

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: October 03, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB17-0171  
**1 Collins Avenue, Unit 701**

The applicant, MCR Holdings LLC, is requesting Design Review Approval for exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, landscaping and installation of additional outdoor features.

#### **RECOMMENDATION:**

Approval of the design

#### **LEGAL DESCRIPTION:**

Lots 1 thru 3 & Lots 5 thru 13 & Lot 17 & the alley lying adjacent to Lots 5 thru 13 per R 2004-25655 & less east 15 feet for RW BLK 1 as described in Declaration of Restrictions 30011-4424

One Ocean Condo, Unit 701 South Building, Undiv. 2.3879% Int in Common Elements, Off Rec 30011-4426.

#### **EXISTING STRUCTURE:**

The applicant is proposing exterior modifications to a single penthouse unit to a new 7-story residential project that was recently completed. The project, known as 'One Ocean', was originally approved by the Design Review Board on April 04, 2006.

#### **SITE DATA:**

Zoning:	CPS-1
Future Land Use:	CPS-1
Lot Area:	61,630 SF
Lot Open Space:	33,859 SF
Unit Interior Area:	3,344 SF
Unit Rooftop Area:	4,063 SF
Rooftop Open Space:	
Existing:	4,063 SF
Proposed:	3,438.7 SF
Rooftop Pool Deck:	
Existing:	471.8 SF
Proposed:	319.8 SF

Rooftop Green Space Area:	
Existing:	17.6 SF
Proposed:	257.9 SF

#### **SURROUNDING PROPERTIES:**

North:	Three Story Retail / Parking Garage
South:	Two-story Retail / Portofino Driveway Entrance
West:	Surface Parking Lot
East:	Surface Parking Lot and two-story Commercial

#### **THE PROJECT:**

The applicant has submitted plans entitled "Private Residence Penthouse Rooftop Renovation" as designed by **Studio M Miami and Fanjul and Associates LLC**, signed, sealed, and dated August 14, 2017.

The applicant, MCR Holdings LLC, is requesting Design Review Approval for exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, landscaping and installation of additional outdoor features.

**COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code. 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** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Not Applicable**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not Applicable**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Satisfied**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Satisfied**

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Satisfied**
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.  
**Not Applicable**
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 Applicable**
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Satisfied**
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.  
**Satisfied**
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).  
**Satisfied**
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Not Applicable**

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Not Applicable**
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).  
**Satisfied**
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 Applicable**
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.  
**Satisfied**

#### **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**  
  
Selective Demolition has already taken place under permit BC1705577. There is no further demolition in the proposed scope of work.
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.  
**Reuse of the existing cooling system in the unit; no changes to windows are proposed.**

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**71% of proposed rooftop trees are native species, 100% of proposed planting material on rooftop is native species and 100% of trees and planting material are salt tolerant and drought tolerant.**
5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.  
**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.  
**Not Applicable**
7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**All mechanical equipment and electrical systems are located on either 7<sup>th</sup> floor or rooftop.**
8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**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. Where feasible and appropriate, water retention systems shall be provided.  
**Not Applicable**

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

The applicant is proposing exterior design modifications to an existing rooftop terrace at one of the penthouse units (unit 701) for 'One Ocean' Condominium ("Block1", 1 Collins Avenue), a recently completed seven-story residential building (DRB File No. 18988).

'One Ocean' is comprised of two, seven-story towers; a small rectilinear tower located to the north that connects via an overhead bridge that transverses a small, one-story commercial structure to the larger, boomeranged-shaped glass tower to the south. The existing rooftop terrace at Unit 701 is the southernmost terrace of the boomerang-shaped tower. Approximately 4,000 square feet in area, the terrace is barren and expansive, finished in tile, exposed slab, and wood decking. A swim spa is sited in the southeast corner with an adjacent, elevated wood deck. At the time of the DRB original approval on April 04, 2006, a uniform scheme was presented to the Board.

The applicant is proposing a functional and contemporary plan for the outdoor terrace that includes new finishes, new wood decking and furniture, and expansive landscaping with salt tolerant and native Florida species. The perimeter walkway edge remains paved in the building's standard stone pavers (typical), while the majority of the deck is shrouded in artificial turf. Stone pavers, to match the existing, are incorporated into the new design as a pathway to a pergola-covered dining and seating area. Encased by landscape planters, the elevated wood deck and swim spa has been removed to include teak wood decking and two sun beds. Throughout the terrace, landscaped planters are utilized for privacy, creating outdoor "rooms" and borders between neighbors.

The rooftop terrace at Unit 701 utilizes the finishes and colors of the condominium. The aluminum pergola is powder coated in a finish to match the existing building, and the stucco finish planters match the buildings exterior color. Staff commends the applicant in creating an exterior space that is unique to the unit and owner, yet compatible with the overall palette and design of the building.

The approval of the penthouse terrace deviations from the original design herein due not adversely affect the design vision of the original architecture and will not negatively impact any surrounding properties; as such, staff recommends that the design of the rooftop terrace be approved.

**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 Practical Difficulty and Hardship criteria.

TRM/JGM/FSC

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**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: October 03, 2017

FILE NO: DRB17-0171

PROPERTY: **1 Collins Avenue, Unit 701**

APPLICANT: MCR Holdings LLC

LEGAL: Lots 1 thru 3 & Lots 5 thru 13 & Lot 17 & the alley lying adjacent to Lots 5 thru 13 per R 2004-25655 & less east 15 feet for RW BLK 1 as described in Declaration of Restrictions 30011-4424

IN RE: The Application for Design Review Approval for exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, landscaping and installation of additional outdoor features.

**ORDER**

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 Approval**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. 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 inconsistent with Design Review Criteria in Section 118-251 of the Miami Beach Code.
- 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 inconsistent with Sea Level Rise Criteria 1 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
  - 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.

- b. The final design and details of the proposed pergola/shade structures shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. The final design and details of the proposed new planters, pavers, and materials and finishes shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. 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.
  - e. 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, prepared by a Professional Landscape Architect, registered in the State of Florida, 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 final landscape selection, which shall include increasing the overall installed size for portions of the landscaping, location, quantity, and specifications of all existing and proposed new landscaping, shall be required, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. 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.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.**

## **II. Variance(s)**

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

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



- A. Any demolition chute(s), dumpster(s) and lift(s) shall be contained on-site within the southern portion of the site and not have any negative affect upon the abutting rights-of-ways subject to review and approval by the Transportation, Public Works and Planning Departments.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Private Residence Penthouse Rooftop Renovation", as prepared by **Studio M Miami and Fanjul and Associates LLC**, dated, signed, and sealed June 20, 2017, 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 of approval that must be satisfied prior to permit issuance, as set forth in this Order,

have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting 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.

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 Chapter 118 of the City Code, 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 118 of the City Code, 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 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: \_\_\_\_\_

Approved As To Form:

City Attorney's Office: \_\_\_\_\_ (                      )

Filed with the Clerk of the Design Review Board on \_\_\_\_\_ (                      )

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