

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 03, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB19-0396
1570 Alton Road "TD Bank"

DRB19-0396, 1570 Alton Road. An application has been filed requesting Design Review Approval for exterior alterations to an existing one-story building including new signage and modifications to the façade and a variance to exceed the maximum sign area for projecting signs.

RECOMMENDATION:

Approval with conditions

Denial of the variance

LEGAL DESCRIPTION:

The East 80 feet of Lots 3 and 4 of Block 66 of the "Commercial Subdivision", According to the Plat thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On November 05, 1996, the Design Review Board reviewed and approved the existing one-story retail building which replaced an abandoned service station, pursuant to DRB File No. 8080.

On July 02, 2019, the subject application was presented to the Design Review Board and continued to the September 03, 2019 meeting, in order to further refine the proposal.

SITE DATA:

Zoning:	CD-2
Future Land Use:	CD
Lot Size:	8,000 SF
Existing FAR:	4,106 SF / .51 (Max FAR = 2.0)
Height:	One story
Proposed Use:	Commercial

LAND USES:

North: (across 16th Street) 5-story commercial and garage "1212"
South: 2-story commercial
East: (across Alton Road) Commercial / "Firestone"
West: 1-story commercial "Bodega"

THE PROJECT:

The applicant has submitted revised plans entitled "1570 Alton Road", as prepared by Enterprise Real Estate, dated July 08, 2019.

The applicant is requesting Design Review approval for exterior modifications to an existing one-story commercial building including the installation of a new unique corner projecting sign.

The following summarizes the proposed revised modifications:

1. Removal of the green opaque film which was previously proposed to be applied to the top transom windows; and
2. Removal of the proposed opaque film which was previously proposed to be applied to two storefront windows blocking visibility; and
3. Installation of a new exterior lighting system; and
4. Installation of a new nighttime depository box; and
5. Installation of new illuminated signs.

The applicant is requesting the following variance:

1. A variance to exceed by ~~25.3~~ **21** SF the maximum area of 15 SF for a projecting sign in order to allow the installation of one, three-sided projecting signs at the corner of the building with a total of ~~40.3~~ **36** SF.
 - Variance requested from:

Section 138-18. Projecting sign.

Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following chart:
Maximum area, Zoning District, CD-2 – 15 square feet.

This variance request pertains to signs associated with a new bank buildout in a retail bay of an existing one-story commercial building at the southwest corner of 16th Street and Alton Road. The buildout for TD bank includes interior and exterior reconfiguration of the northernmost bay of the corner building. As designed, the proposed signage includes an internally illuminated cube sign anchored by a top and bottom pole within the upper and lower canopy of the existing building. The sign will include the corporate logo and colors on the three (3) sided box sign(s). In addition to the illuminated box sign, a smaller parking sign perpendicular to the façade facing 16th Street is proposed at the western end of the building directing patrons to the existing on-site parking in the rear (west) of the building. Both signs extend more than 12 inches from the building walls and as such must be considered projecting signs, which are limited to a maximum of 15 SF. Although each face of the three-sided box sign and the smaller parking directional sign are below 15 SF, the combined area of the signs exceeds the maximum area allowed.

Staff is not supportive of this variance request as it is created by the design choice of multiple projecting signs in a unique box sign. The original 1996 building was designed with high and low architectural canopies that were accentuated by multiple horizontal metal fascias to allow significant focal points for the placement of signs on both streets. Furthermore, the original and current design of the building fascias includes a signband for existing and future tenant signage, ensuring a consistent location and placement for each retail entity. This design features is to minimize chaotic and inconsistent signage, resulting in "visual clutter", which can occur in commercial buildings with more than one retail tenant in the bays.

Placement of the lettering on the existing metal fascias would be more compatible with and consistent with the building's architecture than the sign box proposed. Staff would note that since the building was finished, all past retail tenants have placed their logo and signage on the horizontal metal fascia, including Starbucks the occupant of the corner location since 1998.

The corner location of the building already uniquely provides an opportunity for substantial visibility over other commercial spaces located midblock. Another significant element of this building's architecture is its massing, which rises to a height of more than 24'-0" at the corner terminus of the building, offering a double height entry for the one-story structure. This, combined with the corner location, creates a unique condition that provides the applicant with significant exposure opportunities for signage.

