

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: February 05, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB18-0317 (aka DRB17-0207, DRB23214, DRB16-0089),
1698 Alton Road and 1681-1683 West Avenue - TRADER JOE'S**

An application has been filed requesting Design Review Approval for exterior alterations to the façades of a new five-story building to install a signage program for the western tenant---'Trader Joes'—in order to install multiple signs on the building.

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

See Exhibit "A"

HISTORY:

This item was continued at the January 02, 2019 DRB meeting at the request of the applicant.

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 five feet (5'-0") for commercial uses in order to construct a building up to the rear property line.
12. A variance to exceed by three feet (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 meeting 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 six feet (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.

On March 06, 2018, pursuant to DRB17-0207, the Design Review Board approved design changes including modifications to the ground floor storefront system and an artistic super graphic component of the application in the form of a painted mural. Variances pertaining to the size of retail signage, as well as the design of the building's signage program were withdrawn by the applicant. The Trader Joe's artistic display walls along the 17th Street ground floor storefront, which included the blocking of the transparent window systems, were not approved.

On April 03, 2018, the DRB approved a modified Trader Joe's artistic display walls along the 17th Street ground floor storefront.

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 "Trader Joe's", as prepared by **broadwaynational**, dated 11/05/18.

The applicant is requesting modifications to a previously approved design, including the installation of a signage program for the westernmost tenant.

The applicant is proposing the following signage program that includes the installation of multiple signs for the same licensed establishment, projecting blade signs and main use signs:

- Two 'TRADER JOE's' building signs, one facing West Avenue and one facing 17th Street.
- Two 'TRADER JOE's' projecting blade signs at the ground floor perpendicular to West Avenue and 17th Street
- One 'TRADER JOE's' projecting blade sign at the corner portion of the ground floor parallel to West Avenue and 17th Street

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 five (5) signs for *TRADER JOE’s* signage package.

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:

- **Sec. 138-13: General sign requirements and design standards.** (4) Electrical conduit, support structures, receptacle boxes, or any other operational devices associated with a sign shall be designed in such a manner as to be visually unnoticeable.
- **Sec. 138-13: General sign requirements and design standards.** (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.** 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.
- **Sec. 138-22. - Supplemental standards.**
 - (a) Wall signs which meet the following additional design specifications may be increased in size from 0.75 square feet per linear feet of store frontage to one square foot per linear feet of store frontage (up to the maximum size permitted in section 138-17):
 - (1) The sign shall consist of individual letters and shall be pin-mounted or flush-mounted (no raceways or wireways).
 - (2) Sign letters shall consist of aluminum or similar alloy and shall have a minimum depth of six inches.
 - (3) Sign letters shall be open face with exposed neon or similar lighting, or reverse channel letters.

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 illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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 illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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 illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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 illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.
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 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 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 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).

Not Satisfied; the illuminated signage along West Avenue and 17th Streets may negatively impact neighboring residential and hotel uses.

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 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.

Not Applicable

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 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 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 Applicable

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.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (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.

Not Applicable

- (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 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 Applicable

STAFF ANALYSIS:

DESIGN REVIEW

On May 03, 2016, the Design Review Board (DRB) 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 and March 06, 2018, which included alterations to the building's massing and changes to the façades, and the incorporation of an artistic mural along portions of the south façade, pursuant to DRB16-0089 and DRB17-0207 respectively. The construction of the project is well under way; at this juncture, the applicant is requesting approval for the installation of a signage program for 'TRADER JOE's' that includes two (2) main use signs mounted above the ground floor metal eyebrow/awning and three (3) projecting signs mounted below the ground floor metal eyebrow/awning. At this time, there is no proposed signage program for the future general tenants along the easternmost (Alton Road) block. The following summarizes the proposed signage as they impact the western "block" of the two-corner mixed use project:

SIGNAGE PROGRAM

17th Street

- Installation of one 58 SF 'TRADER JOE's' sign facing 17th Street
- Installation of one 3 SF 'TRADER JOE's' projecting hanging blade sign at the ground floor perpendicular to 17th Street

West Avenue

- Installation of one 58 SF 'TRADER JOE's' sign facing West Avenue

- Installation of one 3 SF 'TRADER JOE's' projecting hanging blade sign at the ground floor perpendicular to West Avenue
- Installation of one 15 SF 'TRADER JOE's' projecting hanging blade sign at the ground floor parallel to the corner of 17th Street and West Avenue, above the main entrance to the store.

The Code permits the maximum quantity of signage per frontage for the same establishment to be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area. In both frontage instances, the cumulative sizes of the signage proposed per street frontage complies with the size restrictions. As proposed all signage appears to meet the Code requirements pertaining to size, placement and area.

