

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: June 04, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB18-0346  
**14 Farrey Lane—Chabad Lubavitch of Venetian Causeway and Surrounding Islands, Inc.**

**DRB18-0346, 14 Farrey Lane—Chabad Lubavitch of Venetian Causeway and Surrounding Islands, Inc.** An application has been filed requesting Design Review Approval for the construction of a new multi-story religious facility including one or more waivers, and variances to reduce the required front setback for parking and to reduce the required front and interior side setbacks for a building structure, to replace an existing one-story religious facility. This application is subject to the approval of a conditional use approval pending before the Planning Board.

#### **RECOMMENDATION:**

Continue to a future meeting date

#### **LEGAL DESCRIPTION:**

Lot 14 of "2<sup>nd</sup> Section of Belle Isle Villas", according to the plat filed for record and recorded in Plat Book 42 at Page 100 of the Public Records of Miami-Dade County, Florida.

#### **HISTORY:**

On August 24, 2004, the Planning Board reviewed and approved an application for a Conditional Use Permit (CUP) Approval for a religious institution in the RM-1 zoning district in an existing single-family structure on Belle Isle, pursuant to PB File No. 1676. This religious institution is seeking to expand its facilities and build a new structure to accommodate its program and congregation. On May 21, 2019, the Planning Board is scheduled to review an application to modify the previously issued CUP, pursuant to **PB 18-0243, f.k.a. File No. 1676.**

This item was continued from the May 07, 2019 Design Review Board meeting at the request of the applicant.

#### **SITE DATA:**

Zoning:	RM-1 (Residential, Multifamily Low Intensity)
Future Land Use:	RM-1 (Residential, Multifamily Low Intensity)
Lot Size:	4,694* SF
Lot Coverage:	45%   <b>64% *DRB WAIVER</b>
Proposed FAR:	<b>5,750 SF / 1.16</b>
Maximum FAR:	5,867.5 SF / 1.25
Proposed Height:	<b>49'-0" / (4) four-story</b>
Maximum Height:	50' / (5) five-story

\*As indicated on submitted survey.

**SURROUNDING PROPERTIES:**

East: Five-story 1969 multifamily building "Island House"  
North: One-story 1941 residence  
South: Venetian Way  
West: One-story 1941 residence

**THE PROJECT:**

The applicant has submitted revised plans entitled "Venetian Chabad Miami Synagogue", as prepared by **Choeff Levy Fischman architecture and design** dated, signed and sealed May 13, 2019.

The applicant is proposing to construct a new multi-story religious facility in the RM-1 zoning district.

The applicant is requesting the following variance(s):

1. A variance to reduce by 15'-0" the minimum required front pedestal setback of 20'-0" in order to build a multi-story building 5'-0" at its closest point from the front (west) property line facing Farrey Lane.

- *Variance requested from:*

**Sec. 142-156 Setback requirements.**

*(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:*

**Subterranean and Pedestal, Front: 20'-0".**

The subject property is a platted, tapered shaped lot that is slightly irregular in shape and contains a total area of 4,694 SF. This portion of the City on Farrey Lane, much like the residences on Century Lane, is an anomaly within the RM-1 Zoning District on Belle Isle as the lots that are part and parcel of Belle Isle Villas were originally platted to this size—much smaller than typically found in the RM-1 Zoning District. The subject property is a highly visible corner lot that was historically platted on October 04, 1941 with the same dimensions and lot area as today.

The proposed multi-story Chabad must comply with the RM-1 zoning regulations, of which a structure is required to be at a setback of 20'-0" from the front property line. The new structure is proposed with a front setback of 5'-0" at the ground floor exterior access stairway and has varying setbacks at the second, third and fourth floors that range from 10'-0" at the closest points due to the serrated nature of the front façade. The lot area of the property is substantially below the minimum area required, as noted above, and restricts the development of the site, imposing practical difficulties when applying the minimum setbacks required for the new development in order to provide reasonable interior areas to accommodate a functional program. The existing one-story structure has a non-conforming front setback of 11'-7", which is similar to the adjacent single family homes along Farrey Lane that also do not comply with the 20'-0" of front setback.

