibit "A"

HISTORY:

On May 03, 2016, pursuant to DRB File No. 23214, the DRB approved a project for a five-story mixed use building, including the following variances,

1. A variance from the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with residential use up to the property line facing Alton Road.
2. A variance from the minimum required front pedestal setback of 20'-0" for residential uses in order to construct a building with residential use up to the property line facing West Avenue.
3. A variance from the minimum required tower front setback of 33'-0" for residential uses in order to construct a building with residential use up to the property line facing Alton Road.
4. A variance from the minimum required tower front setback of 33'-0" for residential uses in order to construct a building with residential use up to the property line facing West Avenue.

5. A variance from the minimum required street side setback of 8'-0" for residential uses located at 1698 Alton Road in order to construct a building with residential uses up to the property line facing 17th Street.
6. A variance from the minimum required street side setback of 12'-0" for residential uses located at 1681-1683 West Avenue in order to construct a building with residential uses up to the property line facing 17th Street.
7. A variance from the minimum required pedestal sum of the side setbacks of 16'-0" for residential uses located at 1698 Alton Road in order to construct a building with residential uses up to both side property lines and a sum of the side setbacks of zero.
8. A variance from the minimum required pedestal sum of the side setbacks of 24'-0" for residential uses located at 1681-1683 West Avenue in order to construct a building with residential uses up to both side property lines and a sum of the side setbacks of zero.
9. A variance from the minimum required tower interior side setback of 9'-4" for residential uses located at 1698 Alton Road in order to construct the 5th floor of a building containing residential uses up to the south property line.
10. A variance from the minimum required tower interior side setback of 13'-4" for residential uses located at 1681-1683 West Avenue in order to construct the 5th floor of a building containing residential uses up to the south property line.
11. A variance from the minimum required rear setback of 5'-0" for commercial uses in order to construct a building up to the rear property line.
12. A variance to exceed by 3'-0" the maximum building height allowed of 60'-0" for the construction of a building up to 63'-0" in height.

An application was approved by the Planning Board at the May 24, 2016 for new construction greater than 50,000 square feet in the CD-2 zoning district.

The project includes a parking garage and construction approved by City Commission to be located above the adjacent alley, pursuant to Section 118, Article IV, Section 142, Article II of the City Code.

On February 06, 2017, pursuant to DRB16-0089, the DRB approved design changes including modifications to previously approved variances and granted the following variance:

13. A variance to reduce 6" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide parking spaces at with an interior drive aisle of 21'-6.

SITE DATA:

| | |
|------------------|--|
| Zoning: | CD-2 |
| Future Land Use: | CD |
| Lot Size: | 39,404 SF (includes 2,000 SF of alley) |
| Approved FAR: | 77,421 SF (2.0)* |
| Height: | 63'-0" (68.0' NGVD) / 5-Story Variance previously approved |

Maximum: 60'-0" / 5 stories
Highest Projection: 75'-0" (80.0' NGVD)
Approved Uses:
 Retail/Service: 28,009 SF *
 Residential Units: 23 residential units*
Parking spaces provided: 190 spaces*
Parking spaces required: 187 spaces*
Loading spaces required: 3
Grade: +3.31' to 5.26' NGVD
Base Flood Elevation (BFE): +8.00' NGVD
Difference: Varies 4.69' to 2.74' NGVD
Adjusted Grade: Varies
First Floor Elevation: Varies +5.00' to +5.87' NGVD

***As represented by the applicant**

SURROUNDING PROPERTIES:

East: One-story retail
North: Five-story residential building / hotel conversion
 Five-story hotel building
South: Two-story retail building
 City surface parking lot
West: Fourteen-story residential building

THE PROJECT:

The applicant has submitted plans entitled "17th and West Avenue", as prepared by **Stantec**, dated January 5, 2018.

The applicant is requesting modifications to a previously approved design, including changes to the ground floor storefront system, the installation of a signage program requiring variances and the incorporation of an artistic super graphic in the form of a painted mural on portions of the south façade. Additionally, some of the design alterations proposed affect the conditions within the recorded Final Order.

The applicant is requesting the following variance(s) for the Trader Joe's signage program in the **West Avenue and 17th Street block**:

1. A variance to exceed by 10.4 sf the maximum aggregate area allowed of 67 sf for signs facing 17th Street in order to install a wall sign with 72.4 sf (SIGN C) and a projecting sign with 5 sf (SIGN D) and provide a total aggregate area of 77.4 sf.
2. A variance to exceed by 0.9 sf the maximum aggregate area allowed of 76.5 sf for signs facing West Avenue in order to install a wall sign with 72.4 sf (SIGN A) and a projecting sign with 5 sf (SIGN B) and provide a total aggregate area of 77.4 sf.
 - Variance(s) requested from:

Section 138-16. Wall sign.

Maximum area percentage, CD-3, Wall sign: 0.75 square feet for every foot of linear frontage (Max: 100 SF)

Maximum quantity per frontage, CD3: Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area.

Sec. 138-18. - Projecting signs.

Maximum area, 15 square feet

Maximum quantity per frontage, CD3: Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area.

The subject site encompasses the northern end of the 1600 Block along Alton Road and West Avenue containing two corners and bisected by the Alton Court alleyway. The ground floor of both “sides” of the mixed-use project are programed with future retail and restaurant spaces. The grocery chain Trader Joe’s is proposed to occupy the nearly 20,000SF of retail space in the western component of the project along West Avenue and 17th Street. The applicant is proposing a total of four signs for *TRADER JOE’S* signage package.

The sign proposed above the aluminium canopy eyebrow, which defines the ground floor storefront along the West Avenue and 17th Street block of the building, is designed as a white backplate panel measuring 2’-11” high and spans 24’-10 ¼” in width. Individual characters with red acrylic faced fronts spelling T-R-A-D-E-R J-O-E-’-S are proposed, applied to a 5” deep channel to be mounted for each letter to the 3” deep white backer panel. The acrylic face of the letters will allow for the internal LED illumination to display and light the sign. The sign proposed projecting below the aluminium canopy eyebrow is a square double faced hanging panel measuring 2’-3” high and spans 2’-3” in width. A white plastic acrylic face is proposed to allow for the internal LED illumination to display and light the sign. The total aggregate area for both signs is nearly 78 SF.

The size and design specifications of the proposed white back panel signage is not compatible with the Citywide design standards, nor does it comply with the sign regulations of our City’s Code. Section 138-22; Supplemental standards for signs in the City Code, specifies that sign(s) shall consist of individual letters, and shall be pin-mounted or flush-mounted (no raceways or wireways). Section 138-32 of the Code continues ‘Raceway or wireway mounting shall only be permitted where the structural conditions of the wall do not allow for the direct mounting of letters. Raceways or wireways, if permitted, shall not exceed the width or height of the sign proposed and shall be subject to the design review process.’

Staff does not support the use of these types of back panel signage systems, at this location, as it is inconsistent with the approved architectural design of the building. The signage proposed detracts from the residential character of the western side of West Avenue and, as proposed, is more similar to the size and scale of signs located on ‘vertical retail centers’ (i.e. Fifth & Alton) which allows for much greater signage when associated with a commercial building with a minimum of 150,000 gross square footage of floor area. Further, if the applicant configured the sign in compliance with the design specifications in the Code, the total signage allowance would have increased from 0.75 square feet per linear feet of store frontage to 1 square foot per linear feet of store frontage; this would eliminate the need for variances #1 and #2. The allowance of this type of sign would set a negative precedent for future commercial tenants seeking inappropriate signage and devoid of any relationship with the architecture to that which it is installed.

Finally, the approval of original design of the building conflicts with the proposed signage location, since the signs are not proposed over the entrances and do not allow for both pedestrian and vehicular visibility as the signs are positioned parallel to the roadways. Staff suggests that the proposed signage be relocated above the corner entrance of West Avenue and 17th Street to create a sign that converts into an identifying entry marker. Additionally staff would suggest an additional sign that is a projecting double faced sign mounted along the vertical circulation tower element along 17th Street to address both east and west bound directions along 17th Street. The approved design of the building should control the location for signage on this portion of the building.

