

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 1, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB06-0061
1688 Meridian Avenue

The applicant, IVY MBT Property LLC, is requesting Design Review Approval for exterior and interior design modifications to the first and second floor of an existing ten-story office building including new window and door openings, new storefronts and two new entrance canopies including a variance to exceed the maximum projection allowed in required yards and signage variances from the maximum area allowed for projecting signs, to relocate projecting signs and a building identification sign, and to place a building identification sign as a projecting sign, in order to install multiple signs on the building.

RECOMMENDATION:

Approval of the design modifications
Approval of the variances.

LEGAL DESCRIPTION:

North ½ of Lot 7 and all of Lot 8 of Block 36 Golf Course Subdivision Amended Plat, According to the Plat Thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: CD-3
Future Land Use: CD-3
Lot Size: 11,250 SF (75*150)

EXISTING STRUCTURE:

Ten-story office with ground floor retail
Architect: Morris Lapidus
Year of Construction: 1961

LAND USES:

East: Two-story Macy's department store
North: Five-story building
South: Six-story building
West: Surface parking lot

THE PROJECT:

The applicant has submitted plans entitled "1688 Meridian Ave", as prepared by **Shulman + Associates**, dated signed and sealed September 09, 2016.

The applicant is proposing design modifications to the exterior of the existing ten-story office building and to install multiple signs requiring numerous variances. Specifically, the

modifications to the exterior include: the installation of two new white aluminum entrance canopies at the front and rear of the building, the removal of the landscape strip (on private property) along 17th Street and the removal of the existing white vitrine stone façade elements on the ground floor along 17th Street and the installation of new transparent storefront systems, the removal of the existing ground floor and mezzanine level glass storefront system and the replacement with a new impact system. Additional changes pertain to the interior configuration of the ground floor lobby space and the second floor mezzanine level. The applicant is also retaining and restoring many of the exterior and interior architectural elements that contribute towards this remarkable building designed by Morris Lapidus.

The variances requested pertain to the proposed new signage program and the new eyebrow at the rear of the building. The applicant is requesting a total of eight (8) variances, all of which are supported by staff.

1. A variance to exceed by 3'-9" the maximum allowed projection of 25% (1'-3") in order to install a new eyebrow with zero setback from the rear property line.

- Variance requested from:

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

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

(5) Ornamental features.

The design modifications include a new eyebrow at the rear of the building to provide covering from the weather as several access doors are also proposed including a new tenant space and trash room. A variance is necessary to accomplish the project, as the building structure is setback approximately 6'-0" from the walls and columns and the maximum projection is 1'-3". Staff has no objection to this variance request, as the new structure is adjacent to a parking lot also owned by the applicant. However, Public Works approval will be required for the portion extending over the public right-of-way. Staff finds that the existing reduced rear setback creates the practical difficulties that justify this variance request.

2. A variance to exceed by 45 SF the maximum permitted area of 15 SF for a projecting sign for a business (Tenant 1) in order to allow the installation of two (2) projecting signs facing Meridian Avenue with a total of 60 SF.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.
Zoning District, CD-3 – Projecting: 15 SF

A new awning is proposed facing Meridian Avenue including two projecting signs, 30 SF each. A variance is required, as the maximum sign area allowed per business is 15 SF. The signs are compatible in scale with the surrounding context. The location of the signs facing Meridian Avenue is a marketing strategy to increase exposure to potential customers traveling thru the

intersecting streets, along Lincoln Road and Meridian Avenue. The corner location of the business space would also allow additional signs on the façade facing 17th Street, which are not part of the proposed signs. Staff finds that the location of the building creates practical difficulties to develop a successful sign program and that the signs are consistent with other projecting signs along Meridian Avenue, such as the recently approved projecting signs for the “Marshall” retail store across the street.

3. A variance to relocate an allowable building identification sign from the parapet of the building facing 17th Street to the new eyebrow at the rear of the building.

- Variance requested from:

Sec. 138-172. Schedule of sign regulations for principal use signs.

Zoning District: CD-3, Flat: ...however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed 1% of the wall area on which it is placed.

Sec. 138-171. - General provisions.

(g) Signs located above the ground floor shall be limited to the name of the building or the use that encompasses the largest amount of floor area on the building.

4. A variance to allow a projecting sign as a building identification sign in order to install a projecting sign on the eyebrow at the north side of the building facing 17th Street.

- Variance requested from:

Sec. 138-172. Schedule of sign regulations for principal use signs.

Zoning District: CD-3, Flat: ...however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed 1% of the wall area on which it is placed.

- Supplemental section:

Sec. 114-1. - Definitions.

Sign, flat means any sign attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall.

