

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 05, 2018

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB18-0236 (aka DRB16-0054)
7118-7140 Collins Avenue and 7117-7121 Harding Avenue

The applicant, Collins & 72nd Developers LLC, is requesting exterior design modifications to a previously issued Design Review Approval including the construction of an additional five-story wing component to a new 11-story hotel, other design modifications and variances to reduce the required front setback for a monument sign and to exceed its maximum area, to exceed the maximum allowable projection in required yards and to eliminate the required distance separation from structural columns to the drive aisles. This item will also require a modification to a previously approved Conditional Use application to be reviewed and approved by the Planning Board.

RECOMMENDATION:

Approval with conditions

Denial of the variance requests #1 through #4

HISTORY:

On January 3, 2017, the Design Review Board reviewed and approved a new 10-story hotel on an assemblage of parcels, pursuant to DRB16-0054. At the same meeting the Board approved a variance to reduce the required setback for new FPL power lines.

LEGAL DESCRIPTION:

Lots 1, 2, 3, 4, 9, 10, 11 and 12 in Block 8 of Normandy Beach South, according to the Plat thereof, as recorded in Plat Book 21, Page 54, of the Public Records of Miami- Dade County, Florida.

SITE DATA:

Zoning: TC-1
Future Land Use: TC-1
Lot Size: 49,890 SF
Existing FAR: Not provided
Proposed FAR: ~~129,337 SF (2.59)~~ **174,200 (3.5)**
Maximum FAR: ~~137,197.5 SF (2.75)~~ **174,615 SF (3.5)**
Height: 124'-8" (133'-8" NGVD) / 11 stories
Maximum: 125'-0" / 12 stories
Highest Projection: 149'-8" (158'-8" NGVD)
Proposed Uses:

Commercial: 28,009 SF
Hotel Units: 479 **187 (173 + 14 suites)**

Residential Units: 24

Parking required: 441 spaces **195 spaces**

Parking provided: 441 spaces **140 spaces** (55 parking spaces reduction)

Parking reduction in providing:

Long term bicycles: 141 = 28 parking spaces reduction
Short term bicycles: 249 = 25 parking spaces reduction
Scooters/motorcycles: 6 = 2 parking spaces reduction
Subtotal: bicycles: 390 **55 parking spaces reduction**

Required Bicycle Parking: Long term bicycles: 32
Short term bicycles: 26
Subtotal: 58
Total bicycles: 448

Loading spaces required: **6* Variance required**
Loading spaces required: **5 7 (4 hotel / 3 retail)**
Base Flood Elevation (BFE): +8.00' NGVD
First Floor Elevation: Varies +6.00' and +9.00' NGVD

SURROUNDING PROPERTIES:

East: Nineteen-story multifamily building (Burleigh House Condominium)
North: City surface parking lot, P92
South: One-story retail building
West: One-story retail building

THE PROJECT:

The applicant has submitted plans entitled "72+ Collins Hotel & Condominium", as prepared by **Revuelta Architecture International**, dated April 06, 2018.

The applicant is proposing the construction of a new five-story wing to a previously approved 11-story hotel complex on an assemblage of parcels containing three vacant parcels of land, a surface parking lot and three (3), one-story retail buildings. The applicant previously was granted a variance to reduce the required setback for new high transmission FPL power lines relocated along the front of the property along Harding Avenue.

The proposal consists of a new 11-story, mixed-use building with 187 hotel units, 24 residential units, 134 seats bar/lounge, 24,498 SF of ground floor and commercial space, the retention of the two existing 1-story commercial buildings, which are part of the development site and a mechanical parking garage on the second level. A new five-story wing will connect to the main tower atop on the parking deck configured in the northwest axis.

The following summarizes the most significant proposed design modifications as they impact the "block" of the hotel project:

- One additional floor (11 total) within the same volume of the previously approved hotel tower;
- Extension of pool deck and parking pedestal to the corner of Collins Avenue and 72nd Street over the existing Denny's restaurant;
- New five story hotel annex tower with nine (9) hotel rooms per typical floor on top of the three story retail and parking podium;
- Reconfiguration of amenity deck;
- Placement of additional short-term bicycle racks at street level and additional long-term bicycle racks throughout project;

- Reconfiguration of ground entrance plaza and urban plaza;
- Continuous planting bed along sidewalk; and
- Alterations to the exterior architectural features of the elevations, including balconies replaced by small eyebrows on hotel floors with the exception of the suites rooms at the west, east and south end of the floorplate and balconies on condominium units.