Staff recommends continuing the application to a future meeting date in order to allow the applicant time to explore an alternative sign package. In summary, staff maintains that the granting of these variances would confer on the applicant a special privilege not granted for other properties in the same zoning district. Staff recommends that the variances #1 and #2 be **denied** due to a lack of hardship.

The applicant is requesting the following variance(s) for the general tenant signage program in the **Alton Road and 17th Street block**:

3. A variance to exceed by 10.4 sf the maximum aggregate sign area allowed of 20 sf for retail no.5 facing Alton Road in order to install a wall sign with 20 sf and a projecting sign with 5 sf and provide a total aggregate area of 25 sf.
 4. A variance to exceed by 10.4 sf the maximum aggregate sign area allowed of 20 sf for retail no.6 facing Alton Road in order to install a wall sign with 20 sf and a projecting sign with 5 sf and provide a total aggregate area of 25 sf.
- Variance(s) requested from:

Section 138-16. Wall sign.

Maximum area percentage, CD-3, Wall sign: 0.75 square feet for every foot of linear frontage (Max: 100 SF)

Maximum quantity per frontage, CD3: Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area.

Accessory use, CD-3, Wall Sign: maximum 75% of main use sign, or 20square feet, whichever is less.

Within the the Alton Road and 17th Street block of the mixed use project, the applicant is proposing four retail/restaurant spaces with a total of two signs for each tenant. Similar to the *TRADER JOE's* signage package, one would be installed above and one below the approved aluminium canopy structure the defines the ground floor storefront along the Alton Road and 17th Street block of the building. With regard to the request for the installation of multiple signs to be installed for the same licensed establishment, projecting signs and main use signs to each tenant on the existing building, staff generally has no objections to the proposed signage but notes the total aggregate sign area cannot exceed the maximum size permitted. Thus, the variance requests for retail tenant #5 and #6 do not gain any additional square feet for the total sign area per linear feet of store frontage. Regardless of the amount of retail tenants to subdivide the space, staff recommends all signs, above and below the aluminum canopy

eyebrow, be consistent in size, design and material. Staff maintains that the granting of these variances would confer on the applicant a special privilege not granted for other properties in the same zoning district. Staff recommends that variances #3 and #4 be **denied** due to a lack of hardship.

Finally, staff would note that the purpose of the signage ordinance, as stated in section 138-1 of the City Code, is "to permit signs that will not by their size, location, construction, number or manner of display, endanger the health, safety and general welfare of the public or the appearance of the city. It is also the purpose of this chapter to encourage signs that are architecturally aesthetic and compatible with the buildings they are placed on, to reduce traffic hazards and to preserve the right of free speech exercised through the use of signs."

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **do not** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of the requested variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicants have submitted plans and documents with the application that also **do not** indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **mixed use** is **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, aside from the requested variances as noted herein.

1. **Sec. 138-172:** Schedule of sign regulations for principal and accessory use signs.
One sign per street frontage for each licensed principal and licensed accessory use, however, multiple signs for the same licensed establishment may be permitted through the design review procedure if the aggregate sign area does not exceed the maximum size permitted under this subsection.

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 size of the signs require multiple variances.
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 size of the signs require multiple variances.
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 location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines.
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 location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines.

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 location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Not Satisfied; the location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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; a lighting plan has not been provided. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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 large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.

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 location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.

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.

Not Satisfied; the location of the art display walls is inconsistent with the City of Miami Beach Design Guidelines. The large illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.

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 Satisfied

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

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

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

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
- (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 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.
Not Satisfied
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Satisfied
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
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) Where feasible and appropriate, water retention systems shall be provided.
Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

On May 03, 2016, the Design Review Board approved a project for a five-story mixed use building including multiple variances, pursuant to DRB File No. 23214. Modifications were approved by the DRB on February 06, 2017 including alterations to the building's massing and changes to the façades, pursuant to DRB16-0089. The construction of the project is well under way; at this juncture, the applicant is requesting more modifications to the previously approved design that include changes to the ground floor storefront system, the installation of a signage program requiring variances, and the incorporation of an artistic super graphic in the form of a painted mural on portions of the south façade. Additionally, some of the design alterations proposed affect the conditions within the recorded Final Order. The following summarizes the most significant proposed design modifications as they impact the specific "block" of the two-corner mixed use project:

