

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 07, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB20-0599 (fka DRB16-0101)
6444 Indian Creek Drive – Brittany Bay Park

The City of Miami Beach has filed an application for Design Review Approval for site plan improvements to Brittany Bay Park and the rehabilitation of the Indian Creek/Brittany Bay seawall incorporating a living seawall and construction of a viewing platform. This project was previously approved on March 07, 2017.

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

Lots 1-12, Block 3, Amended Plat of SECOND OCEAN FRONT SUBDIVISION, According to the Plat thereof as recorded in Plat Book 28, Page 28, Public Records of Miami-Dade County, Florida

BACKGROUND:

The City of Miami Beach has approximately 63 miles of shoreline. With many City-owned seawall projects currently in the planning and design phase, there is an opportunity to integrate green 'living seawalls' with structural seawall rehabilitation projects. The Public Works and the Environmental and Sustainability Departments have been working together on several projects to design, permit and implement living shorelines where possible. Moreover, the 2040 Comprehensive Plan encourages the use of living seawalls in applicable areas (Policy 2.7, page C/CZM-4 – 116 of 179).

On March 07, 2017, the Design Review Board reviewed and approved the design for the proposed improvements, pursuant DRB16-0101. The applicant did not obtain the necessary permits within the allotted 18-month timeframe and the DRB order expired.

HISTORY:

Brittany Bay Park, also known as Indian Creek Park, is a City-owned waterfront park on the Indian Creek Waterway. The Park serves as a leisure, open space park for residents and visitors with vegetation and winding pedestrian paths, as well as offering a free VIta fitness route and equipment stations.

SITE DATA:

Zoning:	GU, Government
Future Land Use:	GU, Recreation Open Space
Lot Size:	164,757 SF

Existing Seawall	1060 LF
Proposed Rehabilitation	540 LF
Proposed Living Shoreline	14,093 SF

OPEN SPACE:

Existing Pervious Area	138,880 SF
Existing Impervious Area	25,877
Proposed Pervious Area	138,880SF
Proposed Impervious Area	25,876 SF

SITE FURNITURE:

Current Benches	4
Proposed Benches	4
Current Bike Racks	1
Proposed Bike Racks	13

SURROUNDING PROPERTIES:

East: Indian Creek Drive/ Mid-Rise Residential
North: Three-story residential building
South: Seventeen-Story transient residential
West: Indian Creek Waterway

THE PROJECT:

The applicant has submitted plans entitled “Office of Capital Improvements Brittany Bay Living Shoreline, Overlook and Park Renovation”, as prepared by Brindley Pieters & Associates, Inc., dated October 12, 2020.

The City of Miami Beach is requesting approval for site plan improvements to Brittany Bay Park and the rehabilitation of the Indian Creek/Brittany Bay seawall incorporating a living seawall. The Brittany Bay Park Seawall Project proposes to rehabilitate the existing seawall, which is currently failing in multiple areas along the aged seawall and incorporate a living shoreline where existing mangrove stands have naturally recruited. The existing seawall is approximately 1,030 linear feet. While the structural seawall is in fair condition, the concrete cap is dilapidated and other minor repairs are necessary. Red mangrove stands have recruited along areas that are exposed to tidal flushing. The design calls for the restoration of approximately 530 linear feet of existing structural seawall, topped with a new concrete cap at an elevation of 5.7' NAVD.

The living shoreline is proposed along the remaining 500 linear feet of seawall, midpoint along the water edge. It is comprised of existing mangrove stands and other landscape species, as well as new native landscape species that will be introduced to provide shoreline stabilization. In addition, three overlook decks are proposed to connect park users to the living seawall's edge and allow the opportunity to inform users about the natural environment. The scope also includes improved pathways and site furniture, and pedestrian lighting to enhance security and safety.

ACCESSIBILITY COMPLIANCE

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building

Department prior to the issuance of a Building Permit.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **recreational use** appears to be **consistent** with the ROS designation of the Future Land Use Map of the 2040 Comprehensive Plan. The main permitted uses in the ROS, Recreation Open Space Element are recreation and open space facilities. Further, the project is in alignment with the following policies of the CLIMATE RESILIENCY AND SUSTAINABILITY ELEMENT of the 2040 Comprehensive Plan:

POLICY RSE 2.1.5

Living seawalls and hybrid seawalls should be used in areas where such specifications are applicable and will further enhance the natural shoreline processes to prevent erosion, increase habitat, and improve water quality through sediment trapping and nutrient reductions.

POLICY RSE 2.1.6

The City will work to improve the resilience of seawalls through higher elevations, living seawalls, and hybrid approaches.

