

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 20, 2021

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB21-0711
4540 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 and an understory area, to replace an existing residence.

RECOMMENDATION:

Approval of the design with conditions

LEGAL DESCRIPTION:

See Exhibit "A"

BACKGROUND:

At the October 5, 2021 meeting this application was continued to a date certain of October 20, 2021 due to the excess number of applications on the agenda.

SITE DATA:

Zoning: RS-2
Future Land Use: RS
Lot Size: 22,885.4 SF
Lot Coverage:
Proposed: 6,862 SF / 29.9%
Maximum: 6,865 SF / 30%
Unit size:
Proposed: 11,369 SF / 49.7%
Maximum: 11,442.7 SF / 50 %
Height:
Proposed: 28'-0" flat roof
Maximum: 28'-0" flat roof

Adjusted Grade: +6.00' NGVD
First Floor Elevation: +13' NGVD (BFE+5' FB)

EXISTING PROPERTY:

Year: 1990
Architect: Unknown
Vacant: No

SURROUNDING PROPERTIES:

East: Two-Story 1928 residence
North: Two-Story 1997 residence
South: Two-Story 1997 residence
West: Biscayne Bay

Grade: +4.00' NGVD
Base Flood Elevation: +8.00' NGVD

THE PROJECT:

The applicant has submitted plans entitled "4540 North Bay Road" as designed by **SAOTA** and **O'Donnell Dannwolf and Partners Architects Inc.**, signed and sealed August 2, 2021.

The applicant is requesting review for an understory area:

1. Understory area shall be subject to the review and approval of the Design Review Board in accordance with Section 142-105(b)(4)(d).

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).

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:

- Subject to the review and approval of the Design Review Board the following may apply to the understory area(s): Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage.
- 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 intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

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 understory review and a design waiver 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 understory review and a design waiver 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 understory review and a design waiver 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 understory review and a design waiver 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. However, the applicant is requesting understory review and a design waiver from the Board.
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 understory review and a design waiver 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
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. 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; additional information will be required at the time of building permit in order to demonstrate compliance.

11. Cool pavement materials or porous pavement materials shall be utilized.

Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

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

Satisfied

STAFF ANALYSIS:

The applicant is proposing to construct a new two-story residence on a waterfront site on North Bay Road. The applicant is requesting review of the understory and one design waiver from the Board.

The proposed home features an understory with the first fully-enclosed, habitable floor of the residence designed at an elevation of 15'-0" NGVD, which is two (2) feet greater than the maximum building standard requirement of +13'-0" NGVD (BFE + 5' Fb). The design intention is to create a larger, non-air-conditioned space below the main slab that serves as a usable outdoor recreational amenity and program feature for the owner. Since the understory ordinance was adopted in July of 2018, there has been a discernible increase in elevated homes that are being configured with finished first floor elevations at or above the maximum freeboard. This is due to several factors including sea level concerns, flooding and mitigation, the raising of City roads, and a renewed interest in elevated living with open-plan structures. In this design, the project architect has incorporated an understory for the primary use of parking, storage and access to the main level.

The design waiver being requested for review relates to the open space requirement for two-story elevations that exceed 60'-0" in length. The subject two-story elevation is 64'-5" long on a lot that is approximately 207' long. As the extensive length of the lot coupled with an overall side elevation that includes open space courts and undulating wall planes, staff finds that the north interior elevation meets the intent of the code and is supportive of the waiver request.

The residence has been designed in a contemporary style. The design contrasts solid wall planes with various screening devices that open up to glazed living spaces. The wall planes are clad in stone, such as tiled limestone, lava and basalt, and accented with timber slats and darkened steel screening. The proposed home exhibits movement and interest in its architectural expression, which is further complimented by a rich material and color palette,

and by lush landscaping. Staff is supportive of the proposed design and recommends the approval of the application with the conditions noted within.

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 and Sea Level Rise criteria.

Exhibit "A"

Legal Description:

Lot 10, Block 2, of "DI LIDO", according to Plat thereof, recorded in Plat Book 8, at Page 36, Public Records of Miami-Dade County, Florida.

Together with:

An eight (8) foot strip of land contiguous to the Westerly boundary lines of Lot 9 and 10, in Block 2, DI LIDO ISLAND, according to Plat thereof, recorded in Plat Book 8, at Page 36, Public Records of Miami-Dade County, Florida, lying between the Westerly extension of the Northerly line of Lot 9 and the Westerly extension of the Northerly line of Lot 10, in Block 2.

Lot 11, Block 2, of "DI LIDO", according to Plat thereof, recorded in Plat Book 8, at Page 36, Public Records of Miami-Dade County, Florida.

Together with:

An eight (8) foot strip of land contiguous to the Westerly boundary lines of Lot 11, in Block 2, DI LIDO ISLAND, according to Plat thereof, recorded in Plat Book 8, at Page 36, Public Records of Miami-Dade County, Florida, lying between the Northerly and Southerly boundary lines of said Lot 11, in Block 2 extended Westerly.