Alton Road and 17th Street Block

- Installation of a one foot high knee wall along portions of the ground floor window storefronts;
- Installation of a portion of the ground floor window storefronts to be setback further than other portions;
- Installation of signage program for future general tenants, including variances for sizes of signs and multiple signs; and
- Installation of an artistic super graphic in the form of a painted mural along a portion of the south façade of the building as conditioned in the original Final Order DRB File No. 23124 dated May 03, 2016: *IC1i. An artistic super graphic shall be installed along a portion of the south side elevations, location and design to be reviewed at a future meeting date as a separate application, in order to add more dimension, depth and movement to the elevations, in a manner to be reviewed and approved by the Design Review Board.*

Staff has no objections to the façade modifications that include the introduction of the kneewall and the proposed recessed storefront for a portion of the ground floor retail component of the 17th Street and Alton Road block.

SIGNAGE PROGRAM

The applicant has shown a signage program for the ground floor tenants that will have the ability to differ in size, font style and color. A proper uniform signage plan should be designed to be consistent in materials, design type, method of illumination and sign location. When a building has multiple uses or storefronts, signs should be of a consistent size, type and location. This is not to suggest that creativity in types of signs be impeded, only that a rational relationship between the various entities within a building be established.

Specifically, a regimented uniform sign program, consisting of the exact same style, color and type of sign, is strongly discouraged. All signage should embrace the following: 1. A combination of some form of individual or channel letter, such as front lit, back lit or open face; 2. Variations in letter style, size, color and material; 3. All signage should be located in a similar vicinity, unique to each storefront; 4. Clear and precise detailing regarding method of connection and installation to building façade or architectural element; and, 4. Details of methods of illumination, conduits and wiring. Staff would recommend that all the storefront signs be designed as individual reverse channel letters with a brushed aluminum finish that can each be

backlit with a color so desired by each future tenant. Staff would recommend the maximum height of any individual letter not exceed 18" in height and that all proposed letters be composed of a brushed aluminum finish. Staff is confident the project architect can successfully address the concerns raised herein, as well as the additional concerns enumerated in the attached draft order.

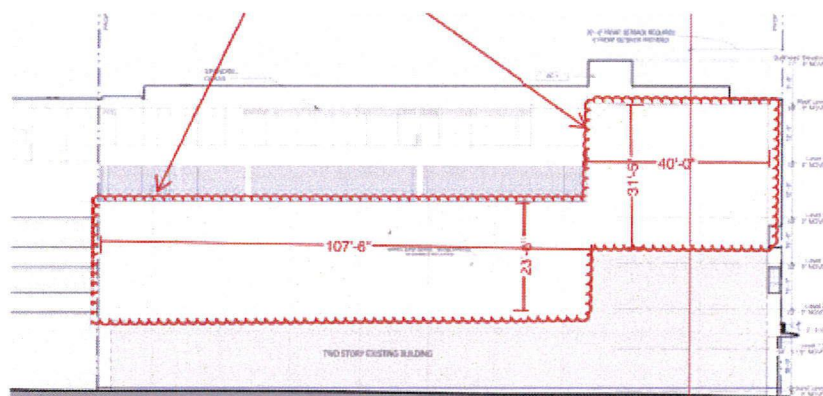
ARTISTIC SUPER GRAPHIC REVIEW: Painted Mural

Staff generally has no objections to the initial concept of the installation of an artistic super graphic along portions of the exterior facing, south elevation of the proposed mixed-use building. This elevation is composed of a relatively featureless wall with no architectural detailing—typical of a structure originally built with 0' setback for the commercial component. At the May 03, 2016 DRB meeting, it was noted by numerous Board members on how featureless and blank the south elevation was, particularly as seen from Alton Road. Although the abutting property to the south may eventually develop with a 5-story commercial building permitted under the CD3 zoning, it currently contains a low slung two-story commercial building that allows for the unencumbered visibility of the south wall of the applicant's five story building.