The applicants is requesting the following variances:

1. A variance to exceed by 2'-5" (49%) the maximum allowable projection of 1'-3" (25%) for roof overhangs within the front (north and east) yards of 5'-0" in order to construct a new building with a roof overhang projection (aluminum cornice) of 3'-8" (74%) into the side (north and east) yards.
 - Variance requested from:

Sec. 142-1132. - Allowable encroachments within required yards.

(o) 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 percent of the required yard up to a maximum projection of six feet.

(5) Ornamental features.

(7) Roof overhangs.

The new design features multiple cornice projections into the required yard setback along the northeast corner of the site—location of the proposed retrofit to Denny's restaurant. At times, the cornice overhangs project up to 75% of the side yards where the maximum projection for roof overhangs is 25% of the required setback. Although staff can see the pedestrian benefit in providing shade for pedestrians and diners, this condition may have a negative impact on the rights-of-way as the design exacerbates the massing of the entire-block development. The overall design, along the side street elevation, creates a massing and a vocabulary for the architecture that is intensified by these architectural elements and results in a heavy presence along Collins Avenue. Staff will note that the existing metal canopy that adorns the existing Denny's extends to the property lines and wraps the corner of Collins Avenue and 72nd Street in a more encroaching manner; but only at the ground level, the proposed variance request although a lessening on the length of encroachment, is proposed at multiple levels up to 39' above. The variance request is basically design-driven and lacks a hardship or practical difficulty for its construction. Staff recommends that the Board deny the applicant's request for variance #1.

2. A variance to exceed by 10 SF the maximum permitted area of 15 SF for a monument sign in order to install a new monument sign with a total sign area up to 25 SF facing Harding Avenue.
3. A variance to reduce by 4'-4" the minimum required front setback of 10'-0" in order to construct a new detached monument sign at 5'-8" from the front property line facing Harding Avenue.
 - Variances requested from:

Sec. 138-19. - Detached sign. *Detached signs are signs not attached to or painted on a building but which are affixed to the ground. A sign attached to a surface detached from a building, such as a fence or wall, shall be considered a detached sign. All sides of a detached sign displaying signage will be calculated towards the max area. Such signs shall be governed by the following chart:*

Maximum area TC (1-2) Detached (Monument): 15 square feet.

Setback Requirements (1) Front yard: 10 feet.

Variances #2 and #3 pertain to the same proposed monument sign located approximately midblock along Harding Avenue between the vehicular drive of the hotel. The proposed sign is sited approximately 5'-8" from the edge of the property (variance #3) and is designed at 4'-10" high and 16'-0" wide. The copy field is generously proposed to contain signage letters up to 10'-0" wide by 2'-6" high, potentially allowing a sign to be up to 25 SF (variance #2) in area. Since no national hotel brand has been selected, the applicants have proposed the above mentioned copy field as a blank canvas for the hotel name to fit within. The submitted plans do not indicate style of lettering, means of attachment, method of signage illumination, or exterior material finishes of the monument sign. The architecture of the building provides for an ample signage band system, consistently designed as a uniform signage program, above the ground level that will satisfy any signage requirements for the proposed hotel. Staff believes that the applicant needs to provide more substantiated reason(s) as to why the proposed monument sign qualifies as a practical difficulty. As such, staff recommends denial of variances #2 and #3.

4. A variance to eliminate the required 1'-6" distance separation from the building structure to the interior drive aisle for 90° parking in order to construct a parking level with several columns setback up to 0' from the edge of the required drive aisle for a new residential building.

- Variance requested from:

Sec. 130-63. Interior aisles.

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

90° parking—22'-0" feet, with columns parallel to the interior drive on each side of the required drive, setback an additional 1'-6", measured from the edge of the required interior drive to the face of the column.