COMPLIANCE WITH ZONING CODE:

The application, as submitted, appears to be consistent with the applicable requirements of the City Code. 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.
Satisfied

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.
Satisfied
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.
Satisfied
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Satisfied
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.
Satisfied
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.
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 Applicable
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 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 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.
4. **Not Applicable**
5. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
6. Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Satisfied
7. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Applicable
8. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
9. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable
10. 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.
Satisfied
11. Where feasible and appropriate, water retention systems shall be provided.
Satisfied

ANALYSIS:
DESIGN REVIEW

Brittany Bay Park is a city owned 4-acre waterfront park on the Indian Creek Waterway. The initial scope of the Brittany Bay Park Seawall Project was to rehabilitate the existing seawall as it stands. However, the rehabilitation of the existing seawall would have required the removal of 72 mangroves, 23 buttonwoods and additional trees, many of which were native and specimen-sized, along the shoreline. Since the protection of mangroves is a priority to the City of Miami Beach, the Project's scope evolved to include the protection of the existing mangrove stands and introduce a natural shoreline within the existing structural seawall.

A nearly identical application for design improvements to the park was reviewed and approved by the Design Review Board on March 7, 2017, pursuant to DRB16-0101. However, the

applicant did not obtain necessary permits within the allotted 18-month timeframe, and the DRB order expired. Most of the project is consistent with the prior 2017 approval except for some of the proposed viewing platforms being reduced in scope.

The subject project is part of the City of Miami Beach Rising Above Resiliency Strategy and will provide improved facilities, as well as, an enhanced experience for the city's patrons through the implementation of the following elements:

- Turtle-friendly, pedestrian lighting to enhance security and safety;
- Living shoreline with native resilient species to provide shoreline stabilization;
- Improved pathways;
- Improved benches;
- One overlook to provide access to water views;
- Educational signage;
- Vegetation improvements;
- Tree removals, relocations and planting.

The proposed rehabilitation to the Brittany Bay Park seawall will be the first hybrid design where the City incorporates a structural seawall with a living shoreline. The hybrid design preserves the existing mangrove stands, as well as proposes an abundance of landscape both at the shoreline and within the park. Moreover, the shoreline serves as an educational tool to residents and visitors of the Park, demonstrating the importance of resilient species for shoreline stabilization and alternative options to strictly grey infrastructure. Educational signage will focus on sea level rise outreach and the role of natural system in building resiliency.

In addition to the rehabilitation and construction of a hybrid seawall, the design includes site improvements to the existing park and the construction of three overlooks that connect the park, through the living shoreline, to the water's edge. The proposed improvements include a new pedestrian pathway along the land edge of the living shoreline, improvements to existing pathways, replacement of existing benches with new, wooden benches, new bike racks and trash receptacles, and new site lighting to enhance security and safety. The overlook is triangular in design, embraced on three sides by contemporary railings, with composite wood deck flooring.

Staff is fully supportive of the proposed project. The review of the final design of the overlook and railings, including materials and finishes, can be easily addressed at the time of permit.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria, where applicable.

- 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 consistent with Design Review Criteria 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 consistent with Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code
- D. The project would remain consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
 1. Revised site plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The final design and details of the proposed overlook deck, including materials and finishes, shall be provide, subject to the review and approval of staff.

- b. The pier deck planks may alternatively be of a durable composite material designed for marine use, subject to the review and approval of staff.
 - c. The final design and details, including materials and finishes, of the proposed seating, trash receptacles and bike racks shall be provided, subject to the review and approval of staff.
 - d. The final design and details of all lighting fixtures shall be required, subject to the review and approval of staff.
 - e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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.

- f. Prior to any site work, the CIP Office shall coordinate and be responsible for making sure that the CMB Urban Forester has the opportunity to oversee and approve any tree work related to the project. An independent Certified Arborist should also be retained as part of the consulting team in order to assist the contractor during the construction in order to evaluate tree conditions and make recommendations periodically

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. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney. If there is a roadway or right-of-way between parcels, that parcel separated from the remaining development shall not be considered a unified development site and shall not be joined into the covenant in lieu of unity of title or unity of title for the actual unified development site.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- F. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

H. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval 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 "Office of Capital Improvements Brittany Bay Living Shoreline, Overlook and Park Renovation", as prepared by Brindley Pieters & Associates, Inc, dated October 12, 2020, 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

Filed with the Clerk of the Design Review Board on _____ ()

'Exhibit A'

LOTS 1-12, BLOCK 3, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 28,
PUBLIC RECORDS ON MIAMI-DADE COUNTY, FLORIDA.