

# MIAMI BEACH

PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: January 2, 2024

FROM: Thomas R. Mooney, AICP  
Planning Director

 <sup>DS</sup> for TRM

SUBJECT: DRB23-0934  
**1940 Bay Drive**

An application has been filed requesting Design Review Approval for the construction of a new 5-story multifamily building, including one or more waivers, and a variance from the driveway setback requirements and a variance from the minimum required width of interior drive aisles with parking.

## **RECOMMENDATION:**

Continuance to a future date.

## **LEGAL DESCRIPTION:**

Lot 15 thru Lot 18, Block 29, of ISLE OF NORMANDY MIAMI VIEW SEC PART 1, according to the Plat thereof, as recorded in Plat Book 34, at Page 80, of the Public Records of Miami-Dade County, Florida.

## **SITE DATA:**

Zoning: RM-1  
Future Land Use: RM-1  
Lot Size: 35,406 SF  
Proposed FAR: 44,252.15 SF/ 1.24\*  
Maximum FAR: 44,257.50 SF/ 1.25  
\*As represented by the applicant  
Lot Coverage:  
Proposed: 17,303 SF / 49%\*  
Maximum: 15,932.7 SF / 45%

Existing Use: Multifamily  
Proposed Use: Multifamily  
Residential Units: 12 Units

Grade: +4'-1" NGVD  
Flood: +8.00' NGVD  
First Finished Floor Elevation:  
+22'-8" NGVD

## **\*DRB Waiver**

Height:  
Proposed: 55'-0"  
Maximum: 55'-0"  
Highest Projection: 75'-0"

## **Surrounding Properties:**

East: 4-story Multifamily  
North: 1-story and 2-Story Multifamily  
South: Biscayne Bay  
West: 2-Story Multifamily

## **THE PROJECT:**

The applicants have submitted plans entitled "1940 Bay Drive" as prepared by **Revuelta Architecture International, PA**, dated 11/05/2023.

The applicant is proposing to construct a new five-story, twelve unit multifamily residential development including waivers and variances.

The applicant is requesting the following waiver(s):

1. The maximum lot coverage for lots greater than 65 feet in width shall not exceed 45%.  
**The applicant is proposing a lot coverage of 49%.**

The applicant is requesting the following variance(s):

1. A variance to reduce by 1'-0" from the minimum required width of 22'-0" for a two-way interior drive aisle with 90° parking, in order to provide an interior aisle of 21'-0".  
**Approval recommended**
2. A variance from the minimum required front setback of 20 feet for parking/driveway, in order to construct a driveway parallel to the front property line with a setback of approximately 14 feet.  
**Denial recommended**

Although the application includes a variance request for the combined width of the two access drives, staff has determined that the two proposed driveway curb cuts of 14 feet each is compliant with the requirements of the Code, notwithstanding the design concerns of staff as noted in the analysis section of this report.

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

The applicant has submitted plans and documents with the application that partially 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 partially 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 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 waiver and variances requested.

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, SECTION 2.5.3.1:**

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
- b. 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.  
**Not Satisfied; the applicant is requesting variance(s) associated with drives from the Board.**
- c. 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**
- d. 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 2.5.3.2.  
**Satisfied**

- e. 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 article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.  
**Satisfied**
- f. The proposed structure, 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**
- g. 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**
- h. 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 safety 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; the applicant is requesting variance(s) from the Board associated with drives.**
- i. 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.**
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.  
**Satisfied**
- k. 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**
- l. 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**

- m. 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**
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
- o. 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).  
**Satisfied**
- p. 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**
- q. 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**
- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances 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**
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.  
**Not Satisfied; see below**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4(a)(i) of the Land Development Regulations 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 4 of the Land Development Regulations.  
**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.  
**Satisfied**
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; additional information will be required at the time of building permit in order to demonstrate compliance.**
11. Cool pavement materials or porous pavement materials shall be utilized.  
**Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**
12. The project design shall minimize the potential for a project causing a heat island effect on site.  
**Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

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

The applicant is proposing to construct a modern five-story building above ground level parking and common areas. The project proposes three large unit types per floor, ranging in size from 2,800 to almost 3,000 square feet. Each unit type has an associated elevator and lobby, as well as a designated pool area with deck and restroom on the roof level, resulting in three elevator shafts and three pool areas for the overall development. The units contain three bedrooms, one of which is a convertible den, a large master bedroom suite, laundry room, an open kitchen / dining / living area, and expansive balconies. 24 parking spaces are provided, allotting two spaces per unit.