As such, the Board conditioned in the approval that an artistic super graphic shall be installed along a portion of the south side elevations, location and design to be reviewed at a future meeting date as a separate application, in order to add more dimension, depth and movement to the elevations, in a manner to be reviewed and approved by the Design Review Board. (**Condition IC1i.** of the Final Order DRB File No. 23214 dated May 03, 2016)

The selected muralist Johnny Robles is proposing a painted mural with a minimalistic black and white design and a blast of vibrant colors for added playfulness. Mr. Robles has a portfolio of mural works, paint and charcoal drawings that include most recently exterior and interior murals in Wynwood. His work has been shown at the Wynwood Art Fair, NADA Art Show, Scope and at other satellite art shows during Art Basel Art Week since 2009.

The mural is based upon an ongoing series of color study paintings driven by the minutes before and after the sun sets.



Proposed mural location at the south façade of the Alton Road and 17th Street block

The proposed mural is composed of two components, the first of which is an upper "square" that will fill the uppermost 32'-0" of the 60'-0" high building and be 40'-0" wide. This portion of the mural is designed with vibrant colors and will be the most visible from Alton Road traveling

northbound. The second portion of the mural is the lower “rectangle” that will be approximately 108'-0" wide and 24'-0" high. This portion of the mural is designed with black, white and gray hues and will be the most visible from the alley, Alton Court, traveling northbound. Staff is supportive of the installation of the painted mural, but recommends this portion of the application be continued until more detailed elevation drawings of the proposed artistic intervention is provided.

The following summarizes the most significant proposed design modifications as they impact the specific “block” of the two-corner mixed use project:

West Avenue and 17th Street block (TRADER JOE’S)

- Installation of a one foot high knee wall along portions of the ground floor window storefronts;
- Installation of new sliding door entrance to the western portion of the building;
- Installation of signage package for Trader Joe’s (anchor tenant) including variances for sizes of signs and multiple signs; and
- Installation of Trader’ Joe’s storefront windows display system along a portion of the 17th Street ground floor window storefront effectively blocking the transparency;

Staff has no objections to the façade modifications including the introduction of a low kneewall and changes to the storefront to incorporate new sliding doors along West Avenue of the ground floor retail component of the 17th Street and West Avenue block.

SIGNAGE PROGRAM

The signage for any building is integral in achieving the desired objective of the city of Miami Beach. The signage program for this project should enliven and improve the pedestrian experience along Alton Road. Moreover, this corner site is one of the gateways into the Sunset Harbor neighborhood, as well as the terminus to the residential West Avenue Neighborhood to the south and west. Currently the design of all of the signs for the Trader Joe’s retail build-out does not individually compliment the well-designed and thoughtful architecture of the building. They are excessive in size, style, method of illumination and composition. Additionally, the proposed placement and appearance of the program is disorganized and creates more of a chaos of signage resulting in “visual clutter.”

As noted in the introduction to the importance of signage, this site presents Trader Joe’s with a unique opportunity to maximize on the design and location of signage for pedestrians and vehicular traffic; for residents and tourists. The signage, as proposed, does not capitalize on these opportunities. The backplate panelbox with front lit illuminated letters is not compatible with the architectural style of the proposed complex, while the locations of the signs appear arbitrary and miss the opportunity to above the main entrance, directly guiding customers in. As seen in other prominent locations such as Brooklyn, New York and Berkley, California, Trader Joe’s has a proven track record of producing innovative signs that do not compromise the brand logo.

The applicant is proposing two, equally sized white panel boxes that measure 2'-11" high by 24'-10 ¾" wide to serve as the mounting mechanism for the individual letters spelling T-R-A-D-E-R J-O-E-'S. These letters are proposed to be front-lit illuminated through the red plastic face

letters with 5" deep channels affixed to the 3" deep backing panel. These signs comport with the size and location requirement of building wall signs, but based on the size, color, materiality and prominence, such signage may pose to be a visual nuisance to the neighboring residents and hotel visitors at night, and will detract from the sculptural architecture and high quality finishes of the building.