Variances #3 and #4 pertain to a projecting sign located at the north side of the building. Building identification signs are allowed on the top parapet of the building with a maximum of 1% of the facade where they are located. The area of the north façade (130' X 100') would allow a sign with 130 SF at the top of the parapet. The applicant is proposing a 30 SF projecting sign on the new canopy facing 17th Street at the rear of the building. The sign contains the numerals of the property address and is more visible at pedestrian level along 17 Street than a sign at 100' in height at the top parapet. Staff would note that the awning and sign are located in the public right of way and will require approval from the Public Works department. Staff finds that these variance requests satisfy the practical difficulties criteria based on the extensive building area on the north side and its closeness to the street that limits the ID sign visibility.

5. A variance to relocate an allowable projecting sign for a business facing 17th Street to the new eyebrow at the rear of the building.

- Variance requested from:

Sec. 138-171. General provisions.

(d) All signs shall front on a street or waterfront unless as set forth in subsection (e) of this section.

6. A variance to exceed by 15 SF the maximum permitted area of 15 SF for a projecting sign for a business in order to allow the installation of a projecting sign at the rear of the building with 30 SF.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.
Zoning District, CD-3 – Projecting: 15 SF

7. A variance to relocate a projecting sign on the rear facade from the ground floor to the 2nd floor of a multistory commercial building.

- Variance requested from:

Sec. 138-171. General provisions.

(g) Signs located above the ground floor shall be limited to the name of the building or the use that encompasses the largest amount of floor area on the building.

Variances #5, #6 and #7 are associated with the same sign on the new eyebrow at the rear of the building, for tenant 1 (Option B) or tenant 2 (Option A). A sign in this location would not be allowed, as it is not a street facade. However, as the building entrance is proposed at the rear, the allowable sign on 17th Street is been relocated to this façade, in order to obtain more visibility and identification of the building entrance. The sign as a projecting sign exceed the maximum area of 15 SF allowed and is placed above the first floor. Staff is supportive of the relocation of the sign, as multiple signs, based on the length of the building on the north side, may be allowed. Staff recommends approval of these variances.

8. A variance to exceed by 15 SF the maximum permitted area of 15 SF for a projecting sign for a business (Tenant 2) in order to allow the installation of a projecting sign facing Meridian Avenue with 30 SF.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.
Zoning District, CD-3 – Projecting: 15 SF

A projecting sign on the existing awning is proposed, consistent with the other signs on Meridian Avenue for Tenant 1 in option A. The proposed sign is assigned to Tenant 2 in

Option B. This sign is compatible with the scale of the surrounding and is integrated with the building's architecture. Considering the mass of the building, staff finds that practical difficulties exist to place a 15 SF sign, half of the proposed sign, which would be less visible to the surrounding commercial area. Staff recommends that this variance be approved.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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

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 pertaining to the proposed signage as noted herein this application:

1. The signs and canopy encroaching into the public right of way may require approval from the Public Works Department and 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.
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.
Satisfied
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 requires 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 proposed signage requires multiple variances.
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 requires multiple variances.
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.
Satisfied; the proposed signage is in scale with similar retailers.
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; a lighting plan has not been provided.

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.

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.
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.

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing design modifications to the exterior and interior of an existing ten-story office building originally designed by Morris Lapidus. Additionally, the applicant is seeking to install multiple signs requiring numerous variances.

The following summarizes the proposed modifications:

- the installation of two new exterior white aluminum entrance canopies at the front and rear of the building;
- the removal of the existing ground floor and mezzanine level glass storefront system and the replacement with a new impact system;
- the removal of the landscape strip (on public property) along 17th Street and the removal of the existing white vitrine stone façade elements on the ground floor along 17th Street;
- additional demolition of exterior architectural elements along the rear of the building;
- the interior reconfiguration of the ground floor lobby space and the second floor mezzanine level; and
- the installation of multiple signs requiring variances. (See 'Project' and 'Variance Review')

At the time of this report there have been no tenants identified to occupy the building. Consequently, the applicant has submitted several interior floor plan options for consideration. Although, staff would prefer single tenant occupancy which would allow for the interior to be restored more closely to the original design, it is likely there will be multiple tenants requiring the introduction of interior partition walls. Alternatively, the applicant has proposed the retention of the Morris Lapidus lobby at the current location in one option and another option that creates a new lobby in the western portion of the ground floor in the rear of the building. Additionally, the variance portion of the application is linked to different options.

Staff has no objections to the installation of a new white aluminum awning to the northernmost storefront bay along the front (east) façade facing Meridian Avenue. The new element is proposed to project 13'-6" and will measure 13'-8" in width. The majority of the architectural feature is located on private property but a small portion of the structure extends over the City right-of-way which requires obtaining a revocable right-of-way permit. The installation of the proposed exuberant angled entry awning at this location is actually historically accurate, as historical photographs reveal a similar entrance feature currently seen in the entrance to the lobby—two bays to the south. The form of the cantilevered awning is chevron-shaped and will architecturally complement the existing angled front entrance feature.

