

# MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 4, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB22-0850  
**1960 Normandy Drive**

An application has been filed requesting Design Review Approval for the construction of a new a four-story mixed-use building with workforce housing and including a variance from the side setback requirements.

## **RECOMMENDATION:**

Approval of the Design.

Approval of the Variance.

## **HISTORY:**

On September 6, 2022, the application was approved, except for the vehicular access and circulation, which, along with the variance request, were continued to a date certain of October 4, 2022.

## **LEGAL DESCRIPTION:**

Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 in block 36 of "Isle of Normandy, Miami View Section, Part three", according to the Plat thereof recorded in Plat Book 40 at Page 33 of the Public Records of Miami-Dade County, Florida.

## **SITE DATA:**

Zoning: CD-1  
Future Land Use: CD-1  
Lot Size: 25,771 SF  
Proposed FAR: 32,120.6 SF/ 1.25\*  
Permitted FAR: 32,214 SF/ 1.25

\*As represented by the applicant

Height:  
Proposed: 40'-0" / 4-Story  
Maximum: 40'-0" / 4-Story  
Highest Projection: ~55 feet

Existing Use: Industrial  
Proposed Use: Workforce residential / retail  
Workforce / Residential Units: 60 Units

Grade: +4. 45' NGVD  
Flood: +8.00' NGVD  
Adjusted Grade: +6.09' NGVD

## **Surrounding Properties:**

East: 2-story 1958 Multifamily  
North: 1-story 1940 Childcare facility  
2-story 1956 Multifamily  
1-story 1940 Single family  
5-story 1985 Multifamily  
South: 2-story 1945 Mixed-Use  
1-story commercial  
West: 1-story with parking above  
Walgreens 2011

## **THE PROJECT:**

The applicant has submitted revised plans entitled "Normandy Isle Workforce Housing" as prepared by **Gustavo F. Berenblum, Architect** dated, signed, and sealed July 8, 2022.

The applicant is proposing to construct a new a four-story mixed-use building with 60 workforce residential units and commercial retail use on the ground floor.

The applicant is requesting the following variance:

1. A variance from the minimum 10'-0" interior side setback requirements of Section 142-277, in order to allow an interior side setback of ~~zero (0')~~ 5'-0" feet from the eastern property line (**variance request updated**).

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That 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;
- That the special conditions and circumstances do not result from the action of the applicant;
- 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;
- 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;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- 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
- 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.

**COMPLIANCE WITH ZONING CODE:**

Except for a required east interior side yard setback variance, 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 **mixed-use (workforce housing and commercial)** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

#### **ACCESSIBILITY COMPLIANCE**

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department 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.

**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.

**Not Satisfied; Staff is recommending that a more prominent pedestrian access to the site from Normandy Drive be provided, along with modifications to the vehicular access to the site, in order to reduce traffic impacts on the immediate area. Staff Analysis.**

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 was not 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) 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**
- (11) Cool pavement materials or porous pavement materials shall be utilized.  
**Satisfied**

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

**Satisfied**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing to construct a new 4-story mixed-use building with retail space on the ground floor facing the street and 60 units of workforce housing above (20 units per level above the ground floor) on a site which currently includes industrial related uses that are non-conforming with the underlying zoning district. The project was previously approved at the September 6, 2022 meeting, with the exception of the vehicular access and circulation, which, along with the variance request, were continued to a date certain of October 4, 2022.

Since the prior meeting the applicant has revised the vehicular access from Normandy Drive from the previously shown two (2) egress lanes to one ingress and one egress lane. Additionally, the design of the double height retail component shown along Normandy drive has been extended above the vehicular access to the site, reducing the cavernous appearance of the prior design.

Notwithstanding these modifications, staff would still recommend that a more prominent pedestrian entranceway be developed from Normandy Drive to the main lobby, as well as better screening of the garage and parking area on the east side. Subject to the final review of the traffic study, staff would also recommend that an ingress traffic lane be added on Verdun Court, in order to avoid cars arriving from the west having to further encumber traffic by traveling farther east on 71<sup>st</sup> Street, then north on Rue Granville, then west on Normandy Drive to access the main entrance.

**VARIANCE REVIEW (Updated)**

The applicant is requesting the following variance:

1. A variance from the minimum 10'-0" interior side setback requirements of Section 142-277, in order to allow an interior side setback of five (5') feet from the eastern property line.

**Sec. 142-277. Setback requirements.**

(a) The setback requirements for the CD-1 commercial, low intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	5 feet	5 feet	5 feet	5 feet If abutting an alley—0 feet
Subterranean, pedestal and tower (non-oceanfront)	0 feet	10 feet when abutting a residential district, otherwise none	10 feet when abutting a residential district, unless separated by a street or	5 feet 10 feet when abutting a residential district unless separated by a street or

			waterway otherwise none	waterway in which case it shall be 0 feet.
Pedestal and tower (oceanfront)	Pedestal—15 feet Tower—20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant.	<b>10 feet</b>	10 feet	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

The requested variance only pertains to the proposed vertical circulation core on the east side of the property. The remainder of the building is setback over 20 feet, far exceeding the minimum required setback.

The subject property is unique in that it is surrounded by alleyways on three sides, and abuts a multifamily residential district to the east. Due to the abutting residential district, the required side setback is 10 feet. Because this property is separated from the multifamily district by a 20-foot-wide alley to the east, there is already a built-in separation of the districts.

Since the prior meeting the applicant has increased the side setback to five (5') feet as previously recommended by staff. This is also a typically required rear setback along an alley. As the variance is only related to the residential portion of the project, no adverse impacts to the neighboring properties are anticipated.

Lastly, as of the writing of this report, the transportation review of the application has not yet been finalized. Staff recommends that the application be approved, provided that the transportation review is completed prior to the meeting, and staff will provide a verbal update on the status of the review at the October 4<sup>th</sup> meeting.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved**, including approval of the variance, as modified, subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Design Review Criteria and Practical Difficulty and Hardship criteria, as applicable.