

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 23, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB21-0418. Faena District Overlay Amendments.**

An Ordinance of the Mayor And City Commission of the City of Miami Beach, Florida, amending the Land Development Regulations of the Code of the City of Miami Beach, by amending Chapter 142, entitled "Zoning Districts and Regulations," Article III, entitled "Overlay Districts," amending Division 10, entitled "Faena District Overlay," to amend the allowable height for RM-3 oceanfront lots greater than 70,000 square feet in size, which also contain a contributing historic structure; and providing for repealer, severability, codification, and an effective date.

RECOMMENDATION

Transmit the proposed ordinance to the City Commission with a favorable recommendation.

HISTORY

On January 13, 2021, at the request of Commissioner Ricky Arriola, the City Commission referred the subject Ordinance to the Planning Board (item C4 B).

BACKGROUND

On December 17, 2014, the City Commission adopted ordinance 2014-3913 establishing the Faena Overlay District. The district includes the properties owned and operated by the FAENA Group and is generally located along Collins Avenue between 32nd and 36th Streets. The parcels west of Collins Avenue are in the more restrictive RM-2 zoning district and the adopted overlay district modified some of the permitted uses in the RM-2 district as follows:

- Allowed for ballroom and assembly space (west of Collins and south of 34th Street) to be a main permitted use and not classified as a neighborhood impact establishment, within the confines of the overlay district. Typical uses would include art exhibits, conferences and other similar activities.
- Allowed commercial uses to be a main permitted use within existing contributing structures on the west side of Collins Avenue.

The adopted overlay also encouraged and allowed for non-standard paving designs for the sidewalks and those portions of 34th Street between the Arts Center and Atlantic Beach Hotel.

On November 14, 2014, the Historic Preservation Board approved a Certificate of Appropriateness for 3425 Collins Avenue (The Versailles Hotel – HPB File No. 7490). This project

was comprised of the partial demolition, renovation and restoration of the existing 16-story Versailles hotel building, the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new residential development. On December 5, 2014, the Board of Adjustment approved a total of eleven (11) variances related to the proposed new construction located on the site of the Versailles Hotel building.

On March 8, 2016, the Historic Preservation Board approved modifications to the design and site plan, including additional variances (HPB File No. 7603). Although the renovation and addition to the Versailles Hotel was initially approved about the same time that the Faena Overlay District was created, permits for the restoration and new construction have not been issued and little activity has taken place on the site since the 1955 south addition was demolished. With the application of numerous state extensions, the current approvals remain active.

On April 22, 2020, at the request of Commissioner Ricky Arriola, the City Commission referred an ordinance to amend the Faena District Overlay Regulations to modify height limits for oceanfront lots greater than 70,000 SF with a contributing structure from 200 feet to 250 feet to the Land Use and Sustainability Committee and the Planning Board (Item C4 D).

On May 26, 2020, the Land Use and Sustainability Committee (LUSC) reviewed the ordinance and provided a favorable recommendation. At the request of Faena representatives, the LUSC discussion was also continued to the June 30, 2020 meeting in order for a detailed presentation to be provided to the committee. On June 30, 2020 the item was deferred to the July 21, 2020 LUSC meeting. On July 21, 2020 the LUSC reaffirmed their favorable recommendation.

On July 27, 2020 the Ordinance was discussed by the Planning Board and continued to a date certain of August 25, 2020. On August 25, 2020 the Planning Board held a public hearing and transmitted the ordinance to the City Commission with a favorable recommendation by a vote of 5-2. The Planning Board also recommended the following changes, which were incorporated into the draft ordinance for first reading:

1. Consolidate the various side yard setback requirements for subterranean, pedestal and tower from the previously proposed range of (zero (0') feet to 2'-10") to zero (0') for all such setbacks as noted in the following condition, which includes a new view corridor requirement to be reviewed by the Historic Preservation Board:

"The subterranean, pedestal, and tower interior side setbacks shall be zero (0') feet for properties abutting a GU zoned parcel, and which also provide a view corridor between an existing contributing building and the construction of a detached ground level addition, subject to the review and approval of the historic preservation board, in accordance with the certificate of appropriateness review criteria."