The parking design standards of the City Code require that internal driveways for 90° parking be separated 1'-6" from structural elements in order to facilitate vehicular maneuvering in and out of the parking layouts. The redesigned parking floor includes double stack mechanical lifts that accommodates 139 spaces. The addition of the new five story hotel annex created structural complications to the parking level, resulting in atypical drive aisle geometries and parking angles. The interior driveway has a width of 12'-0" at the narrowest point between the structural columns and the curbed landing proposed in front of the electrical meters. The back-out area appears to comply with the required 22'-0" for all of the parking spaces. This particular variance request has been granted on small 50'-0" wide lots with low density residential units typically consisting of less than eight units. Because the parking area in this application is for 140 cars, involving complicated driving maneuvers in non-straight aisles coupled with double stacked mechanical lifts and the number of instances where the columns are not compliant with the regulations, staff believes that the plans should be modified to meet current code. As such, this variance does not satisfy the practical difficulties criteria of the City Code as the subject property is new construction on nearly an entire city block. Staff believes that the high number of spaces

proposed, the elimination of this requirement will have a negative impact on the overall circulation. As such, staff recommends denial of variance #4.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of the requested variances 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 also **DO NOT** 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.

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.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **hotel use** is **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 inconsistent with the following section of the City Code, aside from the requested variances as noted herein this application:

1. A Conditional Use Approval for the construction of a new 10-story development exceeding 50,000 square feet in area and including a mechanical parking garage pursuant to Section 118, Article IV and Section 130, Article II of the City Code. **The modified CUP proposal is scheduled to be considered by the Planning Board on May 22, 2018 (File No. PB18-0192).**
2. Section 142-737 (f): [Alleys.] Alleys shall be provided to benefit property owners and the general public by providing parking, service and delivery access to the rear of all lots, thereby improving traffic flow and eliminating driveways that create vehicle/pedestrian conflicts on public sidewalks. Motor vehicle parking, service and delivery access shall be from an alley wherever one exists, or where a new alley or service corridor can be created by dedication or easement. The location of new alleys shall be determined by the design review process with the intent to ensure that all properties within a block will have existing or future service access from the rear. Generally, the alley will be located in the required setback area along the rear or interior side lot line; however, this may be adjusted to optimize vehicular and pedestrian access to the subject property as well as to the surrounding properties. Where an alley does not exist, the property owner shall dedicate sufficient width (the area within the required setback) to provide the alley abutting his property. Where it is not feasible to construct an alley at the time of redevelopment of any property, as determined by the planning director, the developer shall execute and record a covenant effecting such dedication upon certification by the planning director that the construction of an alley has become feasible. The planning director may accept a perpetual access easement for an alley in lieu of dedication of an alley if he determines such would be appropriate under the circumstances of any particular property. The developer shall maintain the area until the city builds the alley. **Prior to the issuance of any Building Permit relative to the approval herein, the applicant shall obtain approval from the City Commission for the vacation of the existing utility easement.**
3. **138-204. - Non-Commercial Graphics and Images.** The maximum aggregate size of any mural, graphic or image shall not exceed 100 SF, unless otherwise approved by the

City Commission by Resolution. Future artistic super graphic along a portion of the south façade shall require City Commission (and not DRB) approval.

4. Section 130-101- Space requirements and location. The commercial spaces in the property exceed 20,000 sf, which requires three (3) loading spaces and a total of 7 spaces. The applicant is proposing two (2) loading spaces for commercial uses and a total of 6 spaces.

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:

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 is 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.
Not Satisfied; the proposed project requires several variances.
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 Satisfied; the proposed project requires several variances.
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; the proposed project requires several variances.
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; the proposed project requires several variances.

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; the proposed project requires several variances.
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been provided
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Satisfied; staff recommends improving specific landscape elements within the plan.
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; (an aluminum grille is proposed around the second level where the parking garage is located).
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; the vacation of a portion of an utility easement needs to be approved by the City Commission.
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).
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.
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.
Not Satisfied; the required loading spaces is deficient.
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.
Satisfied
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.**
A recycling plan will be provided as part of the submittal for a demolition permit to the building department.
- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**
All windows in the proposed building will be hurricane proof impact windows.
- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**
The windows for the hotel and residential units will be operable.
- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**
All new landscaping will consist of Florida friendly plants.

- (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.**

The Southeast Florida Regional Climate Action Plan projects that sea level will rise 6 to 10 inches by 2030, 14 to 26 inches by 2060, and 31 to 61 inches by 2100 above the 1992 mean sea level. This represents NGVD elevations of 1.10' to 1.43' by 2030, 1.77' to 2.77' by 2060, and 3.18' to 5.68' by 2100 at Mean Sea Level. At Mean High Water this represents NGVD elevations of 2.31' to 2.64' by 2030, 2.98' to 3.98' by 2060, and 4.39' to 6.89' by 2100.

