

# MIAMI BEACH

PLANNING DEPARTMENT

Staff Report &amp; Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 8, 2023

FROM: Thomas R. Mooney, AICP

Planning Director

SUBJECT: DRB22-0900  
**700 82nd Street**

for TRM



An application has been filed requesting Design Review Approval for a new 5-story multifamily building, including a waiver from the minimum height of the ground level, a variance to reduce the required setback for structures above 50', a variance from the parking space dimensions, and a variance from the minimum average unit size, to replace two (2) single story buildings.

**RECOMMENDATION:**

Continuance to May 2, 2023.

**LEGAL DESCRIPTION:**

Lots 13 and 14, Block 5, of "BISCAYNE BEACH SUBDIVISION" according to the plat thereof as recorded in Plat Book 44, at Page 67 of the Public Records of Miami-Dade County, Florida.

**SITE DATA:**

Zoning: RM-1  
 Future Land Use: RM-1  
 Lot Size: 11,250 SF Proposed FAR: 14,053 SF/ 1.249\* Maximum FAR: 14,062 SF/ 1.25

\*As represented by the applicant Lot Coverage:

Proposed: 3,364.94 SF / 30%  
 Maximum: 2,160 SF / 45%

Height:  
 Proposed: 55'-0" / 5-Story  
 Maximum: 55'-0" /  
 Existing Use: Multi-family building Proposed Use: Multi-family building Residential Units: 14 Units

Required Parking: 14 Spaces Provided Parking: 14 Spaces

Grade: +4.04' NGVD  
 Base Flood Elevation: +8.00' NGVD Adjusted Grade: +6.02' NGVD  
 Proposed Garage Elev. Clearance: **13'-0"** Required Garage Elev. Clearance: **12'-0"** Finished Floor Elevation: +22.7' NGVD

**Surrounding Properties:**

East: 1-story 1953 multi-family building North: 2-story 1947 multi-family building |

2-story 1947 multi-family building South: 1-story 1951 residence | 1-story  
1951 residence  
West: 1-story 1947 multi-family building

### **THE PROJECT:**

The applicant has submitted revised plans entitled "Biscayne Point", as prepared by **idea Architect**, dated, signed and sealed 12/20/2022.

The applicant is requesting the following waiver(s):

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1. Section 142-155(3)(f)1. 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 13'-0" from BFE+ 1'-0" freeboard. Staff recommends the clearance be reduced to 10 feet, and that a waiver be granted for that height.**  
**IDEA answer: Clearance has been reduced to 10'-0" and waiver is being requested for that height.**

The applicant is requesting the following variance(s):

1. A Variance from Section 142-155(b), to waive 17 square feet of the minimum required average unit size of 800 square feet in order to construct the proposed multifamily development with an average unit size of 783 square feet.  
**Approval recommended**  
**IDEA answer: Acknowledged**
2. A Variance from Section 142-155(a), to permit a front setback of 20 feet for the 5 feet above 50 feet, when an additional setback of one foot would be required for every one foot in height above 50 feet.  
**Approval recommended with modifications**  
**IDEA answer: Building is being "moved" one foot toward the rear to ease the compliance with the requirement, with only the staircase projecting into the setback, see item 2 of variance analysis described below.**
3. A Variance of from Section 130-61(1), to permit Parking Space 02 to be a length of 16 feet, when 18 feet is required.  
**Approval recommended**  
**IDEA answer: Acknowledged**

### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

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.

The applicant has submitted plans and documents with the application that indicate the following, 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

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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.
- **IDEA answer: Acknowledged**

#### **COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested waiver and variance(s):

- Section 142-155. The project shall comply with minimum and maximum yard elevations.
- **Section 142-155 stipulates that minimum yard elevation shall be 5'-0" NAVD, which is 6.56 NGVD; our proposed yard elevations are being modified to comply with section 142-155 of the Code; see revised civil sheet C-01 and architectural site plan A-201**
- The City's standard Multi-Family Zoning Data Sheet be provided.
- **The applicant could not find such a standard Multi-Family Zoning Data Sheet .**
- A lot coverage diagram shall be provided.
- **IDEA answer: lot coverage diagram is provided on architectural sheet A-009 Detail 1**
- Parking space 01 does not meet the minimum parking depth of 21 feet required for parallel parking.
- **IDEA answer: Acknowledged; the applicant is requesting a variance.**

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.

- **IDEA answer: Acknowledged**

#### **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.

- **IDEA answer: Acknowledged**

#### **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.

- **IDEA answer: Acknowledged**

#### **COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

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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**
  - **IDEA answer: Acknowledged**
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; however, the applicant is requesting three variances and one design waiver from the board.**
  - **IDEA answer: Acknowledged**
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, the applicant is requesting three variances and one design waiver from the board.**
  - **IDEA answer: Acknowledged**

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.  
**Not Satisfied; See Staff Analysis. The continuous solid balcony railings and planters dominate the building's design, resulting in a building that is out of scale with the neighborhood.**  
• **IDEA answer: Acknowledged; we re-designed the balcony detail to make it lighter and more fluid; see revised renderings on sheet A-014 to A-023, revised elevations A-501 to 5-04 and sections A-601 & A-602. See also additional cross section detail 2/A-601.**
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.  
**Not Satisfied; See No. 4 above.**  
**IDEA answer: Acknowledged; see answer No 4 above**
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 No. 4 above.**  
**IDEA answer: Acknowledged; see answer No 4 above**
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.

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- Not Satisfied; See No. 4 above.**  
**IDEA answer: Acknowledged; see answer No 4 above**
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**  
**IDEA answer: Acknowledged.**
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**  
**IDEA answer: Acknowledged; lighting sheet as been added A-903.**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Not Satisfied. The front yard is dominated by walkways, stairs, bicycle parking, and driveways.**

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.  
**Not Satisfied; As proposed, the garage is completely open on the rear and sides.**  
**IDEA answer: Acknowledged; see addition of architectural screens on building elevations ; see revised building elevations A-501 to A-504**
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).  
**Not Satisfied; See no. 4 above.**  
**IDEA answer: Acknowledged; See revised building elevations with addition of glass walls in façade, more sensitive to the surrounding areas.**
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.  
**Not Satisfied; See No. 4 and No. 11 above.**  
**IDEA answer: Acknowledged; see answer No 12.**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**

**IDEA answer: Acknowledged;**

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.  
**Not Satisfied; staff recommends refinement of the ground floor fronting the street.**  
**IDEA answer: Acknowledged; see answer No 12.**
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.  
**Not Applicable**
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.  
**IDEA answer: Acknowledged; A recycling plan will 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**  
**IDEA answer: Acknowledged.**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**  
**IDEA answer: Acknowledged.**
- (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**  
**IDEA answer: Acknowledged.**

- (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**  
**IDEA answer: Acknowledged.**
- (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**  
**IDEA answer: Acknowledged.**



- (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**

**IDEA answer: Acknowledged.**

- (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.

**Satisfied**

**IDEA answer: Acknowledged.**

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

**Satisfied**

**IDEA answer: Acknowledged.**

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

**Satisfied**

**IDEA answer: Acknowledged.**

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

The subject site is composed of two interior parcels located within the Biscayne Beach Subdivision of North Beach. The applicant is proposing to construct a new (5) five story, 14 - unit residential multi-family building with ground floor parking. The immediate surrounding area consists of predominantly one-story MiMo buildings constructed in the 1940's and 1950s, with some two-story multi-family residential buildings at the eastern end of the block and across the street from the subject property. The project includes a request for one design waiver and three variances.

The building is centrally located within the site and features a ground level residential lobby, elevator, utility rooms, and 14 parking spaces. Elevated to 9' NGVD, the lobby is reached by a wide set of stairs and an enclosed lift within the building envelope. The parking is located behind the residential entrance and is accessed by a one-way drive that enters the property along the eastern edge of the property, crosses through perpendicular spaces at each side and site and exits out to the street along the western property line. The project proposes four (4) one-bedroom units for levels 2, 3 and 4, and two (2) three-bedroom units on the fifth floor. Sun decks and a pool are also proposed. The project includes expansive balconies that project beyond the building and run along its perimeter. The balconies are shaped like jigsaw puzzle pieces with staggering blanks and tabs on each floor. The generously sized balconies feature landscape planters on each floor at each unit.



The design of the building is contemporary in its materiality and form, contrasting exposed concrete with burnt wood clad walls that alternate with glazing. The design is highlighted by the continuous balconies that project beyond the building's rectilinear envelope and a stoic entrance highlighted by an oversized glazed opening within a sea of exposed concrete. The balconies provide movement and interest to the design, but coupled with the stoic ground floor elevation, the scale of the balconies and the hard material finishes overwhelm the design. Furthermore, the applicant is requesting a setback variance for portions of the tower above 50' in height.

Staff, in general, finds the design interesting but over-scaled for the site and for the neighborhood. As such, staff recommends that the architect revise the design of the balconies and the ground floor to arrive at proportions that balance the materiality and expression of the architecture. Furthermore, at the rooftop, staff recommends potentially maintaining the slab/eyebrow over the balconies and setting back the railing and planters in order to fully comply with code as well as soften the overall architecture.

**IDEA answer: Acknowledged. See revisions to the design in answer to this analysis.**

The applicant is also requesting a waiver pertaining 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. Although this waiver was requested, the plans provided show that this requirement has been exceeded with 13'-0" clear from +9 NGVD to the underside of the first habitable floor. As provided the ground level is excessively tall in relationship to the surrounding low scale buildings. In order to help reduce the massive appearance of the building, staff recommends that the ground floor clearance be reduced by three (3') feet to a clearance of 10'-0" from an elevation of 9' NGVD. This would also reduce the height of the building by three (3') feet.

**IDEA answer: Acknowledged. IDEA reduced the ground floor clearance by three feet to a clearance of 10'-0" from an elevation of 9' NGVD, thus reducing the building height by three feet.**

Lastly, staff would also recommend that the ground level parking be fully screened with a combination of solid walls and louvers or other architectural screening in order to fully contain both garage and vehicular lights.

**IDEA answer: Acknowledged. Architectural screening has been added, please see revised drawings.**

### **VARIANCE ANALYSIS**

The applicant is requesting the following variance(s):

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1. A Variance from Section 142-155(b), to waive 17 square feet of the minimum required average unit size of 800 square feet in order to construct the proposed multifamily development with an average unit size of 783 square feet.

**Approval recommended**

**IDEA answer: Acknowledged.**

The RM-1 regulations require a minimum unit size of 550 SF and a minimum average SF of 800 SF. In addition to these requirements the city's Comprehensive Plan includes a density

limitation of 60 units per acre. Based on the lot size of the subject site, the density requirements limit the number of units to 15. Due to practical difficulties associated with the lot and the proposed unit layout, meeting the average unit size is challenging and would result in the loss of a unit. As the requested variance (17 SF) is minimal, and the number of units is below the maximum density threshold for the site, staff has no objection to this request.

2. A Variance from Section 142-155(a), to permit a front setback of 20 feet for the 5 feet above 50 feet, when an additional setback of one foot would be required for every one foot in height above 50 feet.

**Approval recommended with modifications.**

In order to mitigate the scale of new construction in relationship to the street and surrounding neighborhood the city code has increased setbacks for construction located above the pedestal of the building, which is that portion below a height of 50 feet. Due to the height proposed, and configuration of the structure, the applicant appears to have practical difficulties in fully complying with these requirements, as the last floor of the building would have to be setback an additional five (5') feet or 25 feet from the street. As noted in the Design Review section of this report, staff is recommending that the ground floor be lowered by three (3') feet, which would reduce the overall height of the building to 52 feet. To meet the minimum code requirements, the top floor would have to be setback two (2') feet from the floor below, or 22 feet from the front property line. For this reason, staff is supportive of this request, for Stair #1 and Stair #2 only, with the walls of the adjacent units set back to comply with the code requirements.

**IDEA answer: Acknowledged. See revisions to drawings reflecting our answer to those recommendations.**

3. A Variance of from Section 130-61(1), to permit Parking Space 02 to be a length of 16 feet, when 18 feet is required.

**Approval recommended**

As this variance request is self-contained in the property and limited to one parking space, staff has no objection to this requested variance. Providing an adequate lobby, building services, vertical circulation, and required parking on a relatively small lot presents a practical difficulty in complying with this, as well as the aforementioned code requirements.

**IDEA answer: Acknowledged.**

### **SUMMARY**

In order to properly address the aforementioned design concerns, staff recommends the application be continued to a future date. Staff would suggest that the application be reviewed by the Board and continued to the May 2, 2023 meeting.

### **RECOMMENDATION:**

In view of the foregoing analysis, and inconsistencies with the Design Review Criteria, staff recommends the application be continued to a future date. However, should the Board approve the application, staff recommends that such approval be subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.