

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: DRB21-0671
5800 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 architecturally significant pre-1942 home.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lots 33 and 34, Block 1A, of the "La Gorce Golf Subdivision", according to the plat thereof, as recorded in Plat Book 14, Page 43, of the public records of Miami-Dade County, Florida. Together with:

That portion filled upland parcel adjoining the Biscayne Bay and bounded on the East by the original Boundary Line of Lots 33 & 34, in Block 1A, and bounded on the West by the Mean High Water Line, said line also being the seaward line of the existing seawall.

SITE DATA:

Zoning: RS-2
Future Land Use: RS
Lot Size: 53,426 SF
Lot Coverage:
Proposed: 15,411 SF / 28.5%
Maximum: 16,027.5 SF / 30%
Unit size:
Proposed: 24,254 SF / 45.4%
Maximum: 26,712.5 SF / 50%
Height:
Proposed: 28'-0" flat roof from BFE +3'
Maximum: 28'-0" flat roof
Grade: +3.90' NGVD
Base Flood Elevation: +8.00' NGVD
Adjusted Grade: +5.59' NGVD

First Floor Elevation: +11.00' NGVD (BFE+3'fb)

EXISTING PROPERTY:

Year: 1929
Architect: J. H. Bullen
Vacant: No
Demolition: Total

SURROUNDING PROPERTIES:

East: One-story 1951 residence | one-story 1950 residence
North: Two-story 1936 residence
South: Three-story 1948 residence
West: Biscayne Bay

THE PROJECT:

The applicant has submitted plans entitled "5800 North Bay Road", as designed by **MEMarchitecture and AT Franco & Associates**, signed, sealed, and dated July 5, 2021.

The applicant is requesting Design Review Approval for the construction of a new two-story residence on a waterfront lot to replace an existing pre-1942 residence.

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

1. A two-story side (north) elevation in excess of 60'-0" in length in accordance with Section 142-106 (a) (2)(d).
2. A two-story side (south) elevation in excess of 60'-0" in length in accordance with Section 142-106 (a) (2)(d).

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:

- 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.
 - 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 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

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; However, the applicant is requesting two design 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.

Satisfied; However, the applicant is requesting two design 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.

Satisfied; However, the applicant is requesting two design 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.

Satisfied; However, the applicant is requesting two design 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).
Satisfied; However, the applicant is requesting two design 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.
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 Satisfied; Applicant will provide a recycle/salvage plan for demolition at time of permitting.
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 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 Satisfied

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

Not Satisfied

ANALYSIS:

DESIGN REVIEW

As part of this application the applicant has provided a very good analysis, including photo documentation and plans (Sheets A101-A114), showing the history of the home's construction and changes over the years for the Board's information. Although a healthy discussion regarding options for retaining all or portions of the existing home is warranted, including any suggestions from the Board, it is important to note that in accordance with Section 142-108(d) of the City Code, the DRB does not have the authority to deny a request for demolition.

The applicant is requesting Design Review Approval for the construction of a new two-story residence on a waterfront parcel on North Bay Road that will replace the existing pre-1942 architecturally significant home. The majority of the new home is well setback over 100 feet from North Bay Road. The design floor elevation of the new residence is proposed at base flood elevation (8' NGVD) plus a free board +3', or +11.00' NGVD and two design waivers are requested.

The first waiver pertains to the open space requirement for two-story elevations that exceed 60'-0" in length for the north interior side elevation. The subject two-story elevation features a long elevation that has a significant open space that appropriately moderates the two-story massing exceeding 60'-0" in length. However, the proposed recess is oddly shaped and consequently does not fulfill the 8' depth required open to the sky, due to a roof overhang. Staff is supportive of this waiver as the proposed design and configuration of the recess meets the intent of the code.

The second design waiver pertains to the the open space requirement for the south interior elevation. This two-story elevation is 87'-6" in length and features an irregularly shaped recess that has an area less than one percent of the lot area. The design of this elevation meets the intent of the regulation by breaking up the two-story massing, including additional setbacks for portions of the second floor. As such, staff recommends the approval of this waiver.

In conclusion, staff is supportive of the application and recommends approval in accordance with the conditions contained in the draft Final Order.

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 and Sea Level Rise criteria.