Staff has provided the applicant with design options, for the same business, that have been installed in other locations and that can be modified for installation on the metal fascia, which is more appropriate for the existing building, as seen in the pictures below.



At least ten prior tenants have installed signs without variances in the designed architectural sign band. Staff does not support the deviation from such since the applicant has failed to illustrate that the conditions result in practical difficulties or hardships related to the variance requested. As shown below, staff is amenable to a larger sign at the proposed location with an enlarged metal fascia sign band.



As such, staff recommends denial of the variance.

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

COMPLIANCE WITH ZONING CODE:

The application, as submitted, with the exception of the variances requested herein, appears to be inconsistent with the following requirements of the City Code:

- The signs encroaching into the right-of-way will require a revocable right-of-way permit through the Public Works department and approved by City Commission.

This 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.
Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.

Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.

5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.

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

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.

Not Satisfied; the proposed signage program is the subject of a variance request to the Design Review Board.

7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.

Satisfied

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

Satisfied

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

Not Satisfied; the proposed exterior lighting along certain retail bays of the building will make the building not uniform and disjointed in its nighttime lighting.

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

Not applicable

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.

Satisfied

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.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not 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) In all new projects, water retention systems shall be provided.
Not Applicable
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Not Applicable
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Not Applicable

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is proposing design modifications to an existing 1-story building, specifically to the corner retail space for the interior buildout for a bank. The new bank buildout for TD Bank will include interior and exterior reconfiguration of the northernmost bay of the existing one-story

commercial building at the southwest corner of 16th Street and Alton Road. The proposed modifications include a through-the-wall night deposit box at the front corner entrance to the retail bay, the installation of exterior lighting strips within parts of the canopies, and the installation of two projecting signs. Since the July 02, 2019 DRB meeting, the applicant removed portions of the original scope of the application following direction provided by the Board members and staff.

Staff's primary concerns with the application still pertains to the awkward three-sided sign cube proposed to be suspended within the lower and upper canopies of the corner entrance. Staff has offered to work with the applicant to find alternate location that would be compliant with the sign code and more compatible with the existing structure.

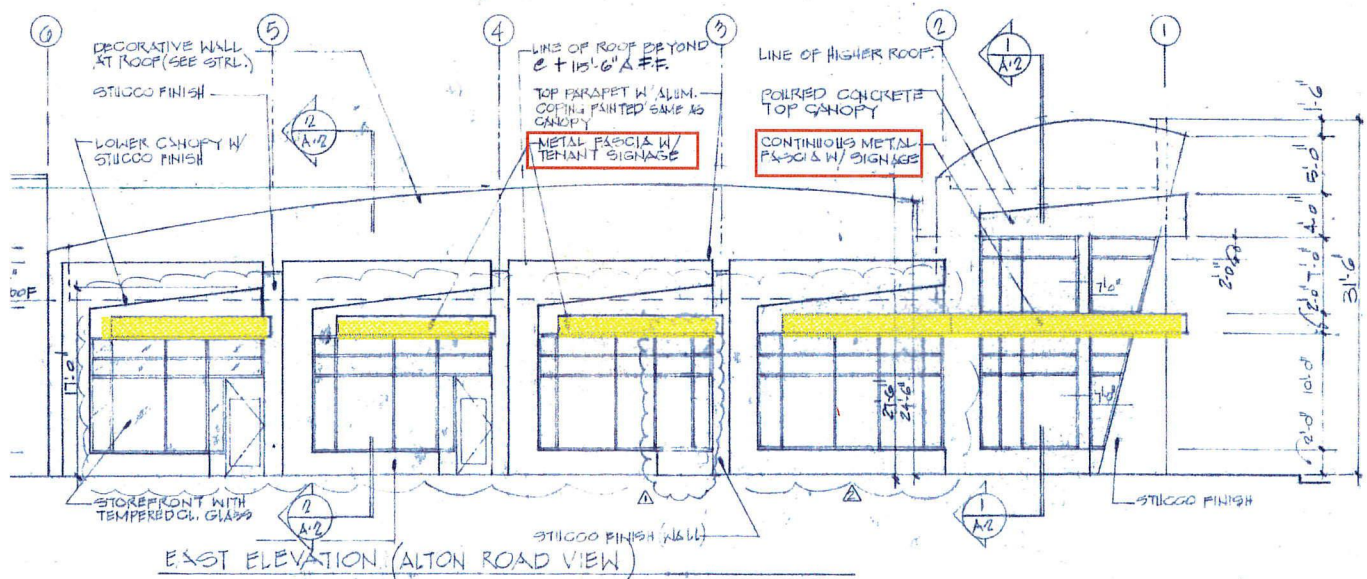
From the 1996 staff report for DRB 8080,

"The elevations are highly contemporary in scope with each individual storefront incorporating decorative fin projections; the corner of the building is highlighted by upper and lower canopies. At the roof of the structure, a larger fin wall, which commences at the south side of the structure and spans the entire width of the building along Alton Road, gently rises in height and reaches a crescendo at the corner."

And further under the 'Compliance with Zoning Code' section of the report:

"Signs on the metal fascia may only be 15 s.f. (projecting sign)"

This clearly illustrates that the design intent of the metal fascia was to act as a sign band in order to provide uniformity to the contemporary commercial structure with the potential to contain multiple tenants.



Original building permit elevation drawings, DRB8080

Staff recommends that the box sign be eliminated altogether, and that the main signage be redesigned as a single row of individual, reverse channel character letters with a brushed aluminum finish that can each be backlit along the metal fascia eyebrow element. Furthermore, the location of both the signs and the proposed fascia replacement may be outside the property lines and, if so, would require a revocable permit from the City Commission and an approval from the Public Works Department.

VARIANCE REVIEW

As identified under the 'Project' description, the variance being requested for the projecting sign lacks practical difficulties and is not consistent with the intent of the sign regulations related to compatibility with the building's architecture. Staff finds that the applicant's request does not satisfy the criteria for the granting of the variance. Specifically, it is not the minimum variance to make a reasonable use of the property, the request is the result of the proposed design choice of the applicant, and there are no special conditions and circumstances related to the property or the existing structure that impede the compliance with the sign code. The existing location and building's architecture facilitate the installation of multiple signs without a variance. In summary, staff would recommend denial of the variance.

As neither a hardship or staff could not find practical difficulty could be established for the variances requested, staff recommends **denial** of the variances.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be approved and the variance request denied, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise and Practical Difficulty and Hardship criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 03, 2019

FILE NO: DRB19-0396

PROPERTY: **1570 Alton Road**

APPLICANT: TD Bank NA

LEGAL: The East 80 feet of Lots 3 and 4 of Block 66 of the "Commercial Subdivision", According to the Plat thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for exterior alterations to an existing one-story building including new signage and modifications to the façade and a variance to exceed the maximum sign area for projecting signs.

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 1, 2, 3, 4, 5, 6, 9 in 12 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 be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan and image drawings for the proposed signage program located at 1570 Alton Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. The main business sign, TD Bank three sided cube sign shall not be approved as proposed. Any main sign shall consist of individual aluminum letters, back lit in a soft light, and located along the metal fascia sing band, subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
- b. The proposed night deposit wall shall be approved as proposed.
- c. The proposed green neon/LED exterior lighting tubes along the upper levels of the canopy shall not be approved as proposed unless installed on all of the exterior canopies of the entire building.
- d. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. 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.
- f. 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 variance(s) was **denied** by the Board:

1. A variance to exceed by 25.3 **21** SF the maximum area of 15 SF for a projecting sign in order to allow the installation of one, three-sided projecting signs at the corner of the building with a total of 40.3 **36** SF.
- B. The applicants have 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 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.

C. The Board hereby **Denies** the Variance request(s), and imposes the following conditions 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. A revocable permit may be required for the installation of signs located in the public right-of-way.
3. Signs on the metal fascia may only be 15 SF (projecting sign).

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 recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.

- C. Where one or more parcels are unified for a single development, the property owner 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.
- D. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- E. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 DENIED 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 "1570 Alton Road", as prepared by Enterprise Real Estate, dated July 08, 2019, 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