As recommended by staff, the architect has revised the plans to minimize the encroachments at the upper levels. Now, the variance of the front setback is more in-line with the existing structure and other houses on the street. The revised plans still seek 15'-0" relief for the open exterior ground floor stairwell, but the upper levels now maintain a minimum 10'-0" setback where previously elements of the restructure encroached 6'-0" at times. As such staff now finds that the proposed minimum setback of 10'-0" is more consistent with the front setback of other houses in this area, but still has concerns about certain architectural elements and the massing at the third level may potentially overwhelm the site and the immediate area. While the main roof slab of the structure, which is the predominate height of the building, is measured at 38'-0", there are other rooftop portions of the structure, such as a bathroom, trellis, two stairwells and an elevator that are located at 49'-0" in height. Staff finds that the RM-1 area and irregular shape of the property satisfy the practical difficulties criteria that justify for the granting of a front setback variance, but generally maintains that the request for the upper levels of the building are too intense for the site. While, the modern design is consistent with the recently approved architectural style of single-family residences (11 Century Lane, 7 Farrey Lane and 8 Farrey Lane) throughout the Belle Isle neighborhood, the overall massing so proximate to the front property line is still too intense on the elongated frontage. Staff does not have any objections to the ground floor encroachment for the exterior open stairway but recommends further refinement of the upper levels to more appropriately attempt to satisfy the setback requirement. Specifically, at the second level staff would recommend moving the bathroom and stairwell westward (to be flush with the rear setback of 5'-0"). At third level, staff would recommend eliminating or reducing the encroaching balcony and reorienting the bathroom to increase the requested setback, as well as moving the stairwell westward (to be flush with rear setback of 5'-0"). And finally at the roof level, moving the stairwell westward (to be flush with rear setback of 5'-0").

2. A variance to reduce by 40'-0" the required 50'-0" interior side setback for religious institutions in order construct a multi-level religious institution at 10'-0" at its closet point from the interior side (north) property line.

- Variance requested from:

**Sec. 142-1131. - Generally.**

(d) *Minimum side yards, public and semi-public buildings.* The minimum depth of interior side yards for schools, libraries, religious institutions, and other public buildings and private structures which are publicly used for meetings in residential districts shall be 50 feet, except where a side yard is adjacent to a business district, a public street, bay, erosion control line or golf course, and except for properties that have received conditional use approval as a religious institution located in the 40th Street Overlay, in which cases the depth of that yard shall be as required for the district in which the building is located. In all other cases, the side yard facing a street shall be the same as that which is required for the district in which the lot is located.

As a religious institution, the proposed structure must comply with the more restrictive interior side setback requirement of 50'-0", as opposed to a setback of 8'-11" (110.75' x 8%) if the structure were designed as a multifamily building, townhouse, or single-family dwelling,

which are all permissible uses as a matter of right without a conditional use approval. The increased setback requirement for public and semi-public buildings is to ensure compatibility through zoning by requiring a large setback distance when the structure abuts discordant uses. The existing Chabad was approved in 2004 as a conditional use to the existing one-story residence and has been functioning since. The applicant maintains that the facility will generally operate in the same manner as it exists today, albeit with functional and spatial improvements. Understanding that if the applicant were to provide the required 50'-0" interior side (north) setback, the remaining lot width would be literally cut in half and the site would be minimally developed, staff is supportive of a relaxation of this excessive setback requirement. Staff recommends approval of the variance as proposed which is slightly over the typical setback requirement for residential development on the site and significantly less than the required setback.

3. A variance to eliminate the required at-grade parking front setback of 20'-0", in order to construct parking spaces and the vehicular driveway up to the front property line.

- Variance requested from:

**Sec. 142-156 Setback requirements.**

*(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows: At-grade parking lot on the same lot except where (c) below is applicable, Front: 20'-0".*

At-grade parking in the RM-1 Zoning district requires a minimum front setback of 20'-0" from the front property line. In order to be able to park a vehicle in the front yard, a standard occurrence with single family residences, a variance is required since the development regulations for the RM-1 district apply to the proposed religious facility. Although, the site has an irregular shape with a lot depth that varies from 33.5' at the corner and 47.8' on the interior side, a two-way driveway with 12'-0" in width is allowed within the front 20'-0". When applying the required setbacks of 20'-0" at the front, 10'-0" on the interior side and 4' at the rear, there is still available area where 4 parking spaces (2 on both sides of the driveway) parallel to the front property line can be accommodated with minimum intervention on the front 20'-0". The parking proposed perpendicular to the front is a design option that can be modified. Staff recommends that the setback variances for parking be modified to encroach the minimum possible with modifications to the parking.

