

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 06, 2017

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB17-0131
5775 Collins Avenue

The applicant, Miami Beach Associates, LLC, is requesting Design Review Approval for the construction of a new eighteen (18) story residential building, along with two levels of subterranean parking, to replace an existing oceanfront twelve (12) story residential structure.

RECOMMENDATION:

Continue to a future meeting date for further design development.

LEGAL DESCRIPTION:

Lots 10-12 of Block 1 of Amended Plat of Second Ocean Front Subdivision according to Plat thereof as recorded in Plat Book 28, Page 28 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RM-3
Future Land Use: RM-3
Lot Size: 63,638 SF (1.46 a.)
Lot Width: 225'-0" ±
Lot Depth: 282'-0" ±
Proposed FAR: 190,617 SF (2.99)*
Permitted FAR: 190,914 SF (3)

*As represented by the applicant

Height:
Proposed: **200'-0" / 18-Story**
Maximum: 200'-0" / 22-Story
Highest Projection: 220'-0"
Residential Units: 86 Units
Required Parking: 185 Spaces
Provided Parking: 185 Spaces
Loading: 2 loading berths

Grade: +5.6' NGVD*
Base Flood Elevation: +8.00' NGVD
Difference: 2.4' NGVD
Adjusted Grade: +6.8' NGVD
Finished First Floor Elevation: 13.137' NGVD

Surrounding Properties:

West: Royal Embassy Condominium, 14-story Residential Building (1968)
FPL Substation
North: Villa Di Mare Condominium 12-story residential building (2002)
South: L'Excellence Condominium, 24-story Residential Building (1991)
East: Atlantic Ocean

EXISTING STRUCTURE:

Marlborough House - 1962 Giller, Payne & Waxman | 12-story (111'-0") residential building | 107 units

THE PROJECT:

The applicant has submitted plans entitled "5775 Collins Avenue Revised Final DRB Submittal", as designed by **Arquitectonica Architecture and Interior Design**, dated, signed, and sealed April 19, 2017.

The applicant is proposing to construct an eighteen story, eighty-six unit, residential building over two levels of semi-subterranean parking on an oceanfront site. The new residential tower will replace the existing 12-story Marlborough House condominium built in 1962. The design is oriented perpendicular to Collins Avenue and is massed in a rectangular manner, surrounded by expansive balconies and a double loaded, center corridor, and units facing from the north and south sides of the structure.

Access to the proposed structure will be directly from right turns only on Collins Avenue, which is a six-lane divided arterial roadway with a one-lane frontage road on the east side. The entrance driveways are on the south of the site along with the valet parking garage egress ramp, while the ingress ramp and driveway is located in the north. The main entrance is at the center of the building, along with a covered porte-cochere drop off area. A beach connection has been provided from the pool deck at the rear of the property that will connect to a future City Beachwalk. This portion, the Middle Beach Recreation Corridor, of the City's master plan for a continuous pedestrian public Beachwalk is currently under coastal permit review. A breakdown of the floor plan is delineated hereto:

Garage Level One: 95 tandem parking spaces, (4 accessible)
Garage Level Two: 91 tandem parking spaces, (1 accessible)
Level One: Lobby entrance, Mail, services, lounge, and party room and pool deck
Level 2-11: 6 dwelling units per level (60) ranging in size 1,183SF-1,953SF
Level 12-17: 4 dwelling units per level (24) ranging in size 1,183SF-3,242SF
Penthouse: 2 dwelling units per level (2) 3,462 SF | 3,467 SF

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:

1. Projections: In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25% of the required yard up to a maximum projection of six feet (6'-0"), unless otherwise noted: Porches, platforms and terraces (up to 30" above the elevation of the lot, as defined in subsection 142-105(a)(1)e.). Depending on the final grade elevation the steps leading to the front and side yards may or may not be in compliance.
2. Walkways: Maximum 44". May be increased to a maximum of five feet (5'-0") for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the **Design Review** procedures.
3. Retaining walls for vehicular access appear to exceed the maximum height permitted within the front yard.
4. Tandem parking spaces may be utilized for self-parking in multi-family residential buildings and shall have a restrictive covenant, approved as to form by the City Attorney's office and recorded in the public records of the County as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner.

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 COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **residential use is consistent** with the Future Land Use map designation of the 2025 Comprehensive Plan, but the absence of a proposed pedestrian pathway access connection from Collins Avenue to the Beachwalk and the oceanfront is inconsistent with Policy 1.5 of the 'RECREATION AND OPEN SPACE ELEMENT' of the City's Comprehensive Plan.

***Policy 1.5. Waterfront access in residential development.** Public pedestrian access to Biscayne Bay, all shorelines, and the oceanfront shall be required, in compliance with applicable law, in the review of proposed residential developments.*

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.

CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

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.

Partially Satisfied; due to the absence of a pedestrian access connecting Collins Avenue to the Beachwalk.

3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; Additionally, the proposed orientation of the structure has a negative impact on the overall site plan and design. Further, due to the absence of a pedestrian access connecting Collins Avenue to the Beachwalk, the proposal is inconsistent with Policy 1.5 of the Comprehensive Plan.
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; Additionally, the proposed orientation of the structure has a negative impact on the overall site plan and design.
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.
Not Satisfied; Additionally, the proposed orientation of the structure has a negative impact on the overall site plan and design. Staff recommends rotating the building orientation to allow for more expansive view corridors
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Not Satisfied; due to the absence of a pedestrian access connecting Collins Avenue to the Beachwalk, the proposal is inconsistent with Policy 1.5 of the Comprehensive Plan.

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).
Not Satisfied; Additionally, the proposed orientation of the structure has a negative impact on the overall site plan and design. Further, due to the absence of a pedestrian access connecting Collins Avenue to the Beachwalk, the proposal is inconsistent with Policy 1.5 of the Comprehensive Plan. Staff recommends rotating the building orientation to allow for more expansive view corridors
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 Satisfied; Additionally, the proposed orientation of the structure has a negative impact on the overall site plan and design. Further, due to the absence of a pedestrian access connecting Collins Avenue to the Beachwalk, the proposal is inconsistent with Policy 1.5 of the Comprehensive Plan. Staff recommends rotating the building orientation to allow for more expansive view corridors

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

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing to construct a new eighteen-story, eighty-six unit residential building over two levels of semi-subterranean parking on an a 63,638 SF oceanfront site. The site is nearly square in shape and is located four blocks north of the Morris Lapidus / Mid 20th Century Local Historic District. The existing building, the Marlborough House, is a 1962 multi-family tower designed by Giller, Payne & Waxman Architects in a simplistic Miami Modern style. The existing 107-unit twelve-story rectangular building is oriented east to west. The 75'x140' footprint is sited with generous side setbacks of nearly 79'-0" to the south and 73'-0" to the north, the front and rear setbacks are also well above the current minimum requirement. In each side yard two levels of parking, one of which is subterranean, flank the Marlborough house. The existing landscaping conditions are minimal.

Unlike the existing Marlborough House which is oriented perpendicular to Collins Avenue, the proposal herein is oriented parallel to the street and broadsides the beach. The proposed tower rises uniformly with white stucco-tipped slabs that project beyond the glazed skin of the units. The renderings indicate that the underside of the balcony slabs are finished with a warm brown wood, with planks oriented in a east west direction. The balcony edges are defined by glass rails that undulate inward and outward, alternating at each level, creating movement along otherwise static façades. From a street perspective, the expansive balconies are the defining feature of the building and dominate the architecture.

While the proposed building is sited with greater than minimum front, rear yard setbacks, staff is concerned with the general orientation and massing of the subject proposal on the oceanfront site and the loss of the established northern and southern view corridors created by the generous setbacks of the existing building that has stood for nearly 55 years. The proposal meets the minimum required side yard and sum of the side yard setback requirements. Although the proposal is very similar in proportions, the proposed 72'-5" x 148'-4" plan is set parallel to the beach, effectively cutting off Collins Avenue and blocking vistas to and breezes from the Atlantic Ocean. The proposed new structure, which is greater in height than the existing Marlborough House, will effectively broadside the Ocean, reinforcing the "Condo Canyon" effect notably seen along portions of Collins Avenue by building the tower from the side setback line to side setback line. The minimum side setback

is 33'-0" while the applicant is providing 38'-2" and 38'-5" respectively. For perspective, the proposal will diminish both side yards that serve as important view corridors by over half.

Staff recognizes the applicant's desire to provide the best water views for the residences; however in re-orienting the building, most, if not all units will still have full views to the Atlantic Ocean and beach. In the current configuration, the western units have views of the 14-story Royal Embassy Condominium. In this regard, the Design Review Criteria addresses the issue of providing view corridors as seen from the street and the Atlantic Ocean as well as continue a street level urban form. It is staff's recommendation that the architect reexamine the orientation of the building, and increase both the side setbacks as well as further refine the hard edge condition of the balcony design to soften the massing upon Collins Avenue.

Staff cannot support an application that is inconsistent with an important policy of the City's Comprehensive Plan by not providing the public direct access to the shoreline. Staff encourages the applicant to incorporate in its development a dedicated pedestrian beach path connecting the sidewalk on the east side of Collins Avenue to the public Beachwalk. Recent developments north of the project site, 5937 Collins Avenue (The Bath Club) and 5875 Collins Avenue (Mei Condominium) have both constructed similar public beach access within their properties, specifically within the required side yards. Currently, the nearest beach access south of 5775 Collins Avenue is at 53rd Street, roughly 2,800 feet away.

If provided, the proposed beach connection would offer a public benefit for the residents of approximately 715 apartment units contained in the five residential buildings on the western side of Collins Avenue within a short 5-minute walk (1320 FT) to the subject site. That would greatly reduce unnecessary vehicular beach bound trips and parking congestion by eliminating the necessity to drive to the closest City public parking area of the City, Lot P72 located north of the Imperial House Condominium (5255 Collins Avenue), in order to enjoy public beach access. The next closest parking lot is City Lot P81, located 1 mile to the north at Allison Park.

The lack of beach access is also needed to be consistent with and support **Policy 1.5** of the 'RECREATION AND OPEN SPACE ELEMENT' of the City's Comprehensive Plan. Staff strongly recommends further refinement of the open space element in either required side yard and the incorporation of a minimum 15'-0" wide pedestrian pathway from Collins Avenue to the Beachwalk. The proposed walk should be located within a side yard setback, preferably the south, and meander with landscape. Overall, the landscape for the development is quite extensive and well-designed, comprised of predominately native species, and should inform the design of the beach walk.

In addition to concerns with the design's effect on the surrounding area, staff would like to address the proposed semi-subterranean parking and the City's promotion of creating new construction standards to combat sea level rise. While there are design benefits to placing parking underground and eliminating a parking pedestal, most notably the elimination of an unsightly parking structure, subterranean parking conflicts with the City's support of new building standards to mitigate the impact of sea level rise. A Code Amendment pertaining to a prohibition on sub-grade parking is currently reading before the City Commission.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends to **continue** the application to the September 05, 2017 Design Review Board meeting in order to address the following concerns.

1. Revised elevation, site plan, and floor plan drawings for the proposed new eighteen (18) story residential building at 5775 Collins Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The architect shall rotate the building orientation 90° to allow for view corridors to ocean.
 - b. Direct pedestrian access from the sidewalk to the Beachwalk shall be developed and detailed, in a manner to be approved by the staff.
 - c. Continuous lighting shall be located along the public access walk, in a manner to be reviewed and approved by staff; such lighting shall consist of bollards.
 - d. The manner in which the property is fenced and secured shall be subject to review and approval of staff. The beach access gates shall be located close to the sidewalk, with a four foot (4') setback, subject to the review and approval of staff.
 - e. The final design details and color selection of the wood louvers finish proposed under the balcony slabs 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. All pedestrian ramps on the west side of the side, from the sidewalk, shall be fully segregated from vehicular traffic, in a manner to be approved by the staff.
 - g. The hours of public beach access shall be from sunrise to sunset.
 - h. Signs indicating public access and the hours of operation shall be posted at each of the public access points; such signs shall be clearly indicated on the building permit plans and shall be subject to the review and approval of staff.
 - i. The architect shall further refine the front elevation of the building, specifically the balcony edges, in order to soften the hard edge presence of the architecture.
 - j. Further details of the railings and handrails shall be provided for all balconies and terraces in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.

- k. Material samples for all exterior paving areas 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.
 - l. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 - m. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
 - n. The final design details of 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
 - o. Any fence or gate at the front and street side of the property shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - p. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
 - q. 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.
 - r. 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.
 - s. 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.
2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. The pedestrian public beach access located to the north and south of the proposed building shall be a minimum width of 10'-0" of pavement

and an additional 5'-0" of landscape buffer, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. A combination of canopy shade trees and palms shall be incorporated along the public beach access as part of the design.
- c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed development, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese

pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.

- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

TRM:JGM

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