The two signs proposed above the aluminum canopy eyebrow, which define the ground floor storefront at West Avenue and 17th Street block of the building, are designed with a continuous 9" high raceway with individual characters spelling T-R-A-D-E-R J-O-E-'S and are proposed measuring 2'-6" high and spanning 24'-2 1/2" in width. The characters have a red acrylic face applied to a five inch (5") deep channel. The acrylic face of the letters will allow for the internal LED illumination to display and light the sign. The two midlock signs, which are proposed projecting below the aluminum canopy eyebrow, are square double faced hanging red aluminum panels measuring 1'-6" high and spanning 1'-11" in width. A white plastic acrylic face is proposed to allow for the internal LED illumination to display and light the sign. The sign proposed at the corner location, projecting below the aluminum canopy eyebrow, is a hanging white aluminum panel measuring 1'-6" high and spanning 10'-4" in width. A red plastic acrylic face is proposed to allow for the internal LED illumination to display and light the sign. While staff generally has no objections to the three hanging projecting signs, staff would recommend that the applicant choose one form of color selection for the sign and that all three hanging signs be consistent with either a red panel with white letters or a white panel with red letters. Staff's primary design concern pertains to the main use signs proposed above the metal eyebrow awning. These signs comport with the size and location requirements 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.

Since 2018, staff has been working periodically with the applicant's team, including the corporate signage manufacturer for Trader Joe's, in order to effectively realize a signage program that maintains the Trader Joe's' corporate identity, but also adheres to the design guidelines and high quality aesthetic of the City of Miami Beach. The design of the signage package has advanced since the original scheme that proposed large white lightbox panel boxes, measuring 2'-11" high by 24'-10 3/4" wide, as the mounting mechanism for the individual, broadly illuminated letters spelling T-R-A-D-E-R J-O-E-'S. This scheme required, among other things, variances and was eventually withdrawn as part of the March 2018 submittal.

Further, if the applicant configured the sign in compliance with the design specifications found within Section 138-22. "Supplemental design standards" for signs in the City Code, the total signage allowance would have increased from 0.75 square feet per linear feet of store frontage to one (1) square foot per linear feet of store frontage; this would allow for even larger signs. This section of the code provides for larger signs when designed and installed with the following (1) The sign shall consist of individual letters, and shall be pin-mounted or flush-mounted (**no raceways** or wireways), (2) Sign letters shall consist of aluminum or similar alloy, and shall

have a minimum depth of six inches and (3) Sign letters shall be open face with exposed neon or similar lighting, or reverse channel letters. The allowance of this type of signage proposed by the applicant would set a negative precedent for future commercial tenants for new construction seeking inappropriate signage and devoid of any relationship with the architecture to that which it is installed

The style, installation methods, and design specifications of the proposed signage is not compatible with the Citywide design standards, nor does it comply with the sign regulations of the 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.' The proposed signage will be installed on a new metal eyebrow/awning that extends continuously over the City's right-of-way (sidewalk) on a new building that received approval for 13 variances, which were supported by the Planning Department. In this regard, staff does not support the proposed exterior, exposed raceway, nor the use of plastic acrylic faces. Further, the details for the hanging signs submitted by the applicant appear to depict the wiring and powering of the signs to be through the mounting mechanisms and into the metal eyebrow/awning.

Staff would strongly recommend the elimination of the continuous raceway, and that the wiring and powering of the signs be internal to the eyebrow. In doing so, staff would further recommend that all the main use signs be designed as individually pin mounted, reverse channel letters with a brushed aluminum finish that can each be backlit with the trademark RED color desired by 'TRADER JOE's'. This backlighting effect would be achieved through a routed "faceplate" stacked behind each letter. Staff would recommend the maximum height of any individual letter to not exceed 18" in height, so as to better compliment the carefully executed details of the building's architecture, and that all proposed letters be composed of a brushed aluminum finish. All electrical wiring should be hidden from view, with no raceways. 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. 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.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application for design review approval be **approved**, subject to the design modifications proposed by staff and conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria.

TRM/JGM

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: February 05, 2019

FILE NO: DRB18-0317 (a.k.a DRB17-0207, 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 façades of a new five-story building to install a signage program for the western tenant---'Trader Joes'—in order to install multiple signs on the 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, 8, 9, 11, 12, 13, and 16 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 not applicable with Sea Level Rise Criteria 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 and April 03, 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 design of the Trader's Joes wall signage **shall not** be approved as proposed as it pertains to the hanging projecting signs proposed below the aluminum canopy eyebrow. All three signs shall contain a consistent panel color and consistent lettering color.
 - b. The design of the Trader's Joes wall signage **shall not** be approved as proposed as it pertains to the main use signs proposed above the aluminum canopy eyebrow. The continuous raceway proposed above the aluminum canopy eyebrow shall be removed in its entirety and redesigned as single row of individual pin mounted backlit reverse channel character letters with a brushed aluminum finish that can each be backlit along the aluminum canopy eyebrow along West Avenue and 17th Street at the proposed locations.
 - c. 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.
 - d. 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)

No variances were submitted as part of this application

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

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

- A. 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.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 "Trader Joe's", as prepared by **broadwaynational**, dated 11/05/18, 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

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.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

[illegible]

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

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 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.