According to the survey, the ground varies in elevation from approximately 5' NGVD along Harding Avenue to 6' NGVD along Collins Avenue. The first floor of the building is proposed to be at an elevation of 6' NGVD and the building is designed such that the first floor has a 15' clear height from the base flood elevation plus the minimum freeboard, which is 9' NGVD, and an overall height of 18'. This will allow for the raising of the finished floor of the ground floor retail uses in the future if the surrounding roads are raised. The Project is therefore not anticipated to be excessively impacted by Sea Level Rise in the timeframe included in the Sea Level Rise projection..

- (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.**

There are no ramps in the parking garage because it uses car elevators instead. The configuration of the driveways with the streets allows for the raising of the streets and the driveways will still work with slight ramps downward into the vehicular use areas if necessary.

- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

All critical mechanical and electrical systems will be located above base flood elevation and on roofs when available.

- (8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

The only existing building to remain, the Denny's building at 7140 Collins Avenue, will remain with its first floor elevation at 6.2' NGVD. However, as with the rest of the first floor retail, the first floor will be 18' tall, which allows for the future raising of the first floor retail if the surrounding streets are raised.

- (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.**

The building will provide dry flood proofing systems for the habitable spaces located below the base flood elevation.

- (10) **Where feasible and appropriate, water retention systems shall be provided.**

The Project site's stormwater management system has been designed to retain all runoff (i.e., stormwater) generated from the site in accordance with the design criteria set forth by the FDEP/South Florida Water Management District and Miami-Dade County. The runoff will be retained for treatment, as applicable, and then discharged into deep injection

drainage wells. It is not necessary or appropriate for water retention systems to be installed on this site, as the stormwater runoff generated from the design rainfall event is being managed within the boundaries of the property using the deep injection wells and trench drains.

ANALYSIS

DESIGN REVIEW

The applicant is proposing site, program and elevation modifications to a previously approved Design Review Approval, dated January 03, 2017. The building volume (with the exception of the new annex tower wing), architectural style, orientation and location of the previously approved project remains the same—the predominant difference is that with the approval of the referendum to increase the allowable FAR for TC Town Center Districts up to 3.5, the architect has increased the square footage of the program by about 40,000 square feet. The Planning Board approved the original Conditional Use Permit (CUP) proposal that included the use of mechanical parking and contained a structure greater than 50,000SF in area, on December 20, 2016 pursuant to PB16-0062. The modified CUP proposal is scheduled to be considered by the Planning Board on May 22, 2018 (File No. PB18-0192).

Staff is still supportive of the modern design vocabulary proposed, which will establish an iconic addition to North Beach Town Center. The design proposes a good urban edge to the parking areas that serve North Shore Park Tennis Center and North Shore Bandshell and Community Center. The applicant has continued to refine a generally well-conceived project, even with the additional square footage.

The project has been designed to retain two existing one-story retail buildings (Denny's and the other southern-most parcel) and demolish the buildings in between these two. A new façade with architectural elements similar to the language of the new construction will transform Denny's into part of the project. Overall, a continuous 41'-0" high retail space (15'-0" clear from BFE+1) and parking pedestal (17'-0" high) is proposed to occupy the site.

The applicant is proposing a new five-story, mixed-use annex tower that is configured in the north-west corner of the project site. Atop of the podium, the new structure connects to the main tower at all floors and shares its same architectural language, reading as a seamless appendage to the overall project.

Aside from the new 'wing', the architecture team has made several modifications to the massing of the previously approved project. Firstly, an additional floor (11 total) has been added to the previously approved tower, which has also shifted six feet further to the north, providing additional distance between its southernmost neighbor.

The overall design detailing of the project has been revised, as well. Several subtle architectural elements that provided vertical articulation have been removed, such as extensive planes of scored stucco and extruded vertical fins that acted as bookends to the horizontal slabs of balconies. The revised design emphasizes horizontal eyebrows that wrap around the various volumes. With varying depths, the eyebrows provide some movement to the facades.

The continuous balconies from the approved design have also been removed. Given the project's prominent location near the beach and across from the North Shore Band Shell, staff believes the removal of the balconies is a missed opportunity. Moreover, the balconies provided additional movement and depth to the towers, which have been simplified in architectural interest from the previously approved. Staff recommends the reintroduction of the balconies.

Several of the outdoor spaces have been reconfigured. With the extension of the pool deck and parking pedestal to the corner of Collins Avenue and 72nd Street over the existing Denny's, the pool deck has been modified. With new space overlooking Collins Avenue, and the North Shore Bandshell and park, the pool has been moved to the north-east corner of the deck. Moreover, additional gardens have been designed on the amenity deck, specifically at the north-west base of the tower, and landscape has a more prominent role in determining paths and creating outdoor spaces. The urban plaza in the north-west quadrant of the ground floor and the adjacent covered entrance plaza have been reconfigured, as well. Whereas the approved design had sharper edges, defined with water features, and disjointed pathways ultimately leading to a 'Greeting Lobby', the current design is more open and flows from various spaces – urban plaza to covered entrance plaza to the final destination of a greeting lobby – seamlessly. The water features have been removed, but with the refinement of landscape and hardscape the plazas are better defined both separately and together. Staff recommends that the new design incorporate benches, which were removed from previously approved scheme. Lastly, the project is deficient in loading spaces. Currently, the project is providing six (6) loading spaces when seven (7) are required. The revision of the loading area plan is required.

Finally, the proposed planting strip that delineates the public sidewalk and outdoor café on private property should be eliminated; however the double row of staggered street trees as proposed should remain. The proposed trees along the interior side of the public sidewalk should be installed in tree pits with the standard CMB / ADA accessible bound aggregate system in order to provide a more cohesive pedestrian corridor. The proposed greenspace / swale along the back side of curb may remain as proposed. Silva Cells or the approved equal should be provided under the adjacent hardscape areas for trees located in public and private property subject to the review and approval of the CMB Urban Forester. Staff is confident all of these proposed changes can be reviewed and approved administratively, and as such, recommends approval of the modifications, with the exception of the requested variances.

The Planning Board approved the original CUP proposal that included the use of mechanical parking and contained a structure greater than 50,000SF in area, on December 20, 2016 pursuant to PB16-0062. The modified CUP proposal is scheduled to be considered by the Planning Board on May 22, 2018 (File No. PB18-0192).

EASEMENT AND TRANSMISSION LINES

The project is a unified development site containing eight (8) platted lots with a 10-foot wide utility easement that runs north-south at the center of the property that features an overhead high voltage electric transmission and distribution lines running thru the back of each lot in the same block. The vacation of the easement shall require the review of the Public Works Department and the review and approval of the City Commission.

As previously mentioned, the applicants were granted a variance from the minimum required front setback of 5'-0" in order to construct FPL power lines and poles up to the front property line facing Harding Avenue, pursuant to DRB16-0054. Staff was not supportive of the original request and along with the modification as part of this applicant and with the increase of FAR available to the applicant, staff believes that the applicant should revisit the possibility of undergrounding the utilities for the overall public benefit and improved urban design.

VARIANCE ANALYSIS:

As identified under the 'Project' section of the recommendation, the proposed development can be redesigned to comply with all the development requirements pertaining to new construction.

Therefore staff has concluded variance requests #1-#4 do not satisfy the Practical Difficulty and Hardship Criteria, and recommends that the proposed modifications to the project be redesigned to eliminate all variances.

Based on the documents and information provided by the applicant, as well as the large size of the property, and the fact that the previous smaller project included only one variance, compared to the proposed larger project with 4 additional variances, staff has concluded that the variance requests do not meet the practical difficulties or hardship criteria of the Code, as it is not the minimum variances that would make a reasonable use of the property and the variances requested are self-imposed. Accordingly, staff recommends **denial** of all four (4) new variances.

RECOMMENDATION:

In view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, staff recommends approval of the project, subject to the conditions enumerated in the attached draft Final Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria, as applicable, and that the variance requests #1-#4 be **denied**.

