

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 2, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB20-0528
900-910 West Avenue

An application has been filed requesting Design Review Approval for exterior design modifications to an existing Design Review Approval including the redesign and reconfiguration of the existing commercial space to accommodate an indoor and outdoor restaurant operation oriented towards the bay with access from 10th Street, the installation of illuminated signage, exterior speakers, an outdoor bar counter, operable doors systems to the façades and one or more variances including to extend the hours of operation for an outdoor bar counter and a variance from the required street side setback. This application is also requesting modification and deletion of conditions of the original Final Order. This item was originally approved in 2013, pursuant to DRB File No. 22945.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lots 11-18, Block 1, Fleetwood Subdivision, according to the Plat Thereof, as recorded in Plat Book 28 at Page 34, of the Public Records of Miami-Dade County, Florida.

HISTORY:

On March 5, 2013, the Design Review Board reviewed and approved an application for modifications to the exterior of the two (2) existing 14-story apartment buildings, including design modifications to the existing facades, new roof-top terraces, and a new hardscape and landscape plan for the site, including an outdoor dining area. The approval also included 10th Street street-end improvements in the public right-of-way, as well as modifications to previously approved conditions for the construction of a public baywalk, pursuant to DRB File No. 22945. A separate application pertaining to revisions for the baywalk plan was approved at the August 6, 2013 DRB meeting.

This application for modifications came before the Board on December 7, 2020, and was continued to a date certain of January 5, 2021, at the request of the applicant, with no discussion on the details of the application. At the January 5, 2021 meeting, this application was a continued at the request of the applicant to a date certain of March 2, 2021, with no discussion on the details of the application.

SITE DATA:

Zoning:	RM-3
Future Land Use:	RM
Lot Size:	176,023 SF (4 acres)
Existing FAR:	522,614 SF / 2.97

Proposed FAR: same*
*As represented by the applicant

SURROUNDING PROPERTIES:

East: DRB20-0576, Shoppes at West Avenue
North: 24-story Residential Building, Mirador
South: 10-story Residential Building, South Bay
West: Biscayne Bay

THE PROJECT:

The applicant has submitted plans entitled "Southgate Towers", as prepared by **Urban Robot & Associates** dated 01/25/21.

The applicant is requesting design review approval for exterior design alterations to an existing building and modifications to conditions of a prior DRB Final Order (#22945) to amend the operational conditions for the existing restaurants on the site. The applicant is also requesting approval for a new signage plan, an outdoor bar counter with operations until 11:00 PM, as well as side setback variance to allow for the proposed trellis to encroach in the north side setback.

The applicant has withdrawn the following variance(s):

1. ~~A variance to exceed the allowable hours of operation for an accessory outdoor bar counter associated with a new restaurant located at the northwest corner of the site adjacent to a property with an apartment unit. Specifically, the applicant is seeking to extend the closing hours from 8:00 pm to 11:00 pm.~~

- ~~• Variance requested from:~~

~~**Sec. 142-244. Accessory uses:**~~

~~The accessory uses in the RM-3 residential multifamily, high intensity district are as follows: (3) Accessory outdoor bar counters, pursuant to the regulations set forth in chapter 6, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 am.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 pm. and 8:00 am.~~

2. ~~A variance to reduce by 34'-6" the required side setback of 51'-7" (8% of the lot width) to construct an attached wooden trellis at 17'-1" setback from the north side property line.~~

- ~~• Variance requested from:~~

~~**Sec. 142-247. - Setback requirements:**~~

~~(a) The setback requirements for the RM-3 residential multifamily, high intensity district are as follows:
Sum of the side yards shall equal 16% of lot width
Minimum 7.5 feet or 8% of lot width, whichever is greater~~

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, may be inconsistent with the following sections of the City Code:

- Sheet A-09 notes a nana wall system that is not part of the application, remove notes from plans.
- Details of the new shade structure in the rear shall be provided, in a manner to be reviewed and approved by staff.
- The rear yard of the entire property cannot have more than 30% of impervious surfaces or structures. Diagram shall be provided to show compliance.

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.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **multi-family residential** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

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.

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.
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.
Not 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.

- Not Satisfied; No details have been provided for the proposed wood structure within the rear yard.**
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; As proposed, an artificial 'green' wall along the ground floor of the north elevation, would have a long term negative impact on the quality and character of this highly visible street end.
 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 No. 4. above.
 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 expanded outdoor restaurant seating areas, and associated noise, may negatively impact the quality of live for neighboring residential uses. Also see No. 4 above.
 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.
Nor Satisfied. See No. 6 above.
 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; the submitted lighting plan has not demonstrated that the proposed lighting will minimize glare and reflection on adjacent properties.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not 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 Satisfied; The updated design of the 10th Street frontage and layout of the restaurant has not been demonstrated that it will provide significant landscape buffering and design solutions to mitigate any potential noise.
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).
Satisfied; the proposed improvements will not impact view corridors.
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 Satisfied; See No. 4 above.
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 Satisfied; Trash room(s)/garbage room(s) have not been demonstrated to be large enough, or sufficient in number to accommodate enough dumpsters. There is photographic evidence of loose dumpsters along 10th Street.
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.
Satisfied
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.
Not Satisfied
8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Satisfied

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

ANALYSIS:

Design Review

The subject site is a 4-acre waterfront parcel on the west side of West Avenue containing the Southgate residential project. The two (2), 14-story multifamily residential towers were built in 1958 and were most recently modified in 2013 pursuant to DRB Final Order #22945. The northern building includes two restaurant spaces. One of the restaurant spaces is located at the northeast corner of the property fronting the intersection of West Avenue and 10th Street (the “West Avenue Restaurant”). The other restaurant space is larger and is located on the northwesternmost portion of the north tower fronting the western terminus of 10th Street and facing Biscayne Bay (the “Waterfront Restaurant”). This application applies primarily to the proposed improvements for the waterfront restaurant space.