In order to address the modifications proposed herein, staff recommends the application be continued to a future meeting date in order to further refine design in a manner that is more compatible with the neighborhood and more sensitive to the residential context.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **religious use** is **consistent** with the RM-1 (Residential, Multifamily Low Intensity) designation of the Future Land Use Map of the 2025 Comprehensive Plan, as it is 'Other use', which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land

Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

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

Additionally, staff has concluded that the plans and documents with the application **PARTIALLY** 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.
- 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:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variances:

1. **Section 142-333** of the City Code specifies that Religious Institutional facilities are allowed within the RM-1 (Low Intensity Multi-Family Residential), only when approved by the Planning Board as a Conditional Use.

**Section 114-1** of the City Code defines *Conditional Use* as a use that would not be appropriate generally or without restriction throughout a particular zoning district, but would be appropriate if controlled as to number, area, location, or relation to the neighborhood.

2. **Section 142-155(3)(f)(A)**: A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable. See staff analysis.
3. **Sec. 142-155. - Development regulations and area requirements (3)(e) Lot Coverage.** The maximum lot coverage for a lot or lots greater than 65 feet in width shall not exceed 45%. In addition to the building areas included in *lot coverage*, as defined in section 114-1, Impervious parking areas and impervious driveways shall also be included in the lot coverage calculations. The design review board or historic preservation board, as applicable may waive the lot coverage requirements in accordance with the design review or certificate of appropriateness criteria, as applicable. **The applicant is requesting a lot coverage of 64%.** See staff analysis.
4. Parking: required 4, provided 2 | Loading: 1 required, 1 provided:  
15) Church, synagogue or temple: One space per six seats or bench seating spaces in main auditorium. See staff analysis.
5. **142-155(a)(3)d.2.(A)**: the height of the retaining wall within the first 4'-0" from the property line on the front and street side yards cannot exceed 30" above sidewalk elevation, or 5.84' NGVD. The retaining wall shall be reduced in height and then the yard elevation can slope up to meet the higher elevation.
6. Walkways: Maximum 44". May be increased to a maximum of 5'-0" for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the design review or certificate of appropriateness procedures, as applicable.
7. The finished floor elevation is 10' NGVD; there is a mechanical equipment room at the ground level at 5.66' NGVD, this area will likely be required to match the design elevation of the main level.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of

the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are 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 project is requesting three variances and two waivers from the 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 project is requesting three variances and two waivers from the 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 project is requesting three variances and two waivers from the 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 project is requesting three variances and two waivers from the 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 project is requesting three variances and two waivers from the 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 project is requesting three variances and two waivers from the 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; a lighting plan has not been submitted.**

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

**Satisfied**

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**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 project is requesting three variances and two waivers from the Board.**

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 Satisfied; see below**

**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 Satisfied**  
**A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Satisfied**
- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.  
**Satisfied**

- (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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

**Satisfied**

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

**Satisfied**

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

**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 Satisfied**

- (11) Cool pavement materials or porous pavement materials shall be utilized.

**Not Satisfied**

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

**Not Satisfied**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The subject property is a substandard sized lot located on the north side of Belle Isle. The site currently contains a one-story structure, originally programed as a single-family residence, sited on a dead-end street with 13 other residences. Within the larger context of the north side of Belle Isle, the subject site is surrounded by apartment buildings and condominium towers within the RM-1 residential district.

The Planning Board, through the conditional use process, will review the religious use proposed and may waive some or all of the required parking for the proposed new construction. Said conditional use permit application shall include a traffic operations plan. The Planning Board is scheduled to review the Conditional Use Permit (CUP) application on May 21, 2019 under PB18-0243, with specific regard to important functional issues related to the operations of the project that include overall use, facility parking, traffic, deliveries, sanitation and security; as well the adverse impact any kind of institutional use may potentially have on this small enclave of single-family homes within the multi-family district.

The applicant is proposing a parking area for up to four spaces, including a dual purpose loading space under the first floor of the facility. The configuration provides an interior garage area that is designed with a 10'-0" ceiling clearance from the base flood elevation plus minimum freeboard to the underside of the first floor slab. The code requires this non-habitable transition area to have a minimum of 12'-0" clearance height, with the DRB having the authority to waive this height requirement by up to 2'-0". Staff is supportive of the waiver, particularly because the garage area, as designed, provides ancillary - not required - parking, which will be reviewed at the Planning Board.

Additionally, the applicant is requesting a lot coverage of 64% where 45% is now required as part of the RM-1 zoning regulations. Ordinance amendments to the RM-1 zoning regulations were recently adopted that modified many aspects of the multifamily zoning requirements, including a lot coverage limitation. This lot coverage restriction takes into consideration the proposed increases in building and parking setbacks, as well as the decrease in parking requirements that were also part of the new code amendments. The DRB may waive this requirement in accordance with the Design Review Criteria. The subject property contains 4,694 SF of lot area, which would leave a lot coverage footprint allowance of 2,112 SF. When taking into account the restrictive setback requirements for the legally platted piece of land, the development of the site would prove extremely challenging without relief of some regulations. Staff is supportive of the relaxation of some of the required setbacks, understanding the extreme challenge in developing the historically platted site with any form of development; as such, staff is also supportive of a lot coverage waiver, providing the site plan undergo further modifications to lessen the variance encroachments.

The three-story synagogue is designed in a contemporary style. The program of the Chabad is distributed among each floor with the central stair and elevator circulation placed at the south end of the development and articulated on its facades as a four-story tower encased in aluminum decorative louvers. The first floor, finished in wood and comprised of utilitarian rooms and open parking, is tucked below a stone clad '*piano nobile*' that houses the communal/sanctuary spaces above. A third floor comprising of offices is setback on the front elevation with a balcony and incorporates vertical louvers in an attempt to soften the portions of volume that encroach beyond the dominant second story. The building is topped by an accessible roof. While, the modern design is consistent with the recently approved architectural style of single-family residences (11 Century Lane, 7 Farrey Lane and 8 Farrey Lane) throughout the Belle Isle neighborhood, the overall massing is too intense on the elongated frontage. Staff does have concerns that the current design may alter the compatible mass and scale existing in this neighborhood.

The applicant has been working with staff to modify the massing and volume, particularly of the upper levels to address staff concerns. Staff does not have any objections to the ground floor encroachment of the stairwell, but recommends that the upper levels be further refined to reduce the massing's impact on Farrey Lane. Specifically, staff recommends that the northern stairwell volume be moved westward from the second level through to the roof level to be flush with the 5'-0" interior side setback, which in turn will require modifications to the floor plans. Additionally, staff recommends that at the second floor the bathroom move westward with the stairwell, and at the third level the elimination or reduction of the

encroaching balcony along with the shifting of the bathroom to increase the requested setback. Finally, the introduction of a "green" wall along the side street facing (Island Avenue) and rear (east) property lines would soften the building's impact along the Venetian Way frontage, and from the neighboring properties along Farrey Lane.

The architect has been responsive to staff concerns and has designed the rooftop in such a manner as to minimize certain rooftop elements' visibility, as well as to reduce the impact and use of the rooftop deck. In summary, staff is confident that with further study and refinement of the massing along Farrey Lane a more successful architectural relationship will be established with the immediate streetscape. Based on this analysis, and due to the substantial changes recommended to the façade, staff recommends continuance of the application to a future date in order to address staff concerns.

#### **VARIANCE REVIEW**

As mentioned in the 'Project' section of the analysis, due to the substandard lot size and unique configuration of the property (lot depth is 33'-0" on the south and gradually increases to 47'-0" on the north), staff believes that certain variances will be necessary to construct a reasonably sized and shaped structure on the site, particularly for a religious facility. Staff recommends approval of the variances, conditioned to modifications to the front setback and parking layout to minimally encroach in the front yard. As the applicant is seeking to waive all required parking on site from the Planning Board, the parking provided shall be minimized, as well as the front setback encroachment. The applicant has not provided an option with modified parking as previously requested. As noted in the 'Project' portion of this report, staff recommends continuance of the application to allow design modifications in order to decrease the impact of the front setback variances requested.