TRM/JGM

F:\PLAN\DRB\DRB18\06-05-2018\JUN 18 Staff Recommendation\DRB18-0236 7140 Collins Ave.JUN18.doc

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 05, 2018

FILE NO: DRB18-0236 (aka DRB16-0054)

PROPERTY: **7118-7140 Collins Avenue and 7117-7121 Harding Avenue**

APPLICANTS: Collins & 72nd Developers LLC

LEGAL: Lots 1, 2, 3, 4, 9, 10, 11 and 12 in Block 8 of Normandy Beach South, according to the Plat thereof, as recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for exterior design modifications to a previously issued Design Review Approval including the construction of an additional five-story wing component to a new 11-story hotel, other design modifications and variances to reduce the required front setback for a monument sign and to exceed its maximum area, to exceed the maximum allowable projection in required yards and to eliminate the required distance separation from structural columns to the drive aisles. This item will also require a modification to a previously approved Conditional Use application to be reviewed and approved by the Planning Board.

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

- 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 a 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 2, 3, 5, 6, 7, 9, 10, 12, and 17 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 consistent with Sea Level Rise Criteria Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. All of the original conditions of approval by this Board shall remain in full force and effect under the prior Final Order dated January 03, 2017 for DRB16-0054, except as modified herein.
2. Prior to the issuance of any Building Permit relative to the approval herein, the applicant shall obtain approval from the City Commission for the vacation of the existing utility easement.
3. Revised elevation, site plan and floor plan drawings for the proposed project at **7118-7140 Collins Avenue and 7117-7121 Harding** Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The architect shall explore undergrounding the high transmission overhead power lines and eliminate the proposed poles. At minimum, the local electric distribution systems and other lines/wires shall be buried underground. They shall be placed in a manner that avoids conflicts with street tree plantings.
 - b. For long-distance power transmission lines not otherwise buried, the lines shall be placed on poles for above-ground distribution and shall not be located closer than 50 feet from the radius of the intersection of two streets. Poles shall be architecturally and artistically treated, 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 architect shall re-introduce balconies at the upper levels on the 11-story tower as well as on the upper levels of the new five-story annex building; the exact number of balconies and the specific locations along every level shall be reviewed by staff.
 - d. The interior walls of the first level of the parking garage entrance and ramps shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the east and north walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
 - f. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- g. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass, incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The final details of all exterior surface finishes and materials, including samples, 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.
- i. All kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building street facing elevations.
- j. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. The final design details of the proposed aluminum grill material, including color, 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. All building signage shall require a separate permit. A uniform sign plan for the overall project shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. 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 consistent with the Design Review Criteria and/or the directions from the Board.
- n. An artistic super graphic mural shall be installed along a portion of the south side elevations, location and design to be reviewed at a future Design Review Board meeting date as a separate application. The maximum aggregate size of any mural, graphic or image shall not exceed 100 SF, unless otherwise approved by the City Commission by Resolution. Future artistic super graphic along a portion of the south façade shall require City Commission (and not DRB) approval.
- o. The final design and placement and model/type of all street furniture and fixtures, shall be reviewed by the Planning Department. A minimum of one (1) bench shall be provided for every 100 linear feet of street frontage and

a minimum of one (1) waste bin shall be provided at each block corner and at intervals of no more than 300 feet

- p. The final design and details, including materials, exterior finishes, glazing, railings, and any architectural projections and features, 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.
 - q. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, 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.
4. 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Any tree identified to be in good overall condition shall be retained, and protected in its current location if it is not in conflict with the proposed development, or it 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. The proposed planting strip which delineates the public sidewalk and outdoor café in private property shall be eliminated; the double row of staggered street trees shall remain as proposed. The proposed trees along the interior side of the public sidewalk shall be installed in tree pits with the standard CMB / ADA accessible bound aggregate system in order to provide a more cohesive pedestrian corridor. The proposed greenspace / swale along the back side of curb shall remain as proposed.
- e. Pavers and concrete banding shall be utilized for the entire entry drive and loading area and hotel drop off area (along Harding Avenue), including alternate colors of concrete banding in place of painted striping in order to visually guide pedestrians of vehicle entrances and drives, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. 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.
- g. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan. Silva Cells or approved equal should be provided under the adjacent hardscape areas for trees located in public and private property subject to the review and approval of the CMB Urban Forester. A minimum of 1,000 CuFt of good quality planting soils shall be specified per tree, or 800 CuFt per tree when combined with other trees in the same general area.
- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, 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.
- i. 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.
- j. 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. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied

The following variances were **approved** by the Board:

1. A variance to exceed by 2'-5" (49%) the maximum allowable projection of 1'-3" (25%) for roof overhangs within the front (north and east) yards of 5'-0" in order to construct a new building with a roof overhang projection (aluminum cornice) of 3'-8" (74%) into the side (north and east) yards.
3. A variance to reduce by 4'-4" the minimum required front setback of 10'-0" in order to construct a new detached monument sign at 5'-8" from the front property line facing Harding Avenue.
4. A variance to eliminate the required 1'-6" distance separation from the building structure to the interior drive aisle for 90° parking in order to construct a parking level with several columns setback up to 0' from the edge of the required drive aisle for a new residential building.

The following variance was **denied** by the Board:

2. A variance to exceed by 10 SF the maximum permitted area of 15 SF for a monument sign in order to install a new monument sign with a total sign area up 25 SF facing Harding Avenue.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance(s) II.A.1 II.A.3 and II.A.4 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 also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code only as it relates to variance(s) II.A.1 and II.A.3 and II.A.4:

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.

- A. The Board hereby approves the requested variance(s) No. 1 and No. 3 and No. 4, as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code and Denies the requested variance(s) No. 2 and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The total SF area for the proposed monument sign shall not exceed 15 SF.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. If applicable, the applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- B. The proposed elimination of the on-street parking spaces will require the review and approval of the Parking Department. The costs associated with the removal of the parking spaces will be the responsibility of the developer.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- F. 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.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 adopted by the Board, as modified at the Board hearing, that the Application for Design Review approval is GRANTED and the application for a variance is APPROVED 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 approved by the Design Review Board, as determined by staff, entitled "72+ Collins Hotel & Condominium", as prepared by **Revuelta Architecture International**, dated April 06, 2018, modified in accordance with the conditions set forth in this Order and staff review and approval.

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. The issuance of Design Review 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 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.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should 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 Design Review Approval will expire and become null and void.

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 _____ ()

F:\PLAN\DRB\DRB18\06-05-2018\JUN 18 Final Orders\DRFT DRB18-0236 7140 Collins Ave.JUN18.FO.docx

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 05, 2018

FILE NO: DRB18-0236 (aka DRB16-0054)

PROPERTY: **7118-7140 Collins Avenue and 7117-7121 Harding Avenue**

APPLICANTS: Collins & 72nd Developers LLC

LEGAL: Lots 1, 2, 3, 4, 9, 10, 11 and 12 in Block 8 of Normandy Beach South, according to the Plat thereof, as recorded in Plat Book 21, Page 54, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for exterior design modifications to a previously issued Design Review Approval including the construction of an additional five-story wing component to a new 11-story hotel, other design modifications and variances to reduce the required front setback for a monument sign and to exceed its maximum area, to exceed the maximum allowable projection in required yards and to eliminate the required distance separation from structural columns to the drive aisles. This item will also require a modification to a previously approved Conditional Use application to be reviewed and approved by the Planning Board.

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

- 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 a 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 2, 3, 5, 6, 7, 9, 10, 12, and 17 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 consistent with Sea Level Rise Criteria Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. All of the original conditions of approval by this Board shall remain in full force and effect under the prior Final Order dated January 03, 2017 for DRB16-0054, except as modified herein.
2. Prior to the issuance of any Building Permit relative to the approval herein, the applicant shall obtain approval from the City Commission for the vacation of the existing utility easement.
3. Revised elevation, site plan and floor plan drawings for the proposed project at **7118-7140 Collins Avenue and 7117-7121 Harding** Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The architect shall explore undergrounding the high transmission overhead power lines and eliminate the proposed poles. At minimum, the local electric distribution systems and other lines/wires shall be buried underground. They shall be placed in a manner that avoids conflicts with street tree plantings.
 - b. For long-distance power transmission lines not otherwise buried, the lines shall be placed on poles for above-ground distribution and shall not be located closer than 50 feet from the radius of the intersection of two streets. Poles shall be architecturally and artistically treated, 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 architect shall re-introduce balconies at the upper levels on the 11-story tower as well as on the upper levels of the new five-story annex building; the exact number of balconies and the specific locations along every level shall be reviewed by staff.
 - d. The interior walls of the first level of the parking garage entrance and ramps shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from the east and north walls of the building on the first and second levels, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
 - f. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board