Staff recommends removing the white back plate lightbox entirely and redesigning the signage as single row of individual reverse channel character letters with a brushed aluminum finish that can each be backlit along the aluminum canopy eyebrow. All electrical wiring shall be hidden from view—no raceways permitted. This will ensure a subdued glow of the retail signage that will minimize the potential of light nuisance on the neighboring residential properties while still affording night-time visibility for the retailer.

Further, staff would recommend that a single wall sign be configured at the corner entrance location and the signage be designed as individual reverse channel letters with a brushed aluminum finish that can each be backlit with a color so desired by the tenant, or the trademark red in this instance. It is the applicant's goal to maximize retail visibility and traffic by alerting shoppers of the new location. This location would not only garner more visibility capture of pedestrians and motorists, but also serves as an architectural marker to the entrance of the building.

ART DISPLAY RETAIL WALLS

The applicant is proposing to install an art display within Trader Joe's storefront windows along 17th Street. The art display will block approximately 43% of the west building's façade on 17 Street, and 100% of Trader Joe's façade on that same street. The justification for art display is due to interior programmatic conflicts. As designed, the produce refrigerators are slated to be placed along the entire window wall system that fronts 17 Street, and in turn art display is proposed to conceal the refrigerators from the street view. Staff has concluded that significant revisions to the interior floor plan are in order and that a more suitable location for the food coolers would be towards the middle of the floor plan or against interior solid walls. These fixtures and the subsequent blocking of the exterior walls with the art display mechanisms simply cannot be located along the sidewalk elevations particularly at a length of 50'-0" along the retail storefronts in a new, unfinished commercial space.

Staff **STRONGLY OPPOSES** this design modification, as the blocking of storefront windows is inconsistent with the City of Miami Beach Design Guidelines and is incompatible with the previously approved design intent for the building. It is a citywide design policy that commercial storefronts remain clutter-free and allow for maximum transparency within the retail establishment to enhance the pedestrian experience. It is clear that the retail space has ample square footage to creatively design a furniture / fixture layout that does not compromise the storefront transparency along 17th Street. Additionally, the approval of such could lead to further proliferation and encouragement of future vendors blocking storefront. Staff **STRONGLY RECOMMENDS DENIAL** of this portion of the application.

VARIANCE REVIEW

As identified under the 'Project' description, the variance being requested pertains to the sizes of the total aggregate area of the multiple signs for each licensed establishment within the proposed retail and restaurant component of the new mixed-use development. As staff could not find practical difficulties for the variances requested, staff would be amenable to continue the

application for the variance portion of the file, and would recommend that the applicant redesign a single projecting sign, in a more compact and more stylized manner. Otherwise, staff recommends **denial** of the variances.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application for design review approval for the changes to the ground floor storefronts with the exception of the art display walls be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria.

Additionally, in view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria, staff recommends that the artistic super graphic portion of the project be **continued**, to the June 05, 2018 Design Review Board meeting in order to address the concerns noted herein.

Finally, in view of the foregoing analysis and the inconsistencies with the aforementioned Practical Difficulty and Hardship criteria, staff recommends the variance portion of the application, variances #1-4, be **denied**. Additionally, in view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria, staff recommends the design modification to install art display walls within the storefronts along 17th Street be **denied**.

TRM/JGM/IV

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EXHIBIT "A"

Lots 9 and 10, of Block 40, of the "First Addition to Commercial Subdivision," according to the plat thereof, as recorded in Plat Book 6, Page 30, of the Public Records of Miami-Dade County, Florida.

Containing 14,952 square feet or 0.34 Acres (Net Area), more or less, by calculations.

And

Lots 12-14, inclusive, Block 40, of the "Alton Beach Realty Company Subdivision," according to the plat thereof, as recorded in Plat Book 6, Page 165, of the Public Records of Miami-Dade County, Florida.

Containing 22,452 square feet or 0.52 Acres (Net Area), more or less, by calculations.

