

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: January 5, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB20-0591  
**2050 North Bay Road**

An application has been filed requesting Design Review Approval for the construction of a new two-story residence including one or more waivers to replace an existing two-story architecturally significant pre-1942 residence.

#### **RECOMMENDATION:**

Approval with conditions

#### **LEGAL DESCRIPTION:**

Lot 12, Block 15, amended plat of Sunset Lake Subdivision, according to the plat thereof, as Recorded in Plat Book 8, Page 52, of the Public Records of Miami-Dade County, Florida.

#### **HISTORY:**

On December 7, 2020, this item was reviewed and continued by the Board to a date certain of January 5, 2021 with the request by the Board for the applicant to meet with the Miami Design Preservation League to explore some level of retention for the existing home.

#### **SITE DATA:**

Zoning: RS-2  
Future Land Use: RS  
Lot Size: 32,985 SF  
Lot Coverage:  
    Proposed: 7,980 SF / 24.2%  
    Maximum: 9,896 SF / 30%  
Unit size:  
    Proposed: 13,903 SF / 42.1%  
    Maximum: 16,493 SF / 50%  
2<sup>nd</sup> Floor Volume to 1<sup>st</sup>: NA > 25%  
Height:  
    Proposed: 27'-0" flat roof  
              28'-6" sloped  
    Maximum: 28'-0" flat roof  
              31'-0" sloped

Grade: +3.50' NGVD  
Flood: +8.00' NGVD  
Difference: +4.5' NGVD  
Adjusted Grade: +5.75' NGVD  
Finished Floor Elevation: 9.00' NGVD (BFE +1 FB)  
Side Yard Elevations Min: 6.56' Max: 6.56'  
Read Yard Elevations Min: 6.56' Max: 9'

#### **SURROUNDING PROPERTIES:**

North: Two-story 1995 Residence  
South: Two-story 2008 Residence  
West: Biscayne Bay  
East: One -story 1954 Residence

#### **PRIOR STRUCTURE:**

Year: 1933  
Architect: Carlos Schoeppl

### **THE PROJECT**

The applicant has submitted plans entitled "2050 N Bay Road" as designed by **CMA Design Studio, Inc.**, signed, sealed, and dated, signed, sealed, and dated October 12, 2020.

The applicant is requesting Design Review Approval for the construction of a new two-story single-family residence to replace an existing two-story architecturally significant pre-1942 residence.

The applicant is requesting the following design waiver(s):

- 1 A two-story side elevation more than 60'-0" in length in accordance with Section 142-106(2)(d).
- 2 Elevator bulkheads shall be located as close to center of the roof as possible and be visually recessive in accordance with Section 142-105(b)(7)(f).

### **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:

- Height exceptions: (f.) Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.
- Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard:
  - a. **The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line.**
  - b. The square footage of the additional open space shall not be less than one percent of the lot area. The open space provided along a side elevation in accordance with this subsection, whether required or not, shall not be included in the lot coverage calculation provided that the combined depth of the open space, as measured from the required side setback line(s), is less than 30 percent of the maximum developable building width of the property, as measured from the interior setback lines, and the total open space provided does not exceed five percent of the lot area. Any portions of the interior side yard open space in excess of five percent of the lot area shall be included in the total lot coverage calculation.
  - c. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
  - d. At least 75 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

The intent of this regulation shall be to break up long expanses of uninterrupted two-

story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

- URBAN HEAT ISLAND ORDINANCE Sec. 142- 1132. g) Driveways. (4) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in section 114- 1 of this Code. (5) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in section 114- 1 of this Code, shall be prohibited.
- Revise Yard Open Space Calculations. Required rear yard runs from property line to property line and diagrams shall correspond accordingly.
- The separation between the accessory building and the main home shall be a minimum of 5'-0", open to sky with no overhead roof overhangs, projections or connections.
- Proposed fences in required yards do not comply with maximum height allowed in required rear and side yards.
- The two-story structural projection along the south interior yard that is off of the BBQ Area at the first floor and the Covered Terrace at the second floor is not identified as an allowable yard encroachment and shall be relocated out of the setback, or otherwise be demonstrated to comply with allowable encroachments.
- Allowable projections may encroach into a required yard for a distance not to exceed 25% of a required yard, up to a maximum of 6'-0".

