

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: February 1, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB21-0722
1649 W 22nd Street

An application has been filed requesting Design Review Approval for the construction of a new two-story residence that includes one or more waivers to replace an existing three-story single-family home.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lot 23, Block 4A, of "3rd Revised Plat of Sunset Islands", according to the plat thereof, as recorded in Plat Book 40, Page 8, of the public records of Miami-Dade County, Florida.

HISTORY:

At the November 2, 2021 meeting, the application was continued to a date certain of December 17, 2021, at the request of the applicant. At the December 17, 2021 meeting, the application was continued to a date certain of February 1, 2022, at the request of the applicant.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 21,497 SF
Lot Coverage:
Proposed: 6,305 SF / 29.2%
Maximum: 6,449 SF / 30%
Unit size:
Proposed: 10,328 SF / 48%
Maximum: 10,748.5 SF / 50%
Height:
Proposed: 26'-0" flat roof
***DRB WAIVER**
Maximum: 24'-0" flat roof
Grade: +4.67' NGVD
Base Flood Elevation: +8.00' NGVD

Adjusted Grade: +6.33' NGVD
First Floor Elevation: +11.00' NGVD (BFE+ 3' fb)

EXISTING PROPERTY:

Year: 1988
Architect: Miguel Gonzalez
Vacant: No
Demolition: Total

SURROUNDING PROPERTIES:

East: One-story 1953 residence
North: Biscayne Bay, Canal
South: One-story 1938 residence
West: Vacant, recently approved DRB project

THE PROJECT:

The applicant has submitted plans entitled "Request for DRB Approval for: Price Residence", as designed by **Choeff Levy Fischman Architecture + Design**, signed, sealed, and dated November 22, 2021.

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

1. The height of the proposed structure is 26'-0" in accordance with Section 142-105(b); 26' as measured from BFE +3, or 11' NGVD.
2. A two-story side (northeast) elevation in excess of 60'-0" in length in accordance with Section 142-106 (a) (2)(d).
3. A two-story side (southwest) 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:

- Section 142-105(b)(1) *Lot area, lot width, lot coverage, unit size, and building height requirements*. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows: **RS-3 may be increased up to 28 feet for flat roofs when approved by the DRB in accordance with the applicable design review criteria.**
- 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 design of the proposed rooftop trellis shall revise to not cover the spiral staircase. Stair bulkheads are not allowable height encroachments and the design as proposed it does not meet the intent of Section 142-105(b)(7).
- The solid northwest property wall with a height of 7'-0", as measured from adjusted grade, shall be subject to the review and approval of the Design Review Board in accordance with Section 142-106(b)(7) b.

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 three design waivers.
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 three design waivers.
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; See staff analysis. Staff is recommending that the specimen Tamarind tree located near the front of the property be retained and that the proposed new home be designed to accommodate its retention.
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.
Not Satisfied; Further, staff is recommending that the proposed height waiver be modified in order to take into consideration the neighboring properties.
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.

No Satisfied; See Nos 4 & 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; 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.
Not Satisfied; See No. 4 above and staff analysis.
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).
Not Satisfied; See No. 6. above
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.
Not Applicable
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; 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.

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; additional information will be required at the time of building permit in order to demonstrate compliance.

ANALYSIS:

The applicant is requesting Design Review Approval for the construction of a new two-story residence on a waterfront parcel on Sunset Island 4 that will replace an existing three-story residence. 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. The proposal includes three design waivers.

The first design waiver request is for the height of the residence. RS-3 zoned single-family properties can be designed with homes that have an overall height of 24'-0" for flat roof structures; such height may be increased up to four (4) additional feet through the design review board process. The waiver is intended for large lots in the RS-3 districts that closely resemble lot sizes in the RS-1 (30,000 SF) and RS-2 (18,000 SF) zoning districts. The applicant is seeking an additional 2'-0" of height for the new two-story residence from BFE +3'-0", or 11' NGVD.

The subject site has a lot area of 21,497 SF, which exceeds the minimum lot area required for RS-3 lots, as well as the minimum lot area for RS-2 zoned lots; RS-2 zoned lots have a maximum height of 28' for flat roofs. While the lot size of the property size does help to

alleviate height impacts on neighboring properties, the immediate area is very diverse in terms of overall building height. In this regard, the following is noted:

- There is a new 2-story home with an approved four (4') foot height waiver to the southwest;
- There is a single story structure constructed in 1953 to the east; and
- There is a pre-1942 architecturally significant home directly across the narrow canal to the north.

