

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: DRB21-0752, a.k.a. DRB21-0632 and DRB20-0505
666 71st Street

An application has been filed requesting modifications to a previously approved Design Review Approval for the construction of a new 13-story mixed-use building, including waivers and variances. Specifically, the applicant is requesting to add an additional parcel to the development (6981 Indian Creek Drive), and modifications to the design of all elevations and floor plans.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

See attached Exhibit 'A'.

BACKGROUND:

On November 14, 2018, the City Commission adopted the North Beach Town Center—Central Core Land Development Regulations, establishing the **TC-C, Town Center – Central Core** zoning district with a FAR of 3.5. The TC-C district replaced the TC-1, TC-2, TC-3, and TC-3(c) districts within the boundaries of the area established by the FAR referendum.

On July 7, 2020, the Design Review Board reviewed and approved a new multi-story, mixed-use residential and retail development at the subject site, pursuant to DRB20-0505.

On March 18, 2021, the Board reviewed and approved modifications to the design of the elevations and to the floor plans, pursuant to DRB21-0632.

SITE DATA:

Zoning:	TC-C Town Center--Central Core
Future Land Use:	TC-C Town Center--Central Core
Parking District:	8
Lot Size:	25,597 SF (0.58 acres)
Proposed FAR:	89,120 SF / 3.48
Maximum FAR:	89,589.5 SF / 3.5
Gross SF:	135,801 SF 135,389 SF
Retail:	7,000 SF
Restaurant (roof):	1,100 SF
Units:	110
Height:	
Proposed:	454'-0" 152'-0" measured from BFE +5', or 13' NGVD 13-story
Maximum:	125'-0" base 165'-0" for lots 20,000-45,000 (public benefits program)

Highest Projection: 152'-0" or TBD
CMB Grade: 4.02' (varies) NGVD
Base Flood Elevation: 8' NGVD
First Floor Clearance: 24'-0" measured from CMB Grade, 15'-0" from BFE +5', or 13' NGVD

SURROUNDING PROPERTIES:

East: Byron Carlyle Theatre and P85 City surface parking lot
North: One-story commercial
South: One-story office (same block), two-story 10-unit residential building (same block),
Church of Latter Day Saints
West: Indian Creek Drive, one-story retail, two-story residential building

EXISTING BUILDINGS:

Vacant

THE PROJECT:

The applicant has submitted plans entitled "Town Center Gateway" as prepared by **Built Form Architecture**, dated, signed and sealed December 6, 2021.

The following waiver was approved:

1. Sec 142-745(a)(12)(c) **LOADING:** Along all frontages where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways: Driveways for parking and loading shall be combined, unless waived by the Design Review Board.

The following variance(s) were previously approved:

1. A variance to eliminate the required habitable space at the second (2nd) floor fronting 71st Street (Class A) in order to provide parking spaces.
2. A variance to eliminate the required habitable space at the third (3rd) floor fronting 71st Street (Class A) in order to provide parking spaces.
3. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the second (2nd) floor along 71st Street (Class A) in order to provide parking spaces.
4. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the third (3rd) floor along 71st Street (Class A) in order to provide parking spaces.
5. A variance to eliminate the required habitable space at the second (2nd) floor fronting Indian Creek Drive (Class A) in order to provide parking spaces.
6. A variance to eliminate the required habitable space at the third (3rd) floor fronting Indian Creek Drive (Class A) in order to provide parking spaces.
7. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable

- space at the second (2nd) floor along Indian Creek Drive (Class A) in order to provide parking spaces
8. A variance to eliminate 25'-0" of the required minimum depth of 25'-0" for habitable space at the third (3rd) floor along Indian Creek Drive (Class A) in order to provide parking spaces.
 9. A variance to reduce the minimum required habitable space with 50'-0" in depth within 90% of the length of the façade at setback line in order to locate service and utility rooms fronting Indian Creek Drive (Class A).
 10. A variance to provide ground floor utility infrastructure (FPL transformers, electrical rooms, etc.), on a Class A street frontage (Indian Creek Drive), which is not the only frontage that provides a means of egress to the property.
 12. A variance to reduce the required the 70% area of clear glass fenestration with views into the habitable space along the ground floor of Indian Creek Drive (Class A).
 14. A variance to reduce the required 20'-0" of the habitable depth requirement for 85% (131'-4") of the building frontage is required at the ground level along Carlyle Avenue (Class C).
 15. A variance to allow loading area / surface parking to be not entirely screened from public right of ways and pedestrian path along Carlyle Avenue (Class C).
 17. A variance to not provide a clear pedestrian path free from obstructions along limited portions of Indian Creek Drive and 71St Street (Class A) frontages.
 - ~~18. A variance to eliminate the one (1) of the required three (3) off-street loading spaces for a residential building or hotel building over 100 units but not more than 200 units.~~
- WITHDRAWN**

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.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **residential / mixed use** is **consistent** with the Future Land Use Map of the Comprehensive Plan.

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.

Partially Satisfied

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied

- (12) The design of each project shall minimize the potential for heat island effects on-site.

Not Satisfied

ANALYSIS:

DESIGN REVIEW

The applicant is proposing modifications to the floor plans and elevations of a multi-story, mixed-use residential and retail development approved by the Design Review Board on July 7, 2020, with subsequent modifications approved on March 18, 2021. The revised plans submitted, and the analysis herein reflect changes to the elevations and floorplans. The program remains similar, and the modifications do not include new variances or waivers.

