

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 06, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23201
1691 Michigan Avenue

The applicants, 1691 Michigan Avenue Investments, LP, are requesting Design Review Approval for exterior alterations to the façade of an existing six-story building. Specifically, modifications to the ground floor storefront façade and sign variances.

RECOMMENDATION:

Approval with conditions of the modifications to the first level

Continue the requests pertaining to the sign variances #1-5

Denial of the upper level modifications

LEGAL DESCRIPTION:

Lots 7-10 & Lots 14-20 of Block 37 of the "Palm View Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 29, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On October 11, 1999, the Design Review Board approved a six and seven-story office and public parking structure, with ground level retail, pursuant to DRB File No. 12108.

SITE DATA:

Zoning:	CD-3 (Commercial, High Intensity) and GU (Government)
Future Land Use:	CD-3 (Commercial, High Intensity) and GU (Government)
Lot Size:	76,500 SF
Existing Use:	Office/Parking Garage w/Retail

LAND USES:

East: Office/Parking Garage w/Retail
North: Palm View Historic District
South: Two-story retail / office building
West: Municipal surface parking lot

THE PROJECT:

The applicant has submitted plans entitled "The Lincoln" as prepared by **Beilinson Gomez Architecture** dated signed and sealed August 17, 2015.

The applicant is proposing exterior alterations to the first two levels of the parking garage's western façade, as well as altering the exterior of the vertical stairwell circulation tower.

The applicant is proposing two signs, one reading *POTTERY BARN* and one reading *WILLIAMS-SONOMA*, both to be mounted vertically above the ground floor and installed on the altered stairwell tower. A total of five variances are needed, two for one sign and three for the other. Note: GU-zoned properties shall follow the sign regulations as determined by the surrounding districts as determined by the planning and zoning director.

The applicant is requesting the following variance(s) specific to the *POTTERY BARN* sign:

1. A variance to exceed by 148.6 SF the maximum permitted sign area for a projecting sign of 15 SF in order to permit one projecting sign on the stairwell perpendicular to Michigan Avenue with 81.8 SF of area on either side of the projecting sign for a total projecting sign area of 163.6 SF.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.

CD-3 – Number: 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.

Projecting sign: 15 SF.

The applicant is requesting a variance to install a projecting sign nearly twelve times the permissible size. The proposed size of the signage is not compatible with the Citywide design standards nor does it comply with the sign regulations of our City's Code. The approval of such will detract from the historic character of neighboring Lincoln Road Mall and as proposed, is more similar to the size of signs allowed for 'vertical retail centers', i.e. Fifth & Alton, which allows for much greater signage when associated with a commercial building with a minimum of 150,000 gross square footage of floor area. There have been no similar approvals of these types of signs before, and staff recommends that this variance be **denied** due to a lack of hardship and the incompatible nature of the size of the proposed signage.

2. A variance to exceed by 170 SF the maximum permitted aggregate sign area per storefront of 30 SF for a wall sign in order to permit one projecting sign on the stairwell perpendicular to Michigan with 163.6 SF.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.

CD-3 – Number: 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.

Wall sign: 30 square feet (20 SF for the first 25'-0" of linear frontage, plus 1 SF for every 3'-0" of linear frontage over 25'-0" up to a maximum of 30 SF: 30 SF based on 60'-6" frontage).

3. A variance permit the relocation of a projecting sign from the permissible ground floor location in order to allow its placement on the 2nd through 4th levels of a multistory commercial building, facing Michigan Avenue.

- 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.

The applicant is requesting a variance to relocate a projecting sign to portions of the building where signage would not be otherwise permitted. The applicant is seeking greater visibility for the retail establishment—specifically for shoppers on Lincoln Road—by placing the signage higher up along the façade of a building as possible. The installation of projecting blade sign is a more strategic marketing tool for increased visibility to pedestrian shoppers on Lincoln Road.

The design of this building dictates that the proposed signage location is the most appropriate since it will allow for both pedestrian and vehicular visibility. The proposed signage would be located on a tower element—the modified stairwell tower—that is clearly the most efficient location for signage on this building. The two proposed signs require a size variance. The design and placement of two signs (81.8 SF) are excessive. Staff is sympathetic and understands the logic to install a sign above the ground floor and oriented towards the Mall. Staff is amenable to continuing the variance portion of this application to a future meeting date in order to allow the applicant time to explore an alternative sign motif; otherwise, staff maintains that the granting of this variance would confer on the applicant a special privilege not granted for other properties in the same zoning district. Staff recommends that this variance be **denied** due to a lack of hardship.

The applicant is requesting the following variance(s) specific to the WILLIAMS-SONOMA sign:

4. A variance to exceed by 81.51 SF the maximum permitted aggregate sign area per storefront of 23 SF for a wall sign in order to permit one wall sign on the stairwell perpendicular to Michigan with 81.8 SF.

- Variance requested from:

Section 138-172. Schedule of sign regulations for principal and accessory use signs.

CD-3 – Number: 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.

Wall sign: 30 square feet (20 SF for the first 25'-0" of linear frontage, plus 1 SF for every 3'-0" of linear frontage over 25'-0" up to a maximum of 30 SF: 23 SF based on 34'-5" frontage).

5. A variance permit the relocation of a business sign from the permissible ground floor location in order to allow its placement on the 2nd through 4th levels of a multistory commercial building, facing Michigan Avenue.