The applicant has made some changes to the side elevations of the proposed home and has also reduced the previous waiver request of an additional four (4') feet to two (2'). The project Architect has indicated that the design of the home calls for a standard overall height for the entirety of the residence, and that the design language could not successfully include a staggered overall height, as previously recommended by staff. Although the proposed reduction in the request for the height waiver is a positive move, staff continues to have concerns with the proposed increase in height at this location, primarily due to the built context of the neighboring properties.

Due to the varied context of existing heights, as noted above, staff continues to recommend that no waiver be granted for the northeast wing of the home, which is abutting the single-story home to the east and closest to the pre-1942 home across one of the narrowest waterways in the City. Staff is not opposed to a height waiver of up to two (2') feet for the wing of the new home abutting the neighboring property where the Board previously approved a four (4') foot height waiver. It is important to note that this abutting property is on the wide opening from the canal to Biscayne Bay, with a much larger distance to the nearest property across the waterway, as compared to the subject site.

Staff is appreciative of the applicants desire to have continuity in the overall height of the home, as opposed to a staggered option suggested above. To this end, staff believes that a consistent overall height of 24' would not compromise the architectural integrity of the proposed home, and would ensure an appropriate transition to the existing one-story residence to the immediate east.

The second and third design waivers relate to the open space requirements for two-story elevations that exceed 60'-0" in length. The applicant is requesting such waivers for both interior side elevations.

The second design waiver request pertains to the southwest side elevation that is 105'-2" long and is broken up by a 16'-6" deep courtyard. The subject two-story elevation is appropriately broken up with a recess that moderates the long two-story elevation. However, one of the two-story volumes exceeds the 60' length by 6'-4", and the provided courtyard does not fulfill the landscape requirement, nor is it fully open to the sky since it features a spiral staircase and a trellis at the roofline. Staff recommends that the trellis be relocated further north and not cover the spiral staircase. With this modification, staff finds that the design of this elevation is adequately broken up with a deep recess and meets the intent of the code and would be supportive of this waiver.

The third design waiver request is for the northeast elevation that has a two-story portion that is 79'-8" long without incorporating additional open space per the code's specifications, exceeding by nearly 20' the required length for such elevation and 35% of the lot depth. The applicant has further refined the design of this elevation since the initial submission to incorporate fenestration and recessed planes that endeavor to break up the two-story massing. The elevation features a 5'-8" deep by 20'-4" wide recess that is fully landscaped at roughly the midpoint of the two-story massing. The design of this elevation also incorporates other recesses in an effort to break up the massing. In addition to the open space, the design has been modified to refrain from any architectural features that are allowable projections into the side yard, minimizing its impact on neighbors. Collectively, the architecture of this north elevation exhibits planar movement and substantial open spaces along its elevation, meeting the intent of the code. Accordingly, staff is supportive of this waiver request.

Regarding the proposed site plan and existing landscaping, it is important to note that there is a large specimen Tamarind tree near the front of the property, with a diameter of 51", as well as an overall height of almost 50' and a canopy spread of 45'. The tree disposition plan lists the tree in 'fair' condition. The arborist's report provided by the applicant states:

'Tree #1 is a Manila Tamarind located at the center of the driveway. It is in fair condition. The tree has been hatracked and the canopy consists of poorly attached shoot growth over the years. There is visible decay in a number of limbs. The trunk divides into two. This tree has not been incorporated into the landscape plan and will therefore be removed.'

The latest plans submitted by the applicant now indicate that this Tamarind tree is proposed to be relocated closer to the front of the property. However, the arborist report has not been updated to review the tree's suitability or methodology for relocation. Staff strongly recommends that this specimen tree be retained in its current location and the front of the home be modified to accommodate its retention. Should the Board be amenable to its possible relocation, staff would recommend that the relocation be subject to the review and approval of the Board, once an adequate evaluation of the tree for its relocation has been submitted by an arborist, for review by the City's Urban Forester.

Lastly, staff had previously expressed concern with the waterfront elevation of the proposed home, specifically as it related to the continuous glazing proposed for the entirety of the façade, as well as the proposed residence's visibility from the south side of Sunset Island 3. The portion of the canal that the subject lot fronts is unique as it is one of the narrowest canals in the City, and the narrowest of the canals within the Sunset Islands. The applicant has revised the design of the rear elevation to incorporate solid walls at the edges and wing walls that minimize visibility into the home from adjacent properties. Staff believes that these modifications strike a careful balance between addressing the concerns previously noted and allowing for the visibility sought by the property owner.

Overall, the revisions made to the proposed home are well conceived, forward thinking and will be an asset to the Sunset Island neighborhood, provided that the changes recommended herein are incorporated into the project.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Final Order, which address the inconsistencies with the aforementioned Design Review criteria.