The design of the proposed building features bands of floor to ceiling glass walls set beyond curvilinear balconies of glass and aluminum railings that wrap the building at each level. The ground floor alternates smooth stucco with horizontally scored stucco walls, and vertical, wood-like aluminum cladding screens the garage elevations. The same aluminum cladding accents the brise soleil on the top floor of the street elevation, as well as the underside of the balcony slabs. The various architectural gestures and materiality lend the elevations interest and movement. Staff recommends that the design include balcony dividers between units, specifically along the expansive balconies overlooking the bay, as well as the revision of the rooftop canopy to incorporate a trellis where it does not cover an enclosed room.

While supportive of the building design, staff has serious concerns with the site layout, in particular the proposed driveways and extent of pavement within the front of the property. Considering that there are only 12 units within the entire building, staff does not find a need for a dedicated, two-way drive aisle that traverses the entire front of the building, and for which this application is requesting a variance.

Staff is strongly opposed to the location, dimensions and design of the proposed driveways, as well as the associated excessive pavement as proposed. In this regard, given the relatively low density proposed, alternatives for drop-off should be explored. Additionally, the width of the curb cuts should be reduced to no more than 10' on each side, since the two parking areas under the building serve 6 units each. Lastly, staff is supportive of the proposed public bay walk along the waterway.

This application includes a requested design waiver for lot coverage. For multifamily lots greater than 65'-0" in width, the code requires that the lot coverage shall not exceed 45 percent of the lot, inclusive of impervious pavements, unless waived by the DRB. The applicant is proposing a lot of coverage of 49%. The excess lot coverage is largely due to the proposed two-way drive, which staff does not support. The applicant has indicated that the entire front of the property must contain a wide access driveway to accommodate the largest fire truck, due to the excessive front setback provided. As submitted, the building has a proposed setback of 43 feet, whereas 20 feet is the minimum required.

Such large drives are inconsistent with the established scale, character and context of the RM-1, Residential Low Intensity zoning district, and would have a significantly negative impact on the surrounding residential area. Moving the entire building closer to the street is preferable to constructing a secondary road in front of the building. As such, staff is not supportive of the requested waiver with a two-way drive along the entire front of the building, and recommends denial of the waiver, along with the removal of the driveway parallel to the street.

## **VARIANCE REVIEW**

The applicant is now requesting the following variance(s):

1. A variance to reduce by 1'-0" from the minimum required width of 22'-0" for a two-way interior drive aisle with 90° parking, in order to provide an interior aisle of 21'-0".
  - Variance requested from:

### **5.3.43 INTERIOR AISLES**

Interior aisles shall meet or exceed the following minimum dimensions permitted:

- a. 90° parking—**22 feet**, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.

Due to the angled nature of the side property lines, the property is wider on the water side and slightly narrower on the street side. As proposed, the building footprint follows the angle of the side property lines and is slightly larger at the rear compared to the front. For this reason, approximately three parking spaces on each of the building have a drive aisle width of 21 feet. The remaining parking spaces towards the rear of the parking area, where the width of the building expands can be shifted slightly to follow the building walls and comply with the required 22 feet drive aisle width. Staff believes that the angled nature of the site results in a practical difficulty in complying with the minimum drive aisle requirements. Additionally, the variance has no external impact on the adjacent properties, is minimal in nature, and will not result in any negative impact on the site or surrounding properties. As such, staff is supportive of this variance.

2. A Variance from the minimum required front setback of 20 feet for parking/driveway, in order to construct a driveway parallel to the front property line with a setback of approximately 14 feet.
  - Variance requested from:

### **7.2.4.3 DEVELOPMENT REGULATIONS (RM-1)**

#### **7.5.3.2 Allowable encroachments within required yards for districts other than single-family districts.**

With the exception of driveways leading into a property, driveways and parking areas are not an allowable encroachment within a required yard and must comply with the required building setbacks, which in this case is 20 feet. As noted previously, the applicant has indicated that the excessive driveway parallel to the front property line is needed for firetruck access due to the proposed building setback. This would also function as a large 2-way drop off drive in front of the building. While such a large drop-off area may be warranted for a much larger building in a high intensity zoning district, only 12 units are proposed for this project. Such large drives are inconsistent with the established scale, character and context of the RM-1, Residential Low Intensity zoning district, and would have a significantly negative impact on the surrounding residential area. For this reason, staff recommends denial of the requested variance. Further, staff recommends that the entire building be brought closer to the street, in order to negate the requirement for a firetruck lane on the property.

In light of the concerns expressed herein, including recommended changes to the site plan, staff recommends that the application be continued to a future date.

**RECOMMENDATION:**

In view of the foregoing analysis, and inconsistencies with the aforementioned design review criteria, staff recommend that the application be **continued to a future date**. However, should the Board approve the application, staff recommends that such approval, including the requested variance, be subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria, and practical difficulty and hardship criteria.