

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

MB For TRA

SUBJECT: DRB22-0860
2130 Verdun Drive

An application has been filed requesting Design Review Approval for the construction of a new four-story multifamily building including one or more waivers, and variances from the minimum rear setback for the building, minimum side and rear setbacks for parking, and minimum drive aisle width, to replace an existing single story structure.

RECOMMENDATION:

Approval of the Design.

Approval of Variances #1, #3 & #4.

Denial of Variance #2.

LEGAL DESCRIPTION:

Lot 13 and NW 0.5 FT of Lot 12 and SE 0.10 FT of Lot 14 in block 43, of MIAMI VIEW SECTION PART 3, ISLE of NORMANY, 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: RM-1
Future Land Use: RM-1
Lot Size: 6,636 SF
Proposed FAR: 8,283 SF/ 1.25*
Maximum FAR: 8,295 SF

*As represented by the applicant

Height:
Proposed: 42'-0" / 4-Story
Maximum: 50'-0" / 4-Story
Highest Projection: +42'-0"

Existing Use: SFR
Proposed Use: Multifamily Residential

Residential Units: 6 Units

Grade: +4.34' NGVD
Flood: +8.00' NGVD
Adjusted Grade: +6.56' NGVD
Finished Floor Elevation: +9.00' NGVD

Surrounding Properties:

East: 3-story 1970 Multi-Family Building
North: 1-story 1940 Single Family Home
South: Vacant lot
West: 1-story 1939 Single Family Home

THE PROJECT:

The applicant has submitted revised plans entitled '6 Townhouse Project' at 2130 Verdun Drive, as prepared by **Gustavo J. Ramos, Architect**, dated, signed, and sealed August 8, 2022.

The applicant is proposing to construct a new six-unit, multifamily building on a site that contains an existing one-story single family residence. The ground floor consists of a partial

unit at the ground level facing the street, bicycle parking, and separate foyers providing access to each unit. Trash room, and vehicular parking for six automobiles is also provided. The main pedestrian access is located within the south interior side yard. Units are designed in a townhome format with habitable space for each unit distributed in every level, inclusive of a private roof top terrace.

The applicant is requesting the following waiver(s):

1. **Section 142-155.(a)(3) f. Ground floor requirements.** A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable, may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable. **The applicant is providing a clearance of 10'-0" from BFE+ 1'-0" freeboard.**

The applicant is requesting the following variance(s):

1. A variance from Section 142-156(a) to waive **3'-0"** from the minimum required **13'-0"** rear yard pedestal setback in order to permit a **10'-0"** setback for the building.
2. A variance from Section 142-156(a) to waive **8'-0"** from the minimum required **13'-0"** rear yard at grade parking setback, in order to permit a **5'-0"** setback.
3. A variance from Section 142-156(a) to waive **1'-10"** from the minimum required **5'-0"** interior side at grade parking setback, in order to permit a **3'-2"** setback.
4. A variance from Section 130-64 to waive **1'-0"** from the minimum required **18'-0"** interior aisle width for parking, in order to provide a width of **17'-0"**.

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 submitted 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.
- 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.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the requirements of the City Code, with the exception of the requested variances.

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 **multi-family residential** use appears to be **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; however, one waiver and several variances are requested.
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; however, four variances related to the parking layout and rear pedestal setback are requested. Additionally, a design waiver related to parking clearance from BFE +1' is requested.
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.
Satisfied
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.

Not Satisfied

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

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The subject site is an interior parcel located on the western portion of Normandy Isle. The applicant is proposing to construct a contemporary four-story townhouse building with six (6) units. A private access through separate entry/foyers linked to an exterior pedestrian walkway is provided for each unit, located along the south interior side of the site. The units are large, ranging from 1300 SF to 1727 SF, along with a sizeable rooftop terrace for each unit.