The proposed project scope includes the following components:

- A new sliding glazing system and retractable roof.
- Landscape enhancements to the north façade that include terraced plantings, a water feature, and an ancillary walkway and ramp.
- A new beach/lounge area with a wood shade structure.
- A new artificial ‘green’ wall along the north façade facing 10th Street.
- New restaurant signage facing West Avenue and 10th Street.
- New entry and retail signage.

New Signage

Staff has no objection to the removal of the nonconforming ‘Southgate Towers Apartments’ pole sign located at the 0’ front setback adjacent to the sidewalk on West Avenue. The existing pole sign is legal nonconforming and is not permitted under today’s signage code. The proposed new monument sign is sited within the turn median of the parking lot, and is composed of three planter walls, finished in oolitic stone and marble, with new address signage on the more prominent central planter. As proposed, the signage is consistent with the City code and will create a more elegant, modern element for the site.

Additionally, the applicant is proposing another monument sign at the corner of the site for the building's retail component. The monument signage is comprised of three landscape planters – a central, setback planter that is 6'-0" high and flanked by two shorter 3'-8" high planters with illuminated, steel individual-lettered signs for the retail. As proposed, the signage is consistent with the City code and will create a more elegant, modern element for the site.

Although the applicant is no longer requesting modifications to the prior conditions placed on the property in 2013, staff is concerned with the extent of activation proposed at the northwest corner of the site. With signage proposed at the corner of West Avenue and 10th Street, the design implements terraced landscape and a separate walkway to the waterfront restaurant. Staff does not recommend pedestrian access to the waterfront restaurant from 10th street, and conditions imposed in 2013 permit only emergency egress for patrons. The applicant is not proposing direct access, but the hardscape improvements along 10th Street lend to indirect pedestrian access, which can potentially impact the neighboring residential properties.

Sliding Storefront System

The applicant is seeking to demolish the existing exterior walls of the restaurant space that frame the interior from the exterior covered terrace area and to install a sliding storefront system. Staff recommends the sliding storefront door system be replaced with a fixed glazing system with intermittent swinging doors.

Outdoor beach/lounge area and wood shade structure

In addition to the proposed changes to the 10th street landscape area, the application also includes converting a current passive landscape green area by the bay to a beach/lounge area with new hardscape, landscape and a wood shade structure. The application does not provide any architectural details of the wood structure and if the Board supportive of these elements, approval of the final design details would need to be continued to a future meeting date.

Staff does not recommend further activation of the property aside from the existing restaurant and outdoor seating. The beach/lounge area has an additional 37 seats that appear to be serviced by the restaurant. Further, the applicant is proposing 95 outdoor seats in total, including within a new 'lounge' area located at the northwest corner. Conditions imposed in 2013 limit the number of outdoor seats to 75. Residents of the neighboring apartment building, which is located directly to the north of the subject property, may be negatively impacted from the standpoint of noise and from increased traffic circulation from the expansion of the restaurant operation to this once passive area. Staff is not supportive of the new beach/lounge area on this site, and recommends the area be maintained with passive landscaping.

10th Street Frontage Improvements

Along the north elevation facing 10th Street, the applicant is proposing artificial 'green' wall panels on a predominately stucco elevation, along with a water feature, terraced landscape and a new ramped walkway that will provide secondary access to the waterfront restaurant space. Staff supports the introduction of the proposed ipe wood panels, but would strongly recommend denial of the proposed artificial greenery.

While staff is supportive of improving the general conditions of this frontage, any potential for

pedestrian “access activation” along 10th Street is not recommended. As such, the scope of improvements should be limited to landscaping and façade improvements on private property only. Further, as sidewalks and pedestrian access in this area are still woefully inadequate, staff would also recommend that entry points from the proposed ramped walkway be used only for emergency egress and loading; and that the design include signage noting emergency egress, as well as identifying the main entrance to the restaurant from West Avenue only.

In order to help address the noise concerns of the neighboring residents, staff would recommend that no outdoor dining be permitted on the north side of the building. Additionally, no pedestrian access to the restaurant, with the exception of any required emergency egress, shall be permitted from the north side of the site along 10th Street. All pedestrian access to any restaurant located on the north side of the site should be provided from within the existing internal building circulation, or from within the subject property.

At the time of the original approval, there were considerable noise and operational conditions placed in the Final Order that established failsafe measures to ensure that the residential nature of the area would not be negatively impacted by the introduction of excessive commercial uses. These operational conditions are measured to ensure that outdoor improvements to the site remain balanced to minimize impacts such as noise, traffic (foot and other), and so that general impact are avoided. In summary, staff recommends the maintenance of the existing operating conditions.

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, Sea Level Rise, and Practical Difficulty and Hardship criteria, as applicable.