The applicant is proposing to remove the entire ground floor and mezzanine level storefront system and replace it with a new, fixed (aside from the entrance doors) glass impact storefront system. The existing black granite columns are to remain, as is the existing metal awning, and the new bronze storefront mullions will match the existing upper levels. The design options proposed for the spatial interior configuration identify that the front of the building will either retain the existing lobby space for the upper levels and an additional tenant will occupy the northern portion of the space or the entirety of the street frontage will become part of a larger tenant that would occupy the majority of the ground floor retail space and the lobby will be relocated to the rear of the building. In either option, the applicant understands the importance of several of the lobby key features and proffers to retain and restore many of the elements, such as the fabulous 'sputnik' light feature and retain the existing terrazzo flooring.

With regards to proposed exterior façade modifications to the rear (west) elevation, staff has no objections to the proposed design and the creation of a secondary building entrance. The architect has responded well to address staff's initial concerns pertaining to the design details of the proposed aluminum awning along the south façade. The installation of the dynamic white awning will create a memorable and distinctive retail identifier for the back of the new building. The new cantilevered element is proposed to project along the entirety of the rear setback area and gradually rise from a height of 10'-0" to extend to an angular height of 15'-4". Approximately 6'-0" of this architectural feature will project over the City right-of-way which will require obtaining a revocable right-of-way permit.

The design options proposed for the spatial interior configuration identify that the back of the building will either become the new lobby space for the upper levels or additional entrance part of the larger tenancy that would occupy the majority of the ground floor retail space. The new storefront system will enhance the ground floor and improve pedestrian interest and activity and overall heighten transparency into the space. A new, fully enclosed, air-conditioned trash area has been configured in the southwest corner of the envelope of the existing building. In summary, care and thought are evident in the design which seamlessly creates a new dynamic entrance to the building.

Perhaps the most dramatic of all of the exterior improvements that are part of this application pertains to the changes proposed to and along the north 17th Street façade. The applicant is proposing to demolish a portion of the solid ground floor façade and install a new glass storefront system, as well as remove the green planting strip on public property along the northern façade. The combined existing conditions create an unfriendly pedestrian experience that along with the lack of transparency into the building, an existing 5'-0" strip of shrubbery and royal palms physically forces the pedestrian to walk closer to the busy street edge. In the applicant's proposed solution, the removal of the planting bed is balanced with the reversal of the proposed replanting of the palms to be set closer to the curb's edge and thus relocate the sidewalk closer to the building. This will improve the conditions and provide buffering from the street. Staff commends the applicant on the voluntary utilization of structural silva cells to facilitate and manage growth, but would recommend that the architect substitute the palms for a canopy shade trees, such as pigeon plums, as seen in the new construction of a the three-story mixed use office and retail structure at 1000 17th Street (DRB File No.19081), the top floor of which is currently occupied by 'Suitsupply'.

Additionally, the applicant proposes to demolish the five repeating white stone accent walls along 17th Street and replace them with a fixed glass storefront system in a boxed window formation. Although an architectural feature, this will tremendously increase the transparency into the building and improve the pedestrian experience. The architect is proposing to reference the five stone walls through new window boxes that will match in size and general shape of the former stone walls and be finished with a white vitrine stone element accent trim. This will allow the retail space to have a greater street presence, and an overall improvement to the area and visual enhancement to both pedestrian and motorist. Staff also recommends that the applicant remove and relocate the existing FDC and backflow preventer to the rear (west) elevation of the property.

VARIANCE REVIEW

As part of the modifications to the building, new access at the front and rear including a new awning and eyebrow to incorporate the new sign program are proposed. As identified under the 'Project' description, eight (8) variances are requested for the signs. The building is one of the few higher buildings in the area that could potentially expose large building ID signs. However, the proposed glass storefront façade has very limited area to place flat wall signs. The existing and new canopy also may obstruct full visibility of any sign on the few solid surfaces; mainly concrete columns. The projecting signs on the front canopies would allow a better identification of the commercial spaces from Lincoln Road to the south. With the success of the closed-off pedestrianized section of Lincoln Road, the installation of projecting signs are a more strategic marketing tool for increased visibility to pedestrian shoppers in this commercial area.

Staff also finds that the location of the building one block away from Lincoln Road, and the fact that its main façade is parallel to Meridian Avenue and 17th Street with an intense traffic flow, reduce the visibility of the first floor spaces from the surrounding commercial district and create the practical difficulties that justify the variances requested. The perpendicular signs to 17th Street at the rear also increase visibility of the commercial spaces and help in wayfinding the new access at the rear from 17th Street. The size of the signs are compatible with the building's architecture and do not endanger the health, safety and general welfare of the public or the appearance of the city. For these reasons, staff recommends that the Board approve all variances as requested.