The design waiver that the applicant is requesting pertains to the clearance of the garage from the base flood elevation plus minimum freeboard to the underside of the first-floor slab, where the code requires a minimum of 12'-0" height clearance. The first habitable floor of the building is designed at +9.0" NGVD, which translates to a garage clearance height of 10'-0" from BFE + 1 foot, and twelve (12') feet from the garage floor slab. The Design Review Board may waive this height requirement by up to 2'-0". Staff is supportive of the waiver for a clearance of 10'-3".

VARIANCE REVIEW

The applicant is requesting the following variances:

1. A variance from Section 142-156(a) to waive **3'-0"** from the minimum required **13'-0"** rear yard pedestal setback in order to permit a **10'-0"** setback.

Variance requested from:

Sec. 142-156. – RM-1: Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
Subterranean and pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Single lots less than 65 feet in width: 7.5 feet. Lots equal to or greater than 65 feet in width: Minimum 10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming side interior pedestal setbacks.	Single lots less than 65 feet in width: 7.5 feet. Lots equal to or greater than 65 feet in width: Minimum 10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width	10% of lot depth. Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming rear pedestal setbacks.

The requested variance for rear yard pedestal setback would permit a 3' foot encroachment of the four-story building into the required rear yard. The lot is rather shallow, with an approximate lot depth of only 130' feet, and an approximate width of 50' feet. This depth, in combination with the need to provide vertical circulation and active uses facing the street, results in practical difficulties in complying with the required rear pedestal dimension. Additionally, the acute angles of the lot impose additional challenges and limitations in designing any building on the site. For these reasons, staff is supportive of this variance and recommends **APPROVAL**.

2. A variance from Section 142-156(a) to waive **8'-0"** from the minimum required **13'-0"** rear yard at grade parking setback, in order to permit a **5'-0"** setback.

Variance requested from:

Sec. 142-156. – RM-1: Setback requirements.

	<i>Front</i>	<i>Side, Interior</i>	<i>Side, Facing a Street</i>	<i>Rear</i>
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater	Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater	5 feet abutting an alley, otherwise 10% of the lot depth

The requested variance for the minimum required rear yard setback for parking would permit the partial encroachment of two parking spaces into the required rear yard. Staff believes the design could easily be adjusted to avoid the need for a variance with no loss in parking, if the spaces are slightly moved inward to satisfy the required setback. Access to parking storage may be provided through rear or side by utilizing the proposed pedestrian walkway currently proposed along the south interior required yard. For these reasons, staff recommends that this variance be **DENIED**.

3. A variance from Section 142-156(a) to waive **1'-10"** from the minimum required **5'-0"** interior side at grade parking setback, in order to permit a **3'-2"** setback.

Variance requested from:

Sec. 142-156. – RM-1: Setback requirements.

	<i>Front</i>	<i>Side, Interior</i>	<i>Side, Facing a Street</i>	<i>Rear</i>
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater	Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater	5 feet abutting an alley, otherwise 10% of the lot depth

Similar to the reasons noted for Variance #1, the dimensions and the shape of the site present practical difficulties in complying with the required back up space of 22' feet for 90-degree parking. For these reasons, staff is supportive of the requested variance, and recommends **APPROVAL**.

4. A variance from Section 130-64 to waive **1'-0"** from the minimum required **18'-0"** interior aisle width for parking, in order to provide a width of **17'-0"**.

Variance requested from:

Sec. 130-64. Drives.

Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic. Notwithstanding the foregoing, for residential buildings with fewer than 25 units, drives shall have a minimum width of 18 feet for two-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those

parking areas underneath a building or structure, the two-way curb-cut and driveway entrance shall have a minimum width of 12 feet.

Similar to the reasons noted for Variance #1, the dimensions of the site present practical difficulties in complying with the required interior drive aisle width of 18' feet. The requested variance to reduce this by one (1') foot will not result in any substantive reduction in the functionality of the parking spaces, only affects the internal parking under the building, and does not have any external impact on the surrounding neighborhood. For these reasons, staff is supportive of the requested variance, and recommends **APPROVAL**.

In summary, staff finds the massing and design to be well executed and compatible with the neighborhood and recommends the approval of the application.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval of the design**, and **approval of variances #1, 3 and 4; and denial of variance #2**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria.