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MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation Board

Design Review

TO: DRB Chairperson and Members DATE: February 6, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS for TRM

SUBJECT: **DRB23-0972**
1 Collins Avenue

An application has been filed requesting Design Review Approval for modifications to the ground level of an existing building, including the construction of a single-story addition and the construction of an exterior ground level retractable canopy, associated with a new restaurant.

RECOMMENDATION:
Approval with conditions.

LEGAL DESCRIPTION:
Comdominium Parcel Nos. CU-1 and CU-2 of ONE OCEAN CONDOMINIUM, according to the Declaration thereof, recorded March 24, 2016 in Official Records Book 30011, page 4424, of the Public Records of Miami-Dade County, Florida as amended and/or supplemented from time to time, together with an undivided interest in the common elements appurtenant thereto.

HISTORY:
On June 26, 2012, the Planning Board approved a Conditional Use Permit (CUP) of a 200-space mechanical parking garage to satisfy the required parking for the condo-hotel complex, including accessory uses within the structure, and other parking needs contractually required.

On July 3rd, 2012, the Design Review Board approved an application for modifications to a previously issued Design Review Approval for the construction of a new condo-hotel complex with two 7-story buildings on vacant lots. Specifically, the applicant requested design modifications to the previously approved project, pursuant to DRB file no. 18988.

On July 25, 2023, the Planning Board approved an application for a conditional use permit of a Neighborhood Impact Establishment for a restaurant located at two of the existing ground floor commercial spaces of this building, (CU-1 and CU-2), pursuant to PB23-0598.

On January 2, 2024, this application was reviewed by the Design Review Board and continued it to a date certain of February 6, 2024.

SITE DATA:

Zoning:	CPS-1
Future Land Use:	CPS-1 (limited Mixed-Use Commercial Performance Standard)
Lot Size:	87,381 SF

SURROUNDING PROPERTIES:

North	Commercial establishments | Residential Multifamily

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East: Commercial establishments
South: Residential Multifamily
West: Surface Parking Lot / Commercial establishment

THE PROJECT:
The applicant has submitted plans entitled "One Ocean Restaurant", as prepared by **Kobi Karp Architecture and Interior Design, Inc.,** signed, sealed and dated November 5th, 2023.

The applicant is proposing to modify the ground level of an existing building, including the construction of a single-story addition and the construction of an exterior ground level retractable canopy, for a new restaurant, Philippe Chow Miami Beach.

CONSISTENCY WITH COMPREHENSIVE PLAN
A preliminary review of the project indicates that the proposed **commercial use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:
A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code.

- All proposed elements located in the City's Right-of-Way including but not limited to, planters, awning, and furniture will require a separate right-of-way permit with the Public Works Department.

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.
Satisfied

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.

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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.
Satisfied

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.
Satisfied

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.
Not Applicable

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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).
Not Applicable

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.
Not Applicable

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.
Not Applicable

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 Applicable

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 Applicable

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2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable

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.
Not 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.
Not Applicable

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.
Not Applicable

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.
Not Applicable

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 Applicable

11. Cool pavement materials or porous pavement materials shall be utilized.
Not Applicable

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

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STAFF ANALYSIS:

DESIGN REVIEW

The subject property for the exterior improvements consists of units CU1 and CU2, which is currently a vacant commercial space. The Planning Board approved a Conditional Use Permit (CUP) on July 25th, 2023, for a Neighborhood Impact Establishment for a restaurant located at two of the existing ground floor commercial spaces of this building, (CU-1 and CU-2). The proposed exterior modifications exceed the threshold for administrative approval.

Centrally located on Collins Avenue and South Pointe Drive, the existing one-story commercial building sits behind the boomerang shaped One Ocean Condominium project site, enclosing its inner courtyard as well as housing its amenities deck and pool. With curved walls of floor-to-ceiling glass, the commercial space embraces the prominent intersection.

The applicant is proposing a restaurant project that is approximately 6,600 square feet in size, with an exterior covered area of nearly 2,500 square feet and exterior seating area of about 3,500 square feet. The design includes improvement to the existing storefront in an effort to create a signature entrance for Philippe Chow Miami Beach, as well as a new canopy over portions of the proposed outdoor seating. The selected main entrance faces South Pointe Drive and is enhanced with a new solid doors and transom that flanked by metal decorative panels inlaid with lighting. Outdoor seating areas are proposed side of the main entrance, with the new, retractable fabric canopy composed of an aluminum structure spanning south to face the intersection. Staff has no objections to the proposed exterior modifications as it activates the commercial space and promotes pedestrian connectivity. Furthermore, the applicant shall provide the final details and materials of all finishes for staff review.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, 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.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: February 6, 2024

PROPERTY/FOLIO: **1 Collins Avenue** 02-4203-371-0500

FILE NO: DRB23-0972

IN RE: An application for Design Review Approval for modifications to the ground level of an existing building, including the construction of a single-story addition and the construction of an exterior ground level retractable canopy, associated with a new restaurant.

LEGAL: Comdominium Parcel Nos. CU-1 and CU-2 of ONE OCEAN CONDOMINIUM, according to the Declaration thereof, recorded March 24, 2016 in Official Records Book 30011, page 4424, of the Public Records of Miami-Dade County, Florida as amended and/or supplemented from time to time, together with an undivided interest in the common elements appurtenant thereto.

APPLICANT: Philippe Miami LLC

O R D E R

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Design Review in Section 2.5.3.1 of the Land Development Regulations.

C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is not consistent with Sea Level Rise Criteria 4 in Section 7.1.2.4(a)(i) of the Land Development Regulations.

D. The project will remain consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) with the following conditions:

a. All proposed improvements and elements that are located in the right-of-way, including, but not limited to, planters and furniture shall require the review and approval of the Public Works Department.

b. The proposed plant material shall include a majority of native species, subject to the review and approval of staff.

c. The final design details of the exterior lighting 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.

d. The final design, materials and details of the proposed main entrance 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.

e. The final design, materials and details of the proposed retractable fabric canopy structure 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.

f. The final design details of the exterior materials and finishes 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.

g. 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 Building Permit.

In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

I. Variance(s)

A. No variance(s) were filed as part of this application.

II. General Terms and Conditions applying to both 'I. *Design Review Approval* and 'II. *Variances'* noted above.

A. Prior to the issuance of any permit for the installation of the mural, review and approval of the City Commission, in accordance with the applicable requirements of Chapter 6 of the Land Development Regulations, shall be required.

B. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein,

unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

C. 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.

D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

E. The 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 it is appropriate to modify the remaining conditions or impose new conditions.

F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

G. 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.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "One Ocean Restaurant", as prepared by **Kobi Karp Architecture and Interior Design, Inc.,** signed, sealed and dated November 5th, 2023, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
Michael Belush, AICP
Planning & Design Officer
For Chairman

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL]

Approved As To Form:
City Attorney's Office: _____ ( )

Filed with the Clerk of the
Design Review Board on _____( )