


MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 4, 2021

FROM: Thomas R. Mooney, AICP
Planning Director 

SUBJECT: **DRB20-0549 (DRB17-0198), 1733-1759 Purdy Avenue and 1724-1752 Bay Road**

An application has been filed requesting Design Review approval for exterior modifications to a previously approved Design Review Approval for the construction of a new five-story mixed use building. Specifically, the applicant is requesting a modification to the previously approved building height and exterior material changes. This item was originally approved in 2018, pursuant to DRB File No. 17-0198.

RECOMMENDATION:

Approval

BACKGROUND:

On December 4, 2018, the Design Review Board reviewed and approved the design for a new five-story mixed use building including a waiver, pursuant to DRB17-0198.

On July 7, 2020, the item was continued to the August 4, 2020 Design Review Board meeting at the request of the applicant. On August 4, 2020, the item was continued to the November 3, 2020 Design Review Board meeting again at the request of the applicant.

On December 14, 2020 the Planning Board approved modifications to the previously issued conditional use permit, pursuant to PB20-0344.

At the March 2, 2021 Design Review Board meeting, the application was continued to the March 18, 2021 meeting due to lack of quorum.

At the March 18, 2021 DRB meeting, the application was continued to a date certain of May 4, 2021 in order to address design concerns expressed by the Board.

LEGAL DESCRIPTION:

The West ½ of Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 16, ISLAND VIEW SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6 at Page 115 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: CD-2
Future Land Use: CD-2
Parking District: No. 5
Lot Size: 33,750 SF
Proposed FAR: 2.0 – 67,500 SF

Permitted FAR: 2.0 – 67,500 SF
Height:
Approved: **55'-0" from BFE +5'**
(68' NGVD)
Proposed: **65'-0" from BFE +5'**
(78' NGVD)

Highest Projection: +16'-8 1/4"
(97'-8 1/4" NGVD)

Grade: +5.42' NGVD

Base Flood Elevation: +8.00' NGVD

Difference: 2.58'

Ground Floor Elevation: +7'-6 1/2" NGVD

SURROUNDING PROPERTIES:

North: Commercial and industrial uses

South: "Lofts" residential mixed use

West: City Park | Government use

East: Industrial uses

THE PROJECT:

The applicant has submitted plans entitled "Eighteen Sunset", as designed by **Domo Architecture + Design and Rai A. Fernandez R. A.**, dated April 12, 2021.

The applicant is requesting modifications to the previously approved height of the building and modifications to exterior material changes.

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.
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.

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).

Satisfied

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 Satisfied

A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

- (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) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
- (5) 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
- (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.
Satisfied
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
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.
Satisfied
- (10) Where feasible and appropriate, water retention systems shall be provided.
Not Satisfied
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Not Satisfied
- (12) The design of each project shall minimize the potential for heat island effects on-site.
Not Satisfied

ANALYSIS:
DESIGN REVIEW

On December 4, 2018, the Design Review Board reviewed and approved a new 5-story residential building with ground floor retail, on-site parking, and an expansive rooftop amenity pool deck, pursuant to DRB17-0198.

Originally planned as a residential mixed-use project with three floors of residential units over a second floor parking level above a commercial base along Purdy Avenue and Bay Road, the applicant is proposing a new program to introduce office uses. The applicant filed a Planning Board application, File No. PB20-0344, for the approval of minor modifications to the 2018 CUP in order to include office use as part of the program. This application was approved on December 14, 2020, resulting in the conversion of eight (8) residential units on the third and fourth floors to 29,728 square feet of commercial office space.

The application returned to the Design Review Board on March 18, 2021 with proposed exterior design modifications that include an increase in height (as a result of recently modified Land Use Regulations spearheaded by the applicant), and changes to the exterior facades; specifically in materiality and glazing, and a revised roof / ammentidity deck. While the proposed design maintained the original sleek futurist architectural style with wide, beveled lines of the cantilevered terraces along the façade levels, it lacked the more striking architectural details and materiality of the original design. Consequently the Board continued this item to the May 4th, 2021 meeting, with the direction to further refine the facades.

The following modification have been made by the applicant in an effort to address the Board's concerns with the design:

- The spacing of the window mullions have been increased to 4 feet on the ground floor and 5 feet on the upper floors;
- The cantilvered slabs have been finished in smooth stucco to enhance the fluidity of the undulating terraces;
- Wood-like, IPE, aluminum cladding has been introduced along the façade walls in-between the expansive glazing systems and on on the roof level walls enclosing the elevator core;
- The rooftop trellis is more expansive and features vine plantings that provide texture and shade;
- The garage level bulkhead has been increased to 3'-6" above the finished floor to block vehicular lights;
- Additional landscape has been added at the second level to soften the bulkhead, as well as to the roof / amenity level; and
- The breezeway has been redesigned to include a coffered ceiling and lighting.

Overall, staff is supportive of the revised modifications and recommends approval.

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

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 4, 2021

PROPERTY/FOLIO: **1733-1759 Purdy Avenue and 1724-1752 Bay Road**

1752 Bay Road	02-3233-012-0550
1738 Bay Road	02-3233-012-0530
1759 Purdy Avenue	02-3233-012-0540
1747 Purdy Avenue	02-3233-012-0520
1730 Bay Road	02-3233-012-0510
1743 Purdy Avenue	02-3233-012-0500
1724 Bay Road	02-3233-012-0490
1733 Purdy Avenue	02-3233-012-0480

FILE NO: DRB20-0549

IN RE: An application has been filed requesting Design Review approval for exterior modifications to a previously approved Design Review Approval for the construction of a new five-story mixed use building. Specifically, the applicant is requesting a modification to the previously approved building height and exterior material changes. This item was originally approved in 2018, pursuant to DRB File No. 17-0198.

LEGAL: The West ½ of Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 16, ISLAND VIEW SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6 at Page 115 of the Public Records of Miami-Dade County, Florida.

APPLICANTS: Sunset Land Associates LLC and SH Owner LLC

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 9 and 19 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 inconsistent with Sea Level Rise Criteria 1, 10, 11 and 12 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. The property shall comply with all of the conditions of the original approval enumerated in the Final Order for DRB17-0198, dated December 04, 2018 except as modified herein.
 2. The project shall comply with the conditions imposed by the Planning Board Order No PB20-0344, dated December 14, 2020.
 3. The increase in height to 65 feet as proposed, as well as related amendments, shall be subject to final adoption of an ordinance currently pending before the City Commission for second reading on April 21, 2021. Should such ordinance not be adopted, or substantially modified in its current form, the subject application shall be revised to comply with the resulting City Code requirements, which may require the review and approval of the Design Review Board, as determined by the Planning Director.
 4. Revised elevation, site plan, and floor plan drawings shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The final color and finish of the IPE “aluminum cladding” shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The window system mullions shall be uniform in spacing and shall be spaced +/- 4' on the ground floor level; and spaced +/- 5' on levels 3, 4 and 5.
 - c. The final design, details and finishes of the roof top trellis shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The architect shall incorporate metal wall cladding where feasible to the Bay Avenue and Purdy Avenue elevations, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. The garage level bulkhead shall be a minimum of 3'-6" high, as measure from its finished floor, to buffer vehicular lights.
 - f. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. 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.

- h. 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.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.

- 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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:
City Attorney's Office: _____ ()

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