And

That portion of a 20 foot wide alley, commonly known as Alton Court, lying between the West Boundary of Block 40 of said Plat of "First Addition to Commercial Subdivision," according to the Plat thereof as recorded in Plat Book 6, at Page 30 of the Public Records of Miami-Dade County, Florida and the East Boundary Line of said Plat of "Alton Beach Realty Company's Plat of Subdivision of West half of Blocks 17, 40, and 45," according to the Plat thereof as recorded in Plat Book 6, Page 165 of the Public Records of Miami-Dade County, Florida, and bounded on the North by the South Right of Way Line of 17th Street, and bounded on the South by the Westerly prolongation of the South Boundary Line of Lot 9, Block 40 of said Plat of "First Addition to Commercial Subdivision" and up to the East Boundary Line of said Plat of "Alton Beach Realty Company's Plat of Subdivision of West half of Blocks 17, 40, and 45."

Containing 2,000 square feet or 0.05 Acres, more or less, by calculations.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 06, 2018

FILE NO: DRB17-0207 (a.k.a. DRB16-0089, DRB File No. 23214)

PROPERTY: **1698 Alton Road and 1681 West Avenue**

APPLICANTS: 1681 Ventures LLC

LEGAL: See Exhibit "A"

IN RE: The Application for Design Review Approval for exterior alterations to the ground floor façade of a new five-story building including changes to the storefronts to include the installation of commercial display walls on the primary storefront façade along 17th Street and to install signs including variances to exceed the maximum aggregate area allowed for multiple signs. Additionally, the applicant is requesting Design Review Approval for the installation of an artistic super graphic on the side (south) elevation above the ground floor of the new 5-story building.

ORDER

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

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 4, 5, 6, 7, 9, 11, 13, and 15 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 5, 6, 7, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met

1. All of the original conditions of approval by this Board shall remain in full force and effect under the prior Final Orders dated February 06, 2017 for DRB16-0089, and dated May 03, 2016 for DRB File No. 23214 except as modified herein.
2. Revised elevation, site plan and floor plan drawings for the proposed project at **1698 Alton Road and 1681 West Avenue** shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The artistic super graphic component of the application in the form of a painted mural along portions of the south façade shall not be approved.
 - b. The artistic display walls along the 17th Street ground floor storefront shall not be approved. All storefront glass along 17th Street shall be clear and transparent. Fixtures of any kind shall be setback a minimum of 10'-0" from the interior of the glass along 17th Street.
 - c. The proposed introduction of a one foot high kneewall shall be approved as proposed.
 - d. The proposed introduction of a façade recess along a portion the ground floor storefront component shall be approved as proposed.
 - e. The proposed installation of a sliding door entrance along West Avenue shall be approved as proposed.
 - f. The design of the Trader's Joes wall signage shall not be approved as proposed. The white backplate lightbox shall be removed in its entirety and redesigned as single row of individual backlit reverse channel character letters with a brushed aluminum finish that can each be backlit along the aluminum canopy eyebrow over the entrance at the corner of West Avenue and 17th Street.
 - g. 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.
 - h. 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.

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):

The following variances were **denied** by the Board:

1. A variance to exceed by 10.4 sf the maximum aggregate area allowed of 67 sf for signs facing 17th Street in order to install a wall sign with 72.4 sf (SIGN C) and a projecting sign with 5 sf (SIGN D) and provide a total aggregate area of 77.4 sf.
 2. A variance to exceed by 0.9 sf the maximum aggregate area allowed of 76.5 sf for signs facing West Avenue in order to install a wall sign with 72.4 sf (SIGN A) and a projecting sign with 5 sf (SIGN B) and provide a total aggregate area of 77.4 sf.
 3. A variance to exceed by 10.4 sf the maximum aggregate sign area allowed of 20 sf for retail no.5 facing Alton Road in order to install a wall sign with 20 sf and a projecting sign with 5 sf and provide a total aggregate area of 25 sf.
 4. A variance to exceed by 10.4 sf the maximum aggregate sign area allowed of 20 sf for retail no.6 facing Alton Road in order to install a wall sign with 20 sf and a projecting sign with 5 sf and provide a total aggregate area of 25 sf.
- 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 a variance 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.

- A. The Board hereby **Denies** the requested variance(s), as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. All signage shall be redesigned to comport with all land development regulations.

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 applicant 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.
- B. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- C. 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.
- D. If applicable, 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. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- J. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "17th and West Avenue", as prepared by **Stantec**, dated January 5, 2018, 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