RECOMMENDATION:

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

TRM/JGM

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: November 1, 2016

FILE NO: DRB16-0061

PROPERTY: **1688 Meridian Avenue**

APPLICANT: IVY MBT Property LLC

LEGAL: North ½ of Lot 7 and all of Lot 8 of Block 36 Golf Course Subdivision Amended Plat, According to the Plat Thereof, as Recorded in Plat Book 6, Page 26, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for exterior and interior design modifications to the first and second floor of an existing ten-story office building including new window and door openings, new storefronts and two new entrance canopies including a variance to exceed the maximum projection allowed in required yards and signage variances from the maximum area allowed for projecting signs, to relocate projecting signs and a building identification sign, and to place a building identification sign as a projecting sign, 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 3-6, and 9 in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
 - 1. The proposed projecting signs and awnings that extend above and encroach within the City sidewalk may require revocable right-of way permit(s) to be obtained from the Public Works Department and approved by the City Commission.

2. Revised elevation, site plan and floor plan drawings for the proposed modification to 1688 Meridian Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The existing aluminum brise soleil shall be fully retained and restored, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The existing 'sputnik' light fixtures and other prominent features in the existing lobby space, as identified by staff and included in revised interior plans, shall be fully retained and restored, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof(s) as possible and screened from view on all sides, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The existing backflow preventer and FDC on the north side of the building shall be removed and relocated to the rear (east side) of the property.
 - e. A fully enclosed, air-conditioned trash room(s) shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
 - f. All electrical conduits, exterior lighting elements and sprinkler lines and sprinkler heads located within the proposed eyebrow shall be contained within the concrete structure of the slab and shall not be surface mounted wherever visible from the public right of way or wherever they may otherwise have an adverse aesthetic impact upon the design integrity of the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location. All future signage shall be designed as individual reverse channel letters with a brushed aluminum finish that can may or may not be backlit with/out a color, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - h. If any signage is projecting above or suspended below the proposed eyebrow, the signage shall be composed of individual pin-mounted lettering and all electrical conduits and exterior lighting elements shall be hidden from view. No exterior raceways shall be permitted.
 - i. All kitchen ventilation shall be chased through the interior of the building to the roof or through the rear of the building. No exhaust ducts or vents shall be permitted on the front or side elevations.

- j. 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.
 - k. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the north and east walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
 - l. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
 - m. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project sites, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - n. The proposed storefronts shall be designed and detailed to match the existing conditions including the incorporation of Carrera marble cladding, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - o. 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.
 - p. 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.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
 - b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.

Right-of-way areas shall also be incorporated as part of the irrigation system.

- c. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- d. The applicant shall install 6 bicycle racks alongside the sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape 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.

I. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 - 1. A variance to exceed by 15 SF the maximum permitted area of 15 SF for a projecting sign for a business (Tenant 1) in order to allow the installation of a projecting sign on the south facade with a total of 30 SF.
 - 2. A variance to exceed by 45 SF the maximum permitted area of 15 SF for a projecting sign for a business (Tenant 1) in order to allow the installation of two (2) projecting signs facing Meridian Avenue with a total of 60 SF.

3. A variance to relocate an allowable building identification sign from the parapet of the building facing 17th Street to the new eyebrow at the rear of the building.
 4. A variance to allow a projecting sign as a building identification sign in order to install a projecting sign on the eyebrow at the north side of the building facing 17th Street.
 5. A variance to relocate an allowable projecting sign for a business facing 17th Street to the new eyebrow at the rear of the building.
 6. A variance to exceed by 15 SF the maximum permitted area of 15 SF for a projecting sign for a business in order to allow the installation of a projecting sign at the rear of the building with 30 SF.
 7. A variance to relocate a projecting sign on the rear facade from the ground floor to the 2nd floor of a multistory commercial building.
 8. A variance to exceed by 15 SF the maximum permitted area of 15 SF for a projecting sign for a business (Tenant 2) in order to allow the installation of a projecting sign facing Meridian Avenue with 30 SF.
- B. The applicant has submitted plans and documents with the application that 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 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 **Approves** the requested variance(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.

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.

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

- A. Approval from the Public Works Department shall be required in order to construct the awnings and signs over the public right of way facing 17th Street and Meridian Avenue.
- B. 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.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 for Design Review approval and Variances, 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 "1688 Meridian Ave", as prepared by **Shulman + Associates**, dated signed and sealed September 09, 2016, 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

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)

_____)SS
COUNTY OF MIAMI-DADE _____)
The foregoing instrument was acknowledged before me this _____ day of
_____ 20____ by Deborah J. Tackett, Design and Preservation Manager,
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 _____ (_____)