

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 10, 2021

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB21-0689

40 Island Avenue—Standard Hotel and Spa

An application has been filed requesting Design Review Approval for modifications to a previously approved application for exterior design modifications to the existing building, including variances to reduce the required side and sum of the side yard setbacks for the construction of an FPL vault and to exceed the maximum height allowed for fences and gates. Specifically, the applicant is requesting after-the-fact approval to extend the previously approved setback variances by expanding the limits of the FPL enclosure along the east side property line, in order to accommodate additional FPL equipment.

RECOMMENDATION:

Approval of the modifications.

LEGAL DESCRIPTION:

Lots 39, 40, 41 and 42 of "Amended Plat of Belle Isle", according to Plat thereof as recorded in Plat Book 5, Page 11 of the Public Records of Miami-Dade County, Florida.

BACKGROUND

On May 7, 2019 and June 4, 2019, the Design Review Board reviewed an application for exterior alterations to the existing hotel and site, including variances for the location of an FPL Vault and associated fences, pursuant to DRB19-0369.

The following variances were approved pursuant to DRB19-0369:

1. A variance to reduce by 10'-0" the minimum required interior side setback of 16'-0" in order to construct an FPL transformer pad at 6'-0" setback from the east side property line.
2. A variance to reduce by 14'-5" the required sum of the side setbacks of 32'-0" in order to construct an FPL transformer pad on the east side yard and provide a sum of the side setbacks of 17'-7".
3. A variance to exceed by 2'-1" the maximum allowed height of 7'-0" for a fence and gates located within the interior side yard in order to construct a fence and gates up to 9'-1" (11.34' NGVD) in height as measured from grade of 2.26' NGVD for the installation of a new FPL transformer vault.
4. A variance to exceed by 3'-0" the maximum allowed height of 5'-0" for a portion of a fence located within 4'-0" from the side property line facing a street in order to

- construct a fence up to 8'-0" (10.26' NGVD) in height as measured from grade of 2.26' NGVD facing Farrey Lane.
5. A variance to exceed up to 3'-0" the maximum allowed height of 7'-0" for fence and gates located within the interior side yard in order to construct portions of a wood fence along the east side property line up to 10'-0" (12.26' NGVD) in height as measured from grade of 2.26' NGVD.

SITE DATA:

Zoning: RM-1
Future Land Use: RM
Existing Room Count: 105 | No increase
Lot Size: 101,500 SF

SURROUNDING PROPERTIES:

East: One-story Farrey Lane residences
North: Biscayne Bay
South: Standard Hotel and Spa
West: One-story Century Lane residence

EXISTING STRUCTURE:

Architect: Norman Giller
Year of Construction: 1950

THE PROJECT:

The applicant has submitted plans entitled "The Standard Hotel", as prepared by **A.C. Atherton, P.A., and Peter Anselmo, R.L.A.**, dated June 14, 2021.

The applicant is requesting modifications to a previously approved application for exterior design modifications to the existing building, including modifications to the approved variances.

The applicant is requesting modifications the following variance(s):

1. A variance to reduce by 10'-0" the minimum required interior side setback of 16'-0" in order to construct an FPL transformer pad and terminal cabinet pad at 6'-0" setback from the east side property line.
2. A variance to reduce by 14'-5" the required sum of the side setbacks of 32'-0" in order to construct an FPL transformer pad and terminal cabinet pad on the east side yard and provide a sum of the side setbacks of 17'-7".

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code.

Any noted comments shall not be considered final zoning review or approval. All zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts, with the exception of variance #5, as noted above, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, staff has concluded that the plans and documents with the application comply with the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code with the exception of variance #5, as noted above:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

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; However, the proposed modifications require variances 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.
Satisfied; However, the proposed modifications require variances 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.
Satisfied; However, the proposed modifications require variances 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.
Satisfied; However, the proposed modifications require variances 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.
Satisfied; However, the proposed modifications require variances 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 Applicable
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.
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.
Not Applicable
- (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 of 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 Applicable

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Applicable

STAFF ANALYSIS:
VARIANCE REVIEW

The existing non-conforming hotel was previously approved in 2017 for a much larger renovation that included partial demolition and the addition of a 3-story structure including parking and a variance from the driveway width required. The renovations to the site were greatly reduced in scope and as part of the 2019 application, which included façade modifications and the installation of a new FPL vault, fence and gates.

The applicant is requesting modifications the the following variances:

1. A variance to reduce by 10'-0" the minimum required interior side setback of 16'-0" in order to construct an FPL transformer pad and terminal cabinet pad at 6'-0" setback from the east side property line.
2. A variance to reduce by 14'-5" the required sum of the side setbacks of 32'-0" in order to construct an FPL transformer pad and terminal cabinet pad on the east side yard and provide a sum of the side setbacks of 17'-7".

- Variances requested from:

Sec. 142-156 Setback requirements.

(a)The setback requirements for the RM-1 residential multifamily, low density district are as follows:

Subterranean and Pedestal, Side Interior, Sum of the side yards shall equal 16% of lot width. Minimum—7.5 feet or 8% of lot width, whichever is greater.

As indicated by the applicant, FPL informed the property owners that a larger transformer vault was required, including a new terminal cabinet switch, to service the power grid for the neighborhood. This new terminal cabinet switch was not anticipated or shown on the plans that were previously submitted for the review and approval by the Board.

The original transformer enclosure was approximately 12 feet in length, and the proposed expansion adds an additional eight (8') feet. The Board also approved a variance associated with the height of fences and walls along the eastern property line, which allows the fully screening of the equipment. As such, this additional extension will be fully screened with a masonry enclosure, and staff is recommending that the eastern wall be clad in the same stone that was required for the eastern property wall abutting the adjacent property of 6 Farrey Lane. While the prior plans indicated a landscape strip located in between the FPL enclosure and a new stone clad fence, staff is recommending that the stone clad fence terminate at the northern limits of the enclosure, in order to allow the landscaping to actually be visible from the adjacent property.

Staff is also recommending that a service gate be provided along the eastern property line for the portion abutting Farrey Lane, in order fully close this area off when not actively used to service the FPL equipment, or for emergency egress from the hotel, as indicated in the conditions of approval.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the noted variances, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria.