

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 02, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB19-0398
317 71st Street

DRB19-0398, 317 71st Street. An application has been filed requesting Design Review Approval for exterior alterations to an existing one-story building including the removal of an architectural postwar-modern spire/monument.

Recommendation:

Continue to a future date

LEGAL DESCRIPTION:

Lots 13-15, Block 7, of "Normandy Beach South", According to the Plat Thereof, as Recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: TC-C

Future Land Use: North Beach Town Center Revitalization Overlay

EXISTING BUILDING:

1952 E. T. Reeder | One-story office

HISTORY:

A demolition permit, BC#1808984, was applied for on 10/01/2018, for the removal of the sign pylon.

The application was on the July 02, 2019 DRB agenda, and the item was continued to the October DRB meeting, at the request of the applicant.

SURROUNDING PROPERTIES:

East: One story commercial

North: Surface parking lot

South: Two story commercial

West: One story commercial

THE PROJECT:

The applicant has submitted plans and photos entitled "301 71st Street " as prepared by design architects **EC Architects** signed, sealed and dated 04/24/19.

The applicant is seeking to remove the existing architectural postwar-modern spire/monument from the existing one-story building.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code. 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; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.
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; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.
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; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.
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; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.
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; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.
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; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.

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

Not Satisfied; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.

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.

Not Applicable

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 Applicable

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

Not Satisfied; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.

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

Not Applicable

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; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Not Applicable

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 Satisfied; See Staff Analysis. The applicant has not provided detailed information of a replacement for the removal of the existing pylon.
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Not Applicable
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 comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Not Applicable

- (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.

Not Applicable

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land 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.

Not Applicable

- (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.

Not Applicable

- (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 Applicable

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

Not Applicable

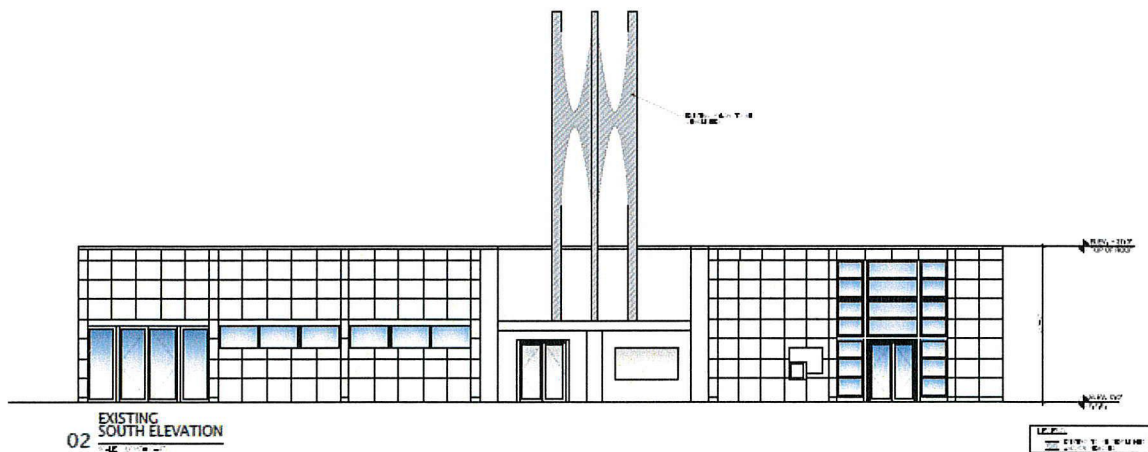
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Applicable

STAFF ANALYSIS:

The applicant is proposing to demolish a significant architectural feature of an existing one-story building, specifically a 55'-0" tall tripod pylon that punctures the roof and extends upward well above the central portion of the building elevation. The existing bank building was designed by Edwin T. Reeder, a celebrated local architect of the Midcentury modern style of design, in 1952. Two of Mr. Reeder's most recognizable structures are the 'Shalimar Motel' built in 1951, which is one of the most significant structures in Miami's MiMo/ Biscayne Boulevard Historic District, and more locally, the 14-story Miami Beach Federal Building located at 401 Lincoln Road.

The original building, designed and built in 1952, **did not** include the architectural feature proposed to be demolished. According to city records, an alteration and addition permit, designed by A. Herbert Mathes for the Miami Beach Federal Savings and Loan building, was approved in 1966, pursuant to building permit 76985. This permit included, among other minor interior alterations, the installation of the iconic pylon. It is important to note that the original architectural 'role' and function of the pylon was to accommodate extending rooftop signage well above the roof lines; ironically, these types of sign projections are prohibited under today's sign code.



Section 118-252 of the Design Review Procedures of the City Code identifies that all building permits for new construction, public interior areas, interior areas that face a street or sidewalk, **demolitions and wrecking**, alterations, or additions to existing buildings, including fences, parking lots, walls and signs, whether new or change of copy, and exterior surface finishes and materials, shall be subject to review under the design review procedures. However, this property is not located in an historic district and is not an individually designated historic site. Accordingly, the role of the DRB in this application is to review the proposal to remove the pylon and decide whether it should be replaced in some form.

The existing one-story building is sited on the northern side of 71st Street and extends from Harding Avenue to Harding Court in the recently adopted TC-C (Town Center Central Core) zoning district. The purpose of the new TC-C district is to facilitate and enable the design and construction of larger buildings within the Town Center and to encourage the development of 71st Street. The FAR for the site is 3.5, and the maximum permissible height is 165'-0". As such, it is presumably a matter of time before the site is redeveloped in accordance with the recently amended zoning entitlements.

The applicant has indicated that the proposed removal of the pylon structure is a matter of maintenance. An engineering report has not been submitted indicating that the spire element is an "unsafe structure" posing imminent threat to life safety, and no emergency demolition order has been established. The 162,000 lb. structure would be cut into (18) pieces (approx. 9000 lbs each) starting from the top of the pylon and working down towards the roof. Each leg of the structure would need to be cut independently of each other, alternating each of the three legs

until reaching the roof. The last pieces will then be cut flush with the existing roof. The last cuts will require a roofer to patch the roof to match the existing after the final cuts are made.

The architecture envisioned for the 71st Street corridor is in keeping with local precedents, including utilizing the MiMo aesthetic. Ideally, any future development on the site will feature prominent and distinct architectural elements and architecture commensurate with the design feature, and existing one-story structure, it will one day replace.

Since the July DRB meeting, Planning staff has had productive conversations with the building owner regarding potential alternatives to the removal of the iconic pylon. Although the DRB does not have any legal jurisdiction to deny the removal of the structure, the DRB does have jurisdiction to review, and require, some form of iconic replacement for the pylon.

In order to allow for the retention of the pylon to be further explored, as well as potential replacement options to be developed, staff recommends the application be continued to a future date.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be continued to a date certain of December 13, 2019. If the DRB should move to approve the project, staff recommends that any approval be subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 02, 2019

FILE NO: DRB19-0398

PROPERTY: **301-317 71st Street**

APPLICANT: Beach Legal Properties Inc.

LEGAL: Lots 13-15, Block 7, of "Normandy Beach South", According to the Plat Thereof, as Recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida

IN RE: An application for Design Review Approval for exterior alterations to an existing one-story building including the removal of an architectural postwar-modern spire/monument.

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 6 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is not applicable with Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- b. 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.

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 "301 71st Street" as prepared by **AC Architects** signed, sealed and dated 04/24/19, 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: _____
JAMES G. MURPHY