**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 seeks 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 seeks 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 seeks 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.

**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.

**Not Satisfied; the proposed project seeks 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 seeks 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 seeks 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.  
**Satisfied**
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.  
**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 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**

### **ANALYSIS:**

#### **Design Review**

The applicant is proposing to construct a new two-story residence on a waterfront parcel on North Bay Road that contains a 1933 architecturally significant residence. The proposal seeks two design waivers and the first floor elevation of the new residence is proposed at base flood elevation (8' NGVD) plus a minimum freeboard of one foot (+9' NGVD). This project was heard and continued by the Board at the December 7, 2020 meeting.

The proposed residence has been designed in a Bali Tropical Vernacular style that incorporates the use of many exterior terraces, balconies and open courts for amplified outdoor living. The design features a two-story bar building at the front of the site that is programmed on the ground floor with two garages flanking a covered terrace and on the second-floor guest quarters. The main two-story residence, which is setback an additional 31 feet from the bar building, is t-shape in plan to allow for extensive landscape at both the front and rear of the site and overlooking the pool and Biscayne Bay. The design of the residence combines modern elements with traditional design elements such as deep planters, vertical accent elements, louvers, balconies, hipped roofs with concrete shaker roof tiles, wide overhangs, coral stone cladding and cumaru siding wood finishes.

Landscaping plays a prominent role in both the site design and architecture of the home. Deep planters are integrated into the residence and are enhanced by a lush ground plane of vegetation and water features. While supportive of the overall design and landscaping, staff believes the southern elevation needs further refinement. As proposed, portions of this elevation exhibit expansive walls without fenestration and little articulation aside from projecting planters and landscape. Staff recommends further refinement of this elevation with planar articulation and windows.

The first design waiver pertains to an elevator located within the wing of the home that runs along the interior southern side, proximate to the central building volume of the home. The Code requires that the elevator and associated bulkhead be located as close to the center of the roof (floorplan) as possible and be visually recessive such that it does not become a vertical, tower-like extension along the exterior elevations. As proposed, the elevator does not project above the main roof line of the residence as the design does not include a habitable accessible roof deck. Therefore, the element does not become part of the side (south) elevation or a vertical architectural projection that expands its height. While an elevator override or bulkhead is an allowable height exception, since the elevator does not access the rooftop, the area necessary to accommodate the mechanical equipment projection over the

main roofline should be minimal. As such, staff recommends approval of the proposed elevator location.

The applicant is also requesting a waiver of the open space requirement for two-story elevations that exceed 60'-0" in length for the south interior elevation of the main building structure. This request is directly tied to the t-shape of the home, where an expansive lawn court at the rear and front of the home has pushed the programming to the perimeter of the developable lot. The south interior side elevation is expansive and features an open space along its southeastern most section, yet the elevation continues towards the rear of the site spanning 107'-6" in length with a ground floor running the entirety of that span and a second floor that is broken up with an open terrace that is 8' deep and 16'-0" wide. Overall, the elevation incorporates movement and massing breakup. However, staff finds that further refinement of the south elevation would mitigate the impact of the extensive length. Provided that the architect further refines the elevation with window openings and planar movement, and restricts the provided second floor open space to only plant maintenance, staff would be supportive of this waiver since the proposed design does meet the intent of the code.

Overall, the applicant has proposed a noteworthy architectural design with rich finishes and complex elements that is sensitive to the neighborhood's overall context. Staff recommends the approval of the design, including the two design waivers with the noted modifications.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved with conditions**, 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.