

72nd and Collins – DRB22-0835
Comments Issued 5/4/2022
Narrative Response 5/9/2022

Draft Notice: DRB22-0835 (DRB20-0617, aka DRB18-0236, aka DRB16-0054) 7140 Collins Avenue.

An application has been filed requesting modifications to a previously approved Design Review Approval for the construction of a new multistory mixed-use residential and retail development, including one or more waivers and variances. Specifically, the applicant is requesting modifications to elevations and floor plans

Dear Staff Member: In order to keep the focus on the limited changes, we would like to suggest clarifying this introductory text as follows, so the board members don't think they are being asked to review the variances again:

*An application has been filed requesting **limited** modifications to a previously approved Design Review Approval for the construction of a new multistory mixed use residential and retail development. Specifically the applicant is requesting modifications to elevations and floor plans **related to removing the hotel. These include: the addition of balconies; the addition of a rooftop amenity; changes at the pool deck level; and changes to the entry along Harding which responds to staff input. There are variances currently approved for this project. The proposed modifications do not require review or changes to any of these approved variances.***

Please provide a narrative response to the comments listed below.

1. Application Completeness		Action/Status
a	APPLICATION IS INCOMPLETE AND MUST BE SIGNED AND NOTARIZED.	All owners have signed and notarized.
b.	DISCLOSURE IS INCOMPLETE – ALL OWNERS/SHAREHOLDERS/MEMBERS HAVING MORE THAN FIVE PERCENT IN THE ENTITY MUST BE DISCLOSED.	The disclosure has been updated for 7200 Collins Holdings, LLC. Please see the DocuSigned updated disclosure named "7200 Collins Updated Disclosure." Additionally, for ease of review, we created a compilation of all owners so that the signed pages run sequentially.
2. Architectural Representation		
a.	CMB Zoning Data Sheet – Provide a side-by-side comparison of Previously Approved Zoning Data Sheet with Proposed. Highlight / Circle Changes.	Completed. Please see Sheet A-002 / A-003 which has a peach column highlighting the changes.

b	<p>Overall good graphic submittal – comparison of previously approved to proposed.</p> <p>However, <u>file size is very large</u> with rendered graphics. Is it possible to compress the pdf's for more for ease of file review? Or potentially revise the rendered black hatching to minimize file size. This is most cumbersome drawings are the elevation pdfs.</p>	<p>Thank you!</p> <p>Issue understood and we managed to reduce the files. Now they are opening faster.</p>
c	FAR diagrams – include rooms labels in order to better assess what is and isn't being including in FAR.	Please see Appendix A – FAR ENLARGED. Room names added to enlarged FAR sheets.
d	Add "FINAL SUBMITTAL" and DRB File No. to front cover title for heightened clarity.	Completed
e	Final submittal drawings need to be DATED, SIGNED AND SEALED	Completed
3. Design Recommendations		
a	No Feedback Received	No action required.
4. Zoning Comments		
a	<p>These comments have been provided as a preliminary review of the documents and plans submitted and are subject to additions and/or deletions pending further review.</p> <p><u>Final Submittal File Naming</u> All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'. For example, if the deadline for first submittal is October 29, 2017 the file name would be '10-29-2017 Application'. Use this naming format for first and final CSS submittals. The uploaded file retains the name as it has been saved on your computer. The file name cannot be changed, and the file cannot be deleted once it is uploaded. Please use names for the most common types of files. If the document type is not listed below, please use a document name that clearly identifies the file.</p> <p>Document Name Description Application Completed Land Use Board Application form including Exhibit A LOI Letter of Intent Checklist Pre-application Checklist Labels Mailing Labels, List of Property Owners, Certified Letter and Map BTR Copies of Previous Business Tax Receipts Survey Recent Signed and Sealed Survey Plans Architectural Plans and Exhibits Landscape Landscaping Plans and Exhibits HRR Historic Resources Report</p>	Comments noted.

	<p>Microfilm Building Card and Microfilm Traffic Traffic Study Sound Sound Study</p> <p><u>All pages of a document must be uploaded in one PDF file. Do not upload individual pages of a document.</u></p>	
Landscape Comments		
Planning Landscape Review • Fail • Nunez Enrique • Completed : 04/22/2022		
1	Ground floor tree plantings adjacent to hardscape areas shall be planted in suspended paver systems such as Silva Cells or equal with the required planting soil volumes for the tree sizes specified.	OK. Please also see (e) responding to the approved DRB order below.
DRB Prior Order Compliance DRB 20-0617		
1	A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:	
a	<u>Prior to the issuance of a building permit</u> , the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.	OK
b	In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, <u>a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.</u>	OK
c	<p>Any tree identified to be in good overall condition shall be retained, and protected in its current location if it is not in conflict with the proposed development, or it shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit.</p> <p>Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.</p>	OK
d	A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in	OK