- 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.

As indicated above under variance #3, staff has the very same concerns for the proposed WILLIAMS-SONOMA wall sign.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application **DO NOT** 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.

CONSISTENCY WITH COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **commercial use** appears to be **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 consistent with the following sections of the City Code, aside from the requested variances pertaining to the proposed signage as noted herein this application. 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.
Not Satisfied; the proposed signage is out of 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 Satisfied; a landscape plan has not been provided.

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).

Not Satisfied; the proposed projecting sign will obstruct the view corridor along Michigan Avenue.

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 satisfied, all mechanical equipment located above the roof deck shall be enclosed or screened from public view.

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 Satisfied; the proposed signage is not compatible.

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.

Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The subject property is a mixed-use structure containing a seven story office building component, a five-story parking garage and a ground floor retail component along Jefferson Avenue and also along Michigan Avenue. The building extends from 17th Street to North Lincoln Lane, and with the exception of a corner residential building, occupies an entire city block. The applicant is proposing exterior alterations to the first two levels of the parking garage's western façade (Michigan Avenue), as well as altering the exterior of the vertical circulation tower (also along Michigan Avenue).

The applicant is proposing to install a freestanding wall and metal awning that will serve as the new, updated façade of the ground floor retail component of the parking garage along Michigan Avenue. The future retail tenants, Pottery Barn and Williams-Sonoma, seek an exterior architectural motif that is more reflective of their brand than the current building possesses.

The garage portion of the site was originally conceived as a composition of overlapping projecting concrete planters with lush landscaping. The actual realization of the building due to value engineering led to a faulty fiberglass planter system attached to varying portions of the parking garage façades that never functioned properly or allowed the plantings to thrive. In this regard, staff has no objections to the selective removal of the planters and architectural elements that are located directly above the ground floor. However, staff would recommend that the stair tower not be modified, as the proposed design herein deviates substantially from the architectural language of the building.

Staff is supportive of the new storefront glazing system and new decorative storefront wall that will align with the covered walkway that currently exists along the northern portion of the site that contains offices.

VARIANCE REVIEW

The applicant is proposing two signs, one reading *POTTERY BARN* and one reading *WILLIAMS-SONOMA*, located above the ground floor and installed on the altered stairwell tower. A total of five variances are needed, two for each sign, which have been analyzed under "Project" elsewhere in this report.

The interior build-out by the national retailers of the ground floor commercial space will allow each tenant to install one sign (per licensed establishment) of at least 20 SF on the exterior of the building. The applicant is also proposing a main sign that will face Michigan Avenue. The entrance and entire street frontage of this business is on Michigan Avenue, in an area not easily viewed by pedestrians from Lincoln Road.

The building is located approximately 150'-0" to the north of Lincoln Road Mall. It is the applicant's goal to maximize retail visibility and traffic by alerting shoppers of the new location. Both retailers were longtime residents of Lincoln Road and recently departed their original locations. As such, the applicant is proposing two signs, oriented sideways, that will be mounted to the stairwell and span the length of approximately three floors of parking (25'-2"). One will be designed as a projecting blade sign, *POTTERY BARN*, and one will be a vertically-mounted wall

sign, *WILLIAMS-SONOMA*.

Staff believes the proposed location on the upper floors of the structure is actually more appropriate than a ground floor location, due to its large size. A modified design could have a more suitable proportion with the bulk and size of the building. However, as designed, these signs are entirely out of scale with the retail component on Lincoln Road and 17th Street.

Staff would be amenable to continue the application for the variance portion of the file, and would recommend that the applicant design a single projecting sign that could accommodate both company names, in a more compact, subdued and suitable manner.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application for design review approval be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria. Additionally, in view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria, staff recommends the variance portion of the application, variances #1-5, be **continued** to a date certain of December 01, 2015 in order to address the concerns herein.

TRM/JGM

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

MEETING DATE: October 06, 2015

FILE NO: 23201

PROPERTY: **1691 Michigan Avenue**

APPLICANT: 1691 Michigan Avenue Investments, LP

LEGAL: Lots 7-10 & Lots 14-20 of Block 37 of the "Palm View Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 29, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for exterior alterations to the façade of an existing six-story building. Specifically, modifications to the ground floor storefront façade and sign variances.

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 Approval

- 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, 9, 10, 12, 14 and 15 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. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. All future ground level building signage shall require a separate permit. Signage shall consist of reverse channel, back-lit letters, in a manner to be approved by staff. No exterior raceway or exterior disconnect switches shall be allowed. Intermittent lights, moving or revolving lights shall not be permitted.
 - b. The proposed modifications to the vertical stair tower (above the ground floor) shall not be permitted.
 - c. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of 10'-0" from the storefront walls, 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.
 - 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. The stone cladding proposed along the façades of the exterior wall shall consist of a natural stone, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. 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.
 - h. Any future kitchen ventilation shall be chased through the interior of the building to the roof or rear of the building along the alley and not vent on Michigan Avenue.
 - i. 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.

- j. 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. ~~No variance(s) were filed as part of this application.~~ The variances requested herein shall be continued to the December 01, 2015 Design Review Board meeting.

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

- A. 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.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "The Lincoln" as prepared by **Beilinson Gomez Architecture** dated signed and sealed August 17, 2015, 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 set forth in this Order. No building permit may be issued unless and until all 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 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 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 should 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 _____ ()

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