#### **RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **continued** to a date certain of September 03, 2019, in order to address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria. In the event the Board approve the project, staff would recommend compliance with the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, as applicable.

TRM/JGM/IV

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

MEETING DATE: June 04, 2019

FILE NO: DRB18-0346

PROPERTY: **14 Farrey Lane**

APPLICANT: Chabad Lubavitch of Venetian Causeway and Surrounding Islands, Inc.

LEGAL: Lot 14 of "2<sup>nd</sup> Section of Belle Isle Villas", according to the plat filed for record and recorded in Plat Book 42 at Page 100 of the Public Records of Miami-Dade County, Florida.

IN RE: Design Review Approval for the construction of a new multi-story religious facility including one or more waivers, and variances to reduce the required front setback for parking and to reduce the required front and interior side setbacks for a building structure, to replace an existing one-story religious facility. This application is subject to the approval of a conditional use approval pending before the Planning Board.

**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, 12, and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with the Sea Level Rise Criteria 1, 10, 11, and 12 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. 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.
2. The property shall comply with all of the conditions of the conditional use approval enumerated in the Final Orders for PB18-0243 dated April 30, 2019 for the religious facility.
3. Revised elevation, site plan, and floor plan drawings for the proposed new development at 14 Farrey Lane shall be submitted, at a minimum, such drawings shall incorporate the following:
  - a. The existing architectural wall and “Belle Isle Villas” signage located adjacent to the south property wall shall be retained and restored.
  - b. A minimum of three (3) high quality contrasting finishes shall be required as shown on the final submittal plans, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. The second floor field and massing be further distinguished from the rest of the mass of the building through the introduction of a contrasting exterior finish material. Those portions identified as “painted stucco” shall be replaced with a high quality material such as stone or tile cladding proposed along the wall facing Farrey Lane, 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 framing element proposed in the northwest portion of the third level and roof level be eliminated.
  - e. The proposed second floor bathroom and stairwell be moved westward to be flush with rear (east) setback of 5'-0”.
  - f. At third level, the architect shall eliminate or reduce the encroaching balcony and reorienting the bathroom to increase the requested setback, as well as moving the stairwell westward (to be flush with rear (east) setback of 5'-0”).
  - g. At the roof level, the architect shall move the stairwell westward (to be flush with rear (east) setback of 5'-0”).
  - h. The proposed third floor balcony space be eliminated or reduced in size and contain a setback of no less than 10'-0” at its closest point.
  - i. The proposed trellis at the roof level above the balcony below shall be eliminated.
  - 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. The overall height of the building shall be reduced by 4'-0", excluding the rooftop elements, and the maximum height of the building shall be 35'-0" when measured from the main roof slab of the structure, when measured from 10' NGVD.
  - l. The final design and details including samples and color selection of the proposed horizontal wood fundemax slat elements 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.
  - m. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.
  - n. The final design and details including samples of the proposed exterior ground floor screening 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.
  - o. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
  - p. 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.
  - q. 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.
4. 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. The applicant shall explore incorporate a true landscaped "green wall" in the form of a modular welded wire trellis panel mounted to the wall, or similar method, to accommodate a growing sky vine or similar creeping landscape species, along the side and rear elevations, in a manner to be reviewed and approved by staff consistent with the Design Review

Criteria and/or the directions from the Board.

- b. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- c. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- d. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- e. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- f. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- g. Street trees shall be required within the swale at the front and side facing street of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. 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.
- j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. 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.

- I. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. 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.**

## **II. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  - 1. A variance to reduce by 15'-0" the minimum required front pedestal setback of 20'-0" in order to build a multi-story building 5'-0" at its closest point from the front (west) property line facing Farrey Lane.
  - 2. A variance to reduce by 40'-0" the required 50'-0" side interior setback for religious institutions in order construct a multi-level religious institution at 10'-0" at its closet point from the interior side (north) property line.
  - 3. A variance to reduce the required at grade parking front setback of 20'-0", in order to construct parking spaces and the vehicular driveway up to the front property line.
- 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.

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.

- C. The Board hereby **Approves** 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.

**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 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the revised plans, entitled "Venetian Chabad Miami Synagogue", as prepared by **Choeff Levy Fischman architecture and design** dated, signed and sealed 0May 13, 2019, and as approved by the Design Review Board, as determined by staff.

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

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