The applicant is proposing a new 13-story building, with a modified height of 152'-0", including 16 additional units for a total of 126 units (79 co-living units and 47 standard dwelling units) above a ground floor retail component and two floors of parking. The site is generally bounded by 71st Street to the north, Indian Creek Drive to the west, and Carlyle Avenue to the east. The overall property has been expanded to include the notch-out parcel, Lot 3. The project now encompasses nearly all the properties within the entire triangular block, except for southernmost property at the intersection of Indian Creek Drive and Carlisle Avenue that is not part of application.

Proposed modifications include the following:

- 1,000 square feet of additional ground floor retail;
- Increased back of house operations and internal loading – loading dock increased from 3 loading berths to 4 total loading berths;
- Parking podium reduced by one floor to two-stories;
- 3rd floor parking level removed resulting in expanded pool deck and amenities and additional units on the 3rd level of the tower;
- Program on thirteenth floor revised from indoor/outdoor amenity space to residential units;
- Increase in residential program with new units proposed on the third floor and the thirteenth floor of the tower.

FLOOR PLANS

The most significant modifications to the plans on the podium and on level 13 result in changes to the elevations and building massing. The podium has been lowered by one floor and infilled on Indian Creek Drive with retail on the ground floor and parking on the second

floor. The tower has increased in number of units on the third floor and the thirteenth floor, which previously featured a trellised outdoor space flanked by enclosed amenity space. Staff has no objections to the modifications proposed for the floor plans.

BUILDING ELEVATIONS

The design of the building has been modified with the proposed enclosure of the 13th Floor, with a reduction in height of the pedestal volume facing 71st Street, as well as with the infill of lot 3 on the pedestal volume facing Indian Creek Drive. Overall, staff is supportive of the revisions made to the elevations as it maintains its contemporary design language that incorporates variations in surface materials and changes in planes.

Staff is supportive of the proposed programmatic and design modifications and recommends the approval of this application including any additional input and directions from the Board.

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 as applicable.

Exhibit 'A'

LOT 4 AND A PORTION OF LOT 5, IN BLOCK 15 OF NORMANDY BEACH SOUTH, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST LINE OF CARLYLE AVENUE, SAID POINT BEING 7.0 FEET SOUTH OF THE SOUTHEAST CORNER OF SAID LOT 4, THENCE RUN WEST PARALLEL TO THE SOUTH LINE OF SAID LOT 4, 60.7 FEET TO A POINT; THENCE RUN SOUTHWEST 27.0 FEET TO A POINT ON THE EASTERLY LINE OF ALBACORE DRIVE (NOW INDIAN CREEK DRIVE) SAID LAST MENTIONED POINT BEING 10 FEET SOUTH OF THE SOUTH LINE OF SAID LOT 4; THENCE RUNNING NORTHWESTERLY ALONG THE EASTERLY LINE OF ALBACORE DRIVE (NOW INDIAN CREEK DRIVE) 70.56 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID BLOCK; THENCE RUNNING EAST ALONG THE NORTH LINE OF SAID LOT 4, 124.5 FEET TO THE WEST LINE OF CARLYLE AVENUE; THENCE RUNNING SOUTH ALONG THE WEST LINE OF CARLYLE AVENUE 57.0 FEET TO THE POINT OF BEGINNING, LESS THE FOLLOWING DESCRIBED STREET DESIGNATION AS RECORDED IN DEED BOOK 3475, PAGE 510, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TO-WIT:

THAT PORTION OF LOTS 4 AND 5, IN BLOCK 15 OF NORMANDY BEACH SOUTH, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE NORTHERLY LINE OF SAID LOT 4, BOUNDED ON THE WEST BY THE EASTERLY LINE OF INDIAN CREEK DRIVE, BOUNDED ON THE EAST BY A LINE PARALLEL TO SAID EASTERLY LINE OF INDIAN CREEK DRIVE AND 15 FEET EASTERLY THEREFROM; SAID 15 FEET BEING MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE OF INDIAN CREEK DRIVE AND BOUNDED ON THE SOUTH BY A PORTION OF A LINE DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE WEST LINE OF CARLYLE AVENUE, 7 FEET SOUTHERLY FROM THE SOUTHEAST CORNER OF SAID LOT 4; THENCE RUN WEST, PARALLEL TO THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 60.7 FEET TO A POINT; THENCE RUN SOUTHWESTERLY 27 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 5, SAID POINT BEING 70.56 FEET FROM THE NORTHWEST CORNER OF SAID LOT 4. (CONTAINING :5097 SQFT. OR 0.12 ACRES MORE OR LESS)

PARCEL 1:

LOTS 1 AND 2, LESS THE EAST 80 FEET THEREOF, BLOCK 15, NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (CONTAINING :9159 SQFT. OR 0.21 ACRES MORE OR LESS)

PARCEL 2:

THE EAST 80 FEET OF LOTS 1 AND 2, BLOCK 15, NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (CONTAINING :8064 SQFT. OR 0.19 ACRES MORE OR LESS)

PARCEL 3:

THE EAST 65.55 FEET OF LOT 3, BLOCK 15, OF NORMANDY BEACH SOUTH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, AT PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (CONTAINING :3277 SQFT. OR 0.08 ACRES MORE OR LESS)