

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 3, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB21-0773, 1771 Purdy Avenue**

An application has been filed requesting Design Review Approval for the construction of a new five-story multi-family residential building that includes review of mechanical parking and variances from the required setback and maximum allowable area for a rooftop trellis structure.

RECOMMENDATION:

Approval of the design.

Approval of the variances.

LEGAL DESCRIPTION:

The West ½ of Lot 8, Block 16, Island View Subdivision, as recorded in Plat Book 6 at Page 115 of the public records of Miami Dade County, Florida.

SITE DATA:

Zoning: CD-2
Future Land Use: CD-2
Parking District: No. 5
Lot Size: 3,750 SF
Proposed FAR: 2.0 – 7,498 SF
Permitted FAR: 2.0 – 7,500 SF
Height:
Proposed: **55'-0" from BFE**
(64' NGVD)
Highest Projection: +12'-0"
(76'-0" NGVD)

Grade: +4.8' NGVD
Base Flood Elevation: +8.00' NGVD
Difference: 3.2
Ground Floor Elevation: +5'-0" NGVD

SURROUNDING PROPERTIES:

North: 2-story (Stiltsville)
South: 1-story commercial
(Future 5-story mixed-use development)
West: City Park | Maurice Gibb
East: Single Story (Empire Plumbing)

THE PROJECT:

The applicant has submitted plans entitled "1771 Purdy Ave", as designed by **Kobi Karp Architecture and Interior Design**, dated March 7, 2022.

The applicant is proposing to construct a new 5-story multifamily building on a site that contains an existing one-story structure. The proposed ground floor consists of a lobby, mechanical room, elevator, and driveway and parking for a total of six (6) cars, utilizing three (3) parking lifts. Levels 2-4 each contain one unit, and levels 4 and 5 contain one unit on the two levels. The roof deck contains a small pool and terrace, along with planters, two stair wells and an elevator.

The applicant is requesting the following variance(s):

1. A variance from the requirements of Section 142-312(b)(3)(e) to provide a rooftop trellis with a zero feet front setback where a 10' setback is required and a side setback of zero feet where 20 feet is required.
2. A variance to allow a roof deck and trellis structures with a combined area of 35% of the enclosed floor area immediately one floor below where 20% is the maximum permitted.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following requirements of the City Code, in addition to the requested variances.

Additional information is required to verify that the landscape plans comply with the requirements of Chapter 126.

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
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.
Not Satisfied; See Staff Analysis. Additional design detailing of the north and south side elevations is required in order to be compatible with the surrounding neighborhood.
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

SECTION 130-38–MECHANICAL AND ROBOTIC PARKING SYSTEMS

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. **One set of schematic plans sufficient to show the proposed development project**

with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.

Consistent – A schematic drawing showing the required parking in a traditional, non-mechanical means was submitted showing 6 parking spaces for the project on-site.

- 2. A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.**

Consistent – A schematic drawing showing the required parking for the project by traditional and mechanical means was submitted showing 6 spaces.

The non-mechanical schematic drawings have been reviewed by Planning Department staff and they appear to meet the requirements of the design standards of the City Code. Subject to this data being provided, the project may proceed to site plan approval based on the set of plans using mechanical parking.

As part of the conditional use, design review board, or historic preservation board review process for the use of mechanical parking devices, robotic parking systems and/or vehicle elevators under any of the provisions of this section, the following review criteria shall be evaluated when considering each application for the use of mechanical parking systems:

- (a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

Consistent – The scale of the project is compatible with the surrounding area. The proposed height of approximately 55 feet is compliant of the CD-2 zoning district.

- (b) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

Consistent – The proposed use of mechanical parking appears to be compatible with design characteristics and with the surrounding neighborhood allowing the building's parking to be more compact, with more room for a larger lobby.

- (c) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

Consistent – The proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

- (d) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

Not Consistent – Additional screening will be required along the eastern side of the property in order to fully screen the mechanical parking.

- (e) **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit applicant.**

Consistent – The proper restricted covenant shall be provided prior to the issuance of building permit.

- (f) **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

Not Applicable – Valet operation is not proposed.

- (g) **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

Consistent

- (h) **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

Partially Consistent – An operations plan will be required prior to the issuance of a building permit.

- (i) **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

Not Applicable – The sole use of the project is a multifamily building with 4 units

- (j) **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

Consistent – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the surrounding commercial uses.

- (k) **Whether a cumulative effect from the proposed facility with adjacent and nearby**

structures arises, and how such cumulative effect shall be addressed.

Consistent – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

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.

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.

Satisfied

ANALYSIS:

DESIGN REVIEW

The applicant is requesting to construct a new 5-story multifamily building on a site that contains an existing one-story structure. The ground floor consists of a lobby, mechanical room, elevator, and driveway and parking for a total of six (6) cars, utilizing three (3) parking lifts. Levels 2-4 each contain one unit, and levels 4 and 5 contain one unit on the two levels. The roof deck contains a small pool and terrace, along with planters, two stair wells and an elevator.

The buildings mass has been located along the western side of the site to take advantage of the views across from Maurice Gibb Memorial Park, which is also on the Board's agenda for re-approval at the May 3, 2022 meeting. Due to the commercial nature of the surrounding properties, the north and south side walls are comprised of a stone finish along the property lines with no fenestration. With the exception of the 5th floor, all glazing is located facing east or west.

As these side elevations are flat and extend to a height of over 71 feet from the sidewalk to the top of the stair wells, staff believes that further development of these side elevations is required, as they will be visible from the street and neighboring properties. This could include changes in stone color/pattern, or other design elements to break up the continuity of the solid stone mass.

VARIANCE REVIEW

The applicant is requesting the following variance(s):

1. A variance from the requirements of Section 142-312(b)(3)(e) to provide a rooftop trellis with a zero feet front setback where a 10' setback is required and a side setback of zero feet where 20 feet is required.
2. A variance to allow a roof deck and trellis structures with a combined area of 35% of the enclosed floor area immediately one floor below where 20% is the maximum permitted.

The subject site is located within the Sunset Harbour development area where special development regulations were adopted in 2021. This includes specific regulations for height exceptions for structures located above the maximum building height. The purpose of these height regulations is to minimize visual impacts on neighborhood view corridors as viewed from public rights-of-ways and waterways.

The first variance request is for the setback requirements of the proposed roof-top trellis. As designed, this trellis is an integral part of the architecture, and is the most striking feature of the project. While design is not an argument for the granting of a variance on its own, the site is located across the street from a public park, which itself fronts Biscayne Bay. The location of a rooftop deck along the western side of the site to take advantage of the most desirable views, and the integration of a permanent structural shading element above such deck, does result in a practical difficulty in complying with the strict requirements of the code. To minimize the impact, the width of the structure is only 9 feet, and as the recently approved mixed-use project to the south has a substantial setback from this property above the ground floor, no negative impacts on the adjacent site or public right-of-way and park are anticipated.

As it pertains to the requested variance for the percentage of roof top structures, the applicant is not maximizing the footprint that is allowed for the site, as the rear setback for the upper floors is substantially greater than that required. If the footprint of the building was extended to the code allowed limits, a variance for the percentage of trellis structures would not be required. Further, the site itself, with a footprint of only 3,750 SF is small to begin with and the rooftop elements comprise a total area of only 450 SF. Because the floor below is only 1,272 SF, the trellis occupies 35% of that area. For these reasons, staff is supportive of the requested variance.

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 criteria, Sea Level Rise, and Practical Difficulty and Hardship criteria, as applicable.