

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

MEETING DATE: April 03, 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 17<sup>th</sup> 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.

**MODIFIED 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 March 06, 2018 for DRB17-0207, 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 be approved as proposed.
  - b. The artistic mural shall be maintained by the applicant, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - 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 Trader's Joes artistic display walls along the 17<sup>th</sup> Street ground floor storefront shall not be approved. All storefront glass along 17<sup>th</sup> 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 17<sup>th</sup> Street with the exception of the proposed interior furniture and fixture plan as depicted on Sheet E-8 and submitted at the April 03, 2018 DRB meeting.
  - g. 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 17<sup>th</sup> Street.
  - h. 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.
  - i. 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 **withdrawn** by the Applicant:

1. ~~A variance to exceed by 10.4 sf the maximum aggregate area allowed of 67 sf for signs facing 17<sup>th</sup> 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.~~

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 "17<sup>th</sup> and West Avenue", as prepared by **Stantec**, dated January 5, 2018, and Supplemental sheets labeled "Super Graphic Location" on sheet E-2.3 dated 01/05/18 and distributed at the 03/06/18 Design Review Board meeting and sheet E-8 as submitted at the April 03, 2018 Design Review Board meeting, 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 Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project 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 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

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

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

[illegible]

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

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

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )

**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 17<sup>th</sup> 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.