2. Clarify that the porte-cochere exceptions from city code section 142-1132 only applied to the recreation/renovation of an original porte-cochere to a contributing building as follows:

"The maximum permitted width of a porte-cochere for a contributing building may exceed the requirements of allowable encroachments as outlined in the city code section 142-1132, not to exceed the width of an original porte-cochere. The maximum permitted height of such porte-cochere shall be 19'."

3. Eliminate the proposed allowance of security guardhouses as allowable encroachments into the required front yard.

On September 16, 2020, the subject ordinance was approved at first reading with no changes by a vote of 7-0. Additionally, the City Commission referred the proposed ordinance to the Historic Preservation Board for an advisory opinion by a vote of 5-2. On October 13, 2020, the Historic Preservation Board recommended that the City Commission not adopt the proposed ordinance by a vote of 6-0.

On October 14, 2020, the City Commission adopted the ordinance (Ordinance no. 2020-4366) by a vote of 5-2.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does not change the boundaries of the existing Faena District.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposal is for reduction in the maximum height of a future building from 250 to 221 feet which is more in line with the scale and needs of the neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum FAR is not modified.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to ensure that the redevelopment and restoration of the impacted sites are compatible with the surrounding neighborhood make the passage of the proposed changes necessary

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion from what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed change should increase light and air as a result of the proposed reduced height limit.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal will improve the resiliency of the City with respect to sea level rise by allowing for new development that is more resilient.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and**

resiliency efforts.

Consistent – The proposal is compatible with and supports the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

The Versailles Hotel is one of the most iconic Art Deco hotel structures in the City. The original tower was constructed in 1940 and designed by architect Roy France. The owner of the hotel property is currently in the process of redesigning the residential tower addition, along with some changes to the Versailles Hotel restoration plans.

In order to facilitate the restoration of the Versailles Hotel and the development of the Aman Hotel & Residences project, the City Commission adopted Ordinance No. 2020-4366, which modified the development regulations for oceanfront lots with a lot area greater than 70,000 sq. ft. that also contain a contributing historic structure. The primary modification was to increase the height limit from 200 feet to 250 feet.

Several neighbors of the property expressed concerns with the increased height; in particular that the additional height would block views, air, and light. To this end, the proposed ordinance reduces the height limit from 250 feet to 221 feet. Since the site can be redeveloped with the reduced height limit, while continuing the restoration of the historic Versailles Hotel, staff is supportive of the proposed change.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

FAENA DISTRICT OVERLAY

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, ENTITLED "OVERLAY DISTRICTS," AMENDING DIVISION 10, ENTITLED "FAENA DISTRICT OVERLAY," TO AMEND THE ALLOWABLE HEIGHT FOR RM-3 OCEANFRONT LOTS GREATER THAN 70,000 SQUARE FEET IN SIZE, WHICH ALSO CONTAIN A CONTRIBUTING HISTORIC STRUCTURE AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") desires to encourage private property owners to redevelop and manage properties under common ownership comprehensively rather than in a piecemeal manner; and

WHEREAS, the City seeks to encourage and incentivize new development and the preservation and restoration of structures located within the Collins Avenue corridor; and

WHEREAS, contributing historic structures located within the Collins Avenue corridor pre-date the City's land development regulations and therefore do not meet the zoning standards and are frequently permitted as legal nonconforming structures; and

WHEREAS, the preservation and restoration of the City's historic buildings and character furthers the general welfare and is especially important to the citizens of Miami Beach; and

WHEREAS, the preservation and restoration of historic structures is often possible through the construction of additions and/or new buildings on the same property; and

WHEREAS, the amendment set forth below is necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, Article III entitled "Overlay Districts", Division 10 "Faena District Overlay" is hereby amended as follows:

CHAPTER 142 ZONING DISTRICTS AND REGULATIONS

* * *

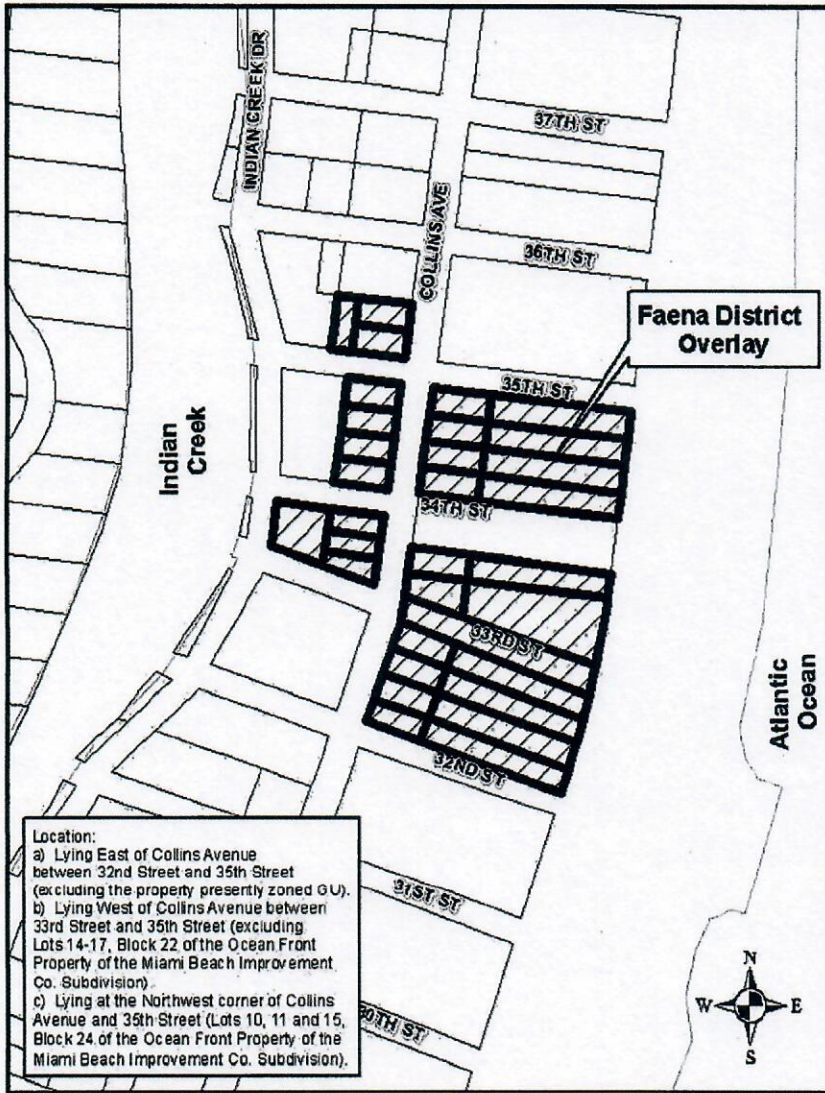
ARTICLE III OVERLAY DISTRICTS

* * *

DIVISION 10. FAENA DISTRICT OVERLAY

Sec. 142-867. Location and purpose.

The overlay regulations of this division shall apply to the properties identified in the Overlay Map below:



The purpose of this overlay district is to allow limited flexibility of uses, limited increases in heights, and limited flexibility in setbacks because of the common ownership and operation of the properties within the overlay district and the value of preserving historic buildings within the overlay district.

* * *

Sec. 142-869. Compliance with regulations.

The following overlay regulations shall apply to the Faena District Overlay. All development regulations in the underlying regulations shall apply, except as follows:

* * *

(g) Within areas that have an underlying zoning designation of RM-3, lots which are oceanfront lots with a lot area greater than 70,000 sq. ft. that also contain a contributing historic structure shall have a maximum height of ~~250~~221 feet.

i. Any building with a height exceeding 203 feet shall have a front setback of 75 feet as measured to the closest face of a balcony.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2021.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:

Second Reading:

Verified by: _____

Thomas Mooney, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes removed language