	the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.	
e	The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan. Silva Cells or approved equal should be provided under the adjacent hardscape areas for trees located in public and private property subject to the review and approval of the CMB Urban Forester. A minimum of 1,000 CuFt of good quality planting soils shall be specified per tree; or 800 CuFt per tree when combined with other trees in the same general area.	<i>OK</i> <i>Our registered Landscape Architect is in discussion with the Urban Forester about the exact structural system and will meet the requirements.</i>
f.	The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.	<i>OK/ Future</i>
g.	Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.	<i>OK/ Future</i>
DRB Prior Order Compliance (DRB20-0617)		
The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:		
1	All of the original conditions of approval by this Board shall remain in full force and effect under the prior Final Order dated January 03, 2017 for DRB16-0054, except as mortified herein.	OK.
2	All of the original conditions of approval: by this Board shall remain in full force and effect under the prior Final Order dated June 05, 2018 for DR818-0236, except as modified herein.	OK
3	Prior to the issuance of any Building Permit relative to the approval herein, the applicant shall obtain approval from the City Commission for the vacation of the existing utility easement.	OK.
4	Revised elevation, site plan and floor plan drawings for the prep of project at 7118-7140 Collins Avenue and 7121 – 7145 Harding Avenue shall be submitted to and approved by state; at a minimum, such drawings shall incorporate the following:	Agree

a	All interior fixtures, including, but not limited to: shelving, partitions, and checkout counters, shall be setback a minimum of ten (10) feet from the east and north walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.	Agree
b	The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project Site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.	Agree
c	All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass, incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.	Agree
d	The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.	Agree
e.	The final design details of the proposed aluminum grill material, including color, shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.	Agree
f.	The design of the window display shall be further refined to include an artistic feature on the proposed wall facing the sidewalk. The final design details shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.	Agree
g	The final design and details including materials, exterior finishes, glazing, and any architectural projections and features, shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.	Agree
h.	A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit; and shall be located immediately after the front cover page of the permit plans.	Comment noted

i	Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Budding Permit-	Agree
In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.		
II. Variances		
A.	The Applicant filed an application with the Planning Department for the Following Variances	
1	A variance to reduce the required minimum of 70 percent clear glass windows with views into the habitable space in order to retain existing parking area and trash room facing 72 nd Street.	No change requested. Confirmed
2	A variance to eliminate the requirement to screen the parking facilities from public rights-of-way and clear pedestrian path facing 72 nd Street	No change requested. Confirmed
3	A variance to eliminate the minimum required habitable space and 50'-0" in depth along a Class A frontage in order to retain existing parking area and trash room facing 72 nd Street.	No change requested. Confirmed
4	A variance to eliminate the required habitable space and 50'-0" setback for parking from the building façade, in order to retain existing parking area facing 72 nd Street.	No change requested. Confirmed
5	A variance to allow a driveway and vehicle access in a class A frontage facing 72 nd Street.	No change requested. Confirmed
B	<p>The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.</p> <p>The applicant has: submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code.</p> <p>Plat special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;</p> <p>That the special conditions and circumstances do not result from the action of the applicant:</p> <p>That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning, district;</p>	

	<p>That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;</p> <p>That the variance granted is the minimum variance that will make possible the reasonable use of the land: building or structure;</p> <p>That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and</p> <p>That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.</p> <p>The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.</p>	
C.	The Board hereby Approves the variance requests and imposes the following conditions based on its authority in Section 118-354. of the Miami Beach City Code:	
1	Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.	OK
2	The vehicle entrance shall be closed when the Denny's restaurant is closed.	OK
The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari,		
III. General Terms and Conditions applying to I & II		
A.	If applicable, the applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.	OK
B.	The proposed elimination of the on-street parking spaces will require the review and approval of the Parking Department. The costs associated with the removal of the parking spaces will be the responsibility of the developer.	OK
C.	All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.	OK

D	Where on or more parcels are unified for a single development, the applicant shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.	OK
E	In the event Code Compliances receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriate criteria, and/or directions received from the Board.	OK
F	A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.	OK.
G	The final building plans shall meet all other requirements of the Land Development regulations of the City Code	OK
H	The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit	OK
I.	Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.	OK
J.	The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and or its appropriate to modify the remaining conditions or impose the new conditions	OK
K	The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.	OK
L	Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.	OK