- g. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass, incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The final details of all exterior surface finishes and materials, including samples, 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.
- i. All kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building street facing elevations.
- j. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. The final design details of the proposed aluminum grill material, including color, 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. All building signage shall require a separate permit. A uniform sign plan for the overall project shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. 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 consistent with the Design Review Criteria and/or the directions from the Board
- n. An artistic super graphic mural shall be installed along a portion of the south side elevations, location and design to be reviewed at a future Design Review Board meeting date as a separate application. The maximum aggregate size of any mural, graphic or image shall not exceed 100 SF, unless otherwise approved by the City Commission by Resolution. Future artistic super graphic along a portion of the south façade shall require City Commission (and not DRB) approval.
- o. The final design and placement and model/type of all street furniture and fixtures, shall be reviewed by the Planning Department. A minimum of one (1) bench shall be provided for every 100 linear feet of street frontage and

a minimum of one (1) waste bin shall be provided at each block corner and at intervals of no more than 300 feet

- p. The final design and details, including materials, exterior finishes, glazing, railings, and any architectural projections and features, 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.
 - q. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, 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.
4. 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Any tree identified to be in good overall condition shall be retained, and protected in its current location if it is not in conflict with the proposed development, or it 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. The proposed planting strip which delineates the public sidewalk and outdoor café in private property shall be eliminated; the double row of staggered street trees shall remain as proposed. The proposed trees along the interior side of the public sidewalk shall be installed in tree pits with the standard CMB / ADA accessible bound aggregate system in order to provide a more cohesive pedestrian corridor. The proposed greenspace / swale along the back side of curb shall remain as proposed.
- e. Pavers and concrete banding shall be utilized for the entire entry drive and loading area and hotel drop off area (along Harding Avenue), including alternate colors of concrete banding in place of painted striping in order to visually guide pedestrians of vehicle entrances and drives, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. 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.
- g. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan. Silva Cells or approved equal should be provided under the adjacent hardscape areas for trees located in public and private property subject to the review and approval of the CMB Urban Forester. A minimum of 1,000 CuFt of good quality planting soils shall be specified per tree, or 800 CuFt per tree when combined with other trees in the same general area.
- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, 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.
- i. 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.
- j. 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. The applicant filed an application with the Planning Department for the following variance(s):

The following variances were **denied** by the Board:

1. A variance to exceed by 2'-5" (49%) the maximum allowable projection of 1'-3" (25%) for roof overhangs within the front (north and east) yards of 5'-0" in order to construct a new building with a roof overhang projection (aluminum cornice) of 3'-8" (74%) into the side (north and east) yards.
 2. A variance to exceed by 10 SF the maximum permitted area of 15 SF for a monument sign in order to install a new monument sign with a total sign area up to 25 SF facing Harding Avenue.
 3. A variance to reduce by 4'-4" the minimum required front setback of 10'-0" in order to construct a new detached monument sign at 5'-8" from the front property line facing Harding Avenue.
 4. A variance to eliminate the required 1'-6" distance separation from the building structure to the interior drive aisle for 90° parking in order to construct a parking level with several columns setback up to 0' from the edge of the required drive aisle for a new residential building.
- B. The applicants have submitted plans and documents with the application that **DO NOT** 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 applicants have submitted plans and documents with the application that also **DO NOT** 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.

C. The Board hereby **Denies** the Variance request(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The site plan shall be redesigned to comport with the setback requirements found within Chapter 142 of the Land Development Regulations.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. If applicable, the applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- B. The proposed elimination of the on-street parking spaces will require the review and approval of the Parking Department. The costs associated with the removal of the parking spaces will be the responsibility of the developer.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.

- E. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- F. 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.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 adopted by the Board, as modified at the Board hearing, that the Application for Design Review approval is GRANTED and the application for a variance is APPROVED 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 approved by the Design Review Board, as determined by staff, entitled "72+ Collins Hotel & Condominium", as prepared by **Revuelta Architecture International**, dated April 06, 2018, modified in accordance with the conditions set forth in this Order and staff review and approval.

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. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required

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.

Dated this day of , 20 .

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

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.

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

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

F:\PLAN\DRB\DRB18\06-05-2018\JUN 18 Final Orders\DRFT DRB18-0236 7140 Collins Ave.JUN18.FO.DENIED.docx