

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 7, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23204
31 Venetian Way

The applicant, **Euroamerican Group Inc.**, is requesting Design Review Approval for the construction of a new five-story multifamily building which will replace four (4) existing three-story buildings, including a variance to reduce the required side setback for a driveway.

Recommendation:

Continue to August 2, 2016

LEGAL DESCRIPTION:

Tract "A", of LARKMI, according to the Plat thereof as recorded in Plat Book 41, Page 68 of the Public Records of Miami-Dade County, Florida.

BACKGROUND:

On July 6, 2010, after a series of continuances that lasted over one year, an application was approved for a new multi-story residential project consisting of 181 units and 315 parking spaces, pursuant to DRB File No. 22347. As a condition of the Final Order, the height of the southeast portion of that project (east wing fronting the Venetian Causeway) was required to be reduced by a minimum of one (1) floor, from five stories to four stories. This condition was appealed by the applicant and upheld in Circuit Court. This project never came to fruition.

HISTORY:

At the November 3, 2015 Design Review Board meeting, the application was continued to the February 2, 2016 DRB meeting at the request of the applicant. At the February 2, 2016 DRB meeting, the application was continued to the May 3, 2016 DRB meeting, again at the request of the applicant. The item was readvertised for the May meeting. At the May 3, 2016 DRB meeting, the application was continued to the June 7, 2016 meeting.

SITE DATA:

Zoning:	RM-1 (Residential multifamily, low intensity)
Future Land Use Designation:	RM-1
Lot Size:	152,676 SF (3.5 acres)
Existing FAR:	107,492 SF / 0.7
Maximum FAR:	190,845 SF / 1.25
Proposed FAR:	190,033 SF / 1.24 as represented by the applicant
Existing Height:	3-story
Proposed Height:	50'-0" (60.0' NGVD) / 5 stories 60'-0" (70.0' NGVD) to greatest architectural projection
Existing Use:	120 residential units and 112 parking spaces
Proposed Use:	172 residential units and 297 parking spaces

EXISTING STRUCTURES:

The four existing buildings were built in 1939 by Paist and Steward as a series of individual, low scale three-story structures on the pie-shaped waterfront site.

SURROUNDING PROPERTIES:

East: Biscayne Bay

North: Biscayne Bay

South: Belle Isle Park | Twenty-five story 2002 residential building (the Grand Venetian)

West: Five-story 1969 residential building (the Island)

THE PROJECT:

The applicant has submitted revised plans and renderings entitled "Bella Isla Apartments—A New Residential Development" as prepared by **dfs Deforma Studio Inc.** signed, sealed and dated 3/11/2016 and supplemental sheets and supplemental sheets dated 3/16/2016

The applicant is proposing a new five-story multifamily building containing 172 residential units and 297 parking spaces that will replace four (4) existing three-story buildings on the 3.5 acre waterfront parcel located in the northeast quadrant of Belle Isle.

A public Baywalk is also proposed along Biscayne Bay, with public access along the eastern end of the site from Venetian Way to the Baywalk.

The applicant is requesting the following variance(s):

1. A variance to reduce a range between 6'-10" and 13'-0" the minimum required side setback of 18'-0" in order to construct a driveway with a setback ranging from 5'-0" to 11'-2" from the side (west) property line.

- Variance requested from:

Sec. 142-156. - Setback requirements *The setback requirements for the RM-1 residential multifamily, low density district are as follows: At-grade parking lot: Side, Interior 5% of the lot width.*

The project is located on a waterfront parcel that takes up almost a third of the north side of Belle Island. The applicant is proposing to construct a new residential project. The applicant is proposing to locate the entrance driveway to the parking garage along the entire length of the west side and within the required yard and adjacent to the neighboring five-story residential building. The proposed driveway is 24'-0" wide (the minimum driveway width is 22'-0"). The additional 2'-0" in width increases the impervious surface in the required yard and impacts the adjacent neighboring property, as it is located approximately 11'-2" from the property line for approximately 220'-0" of the driveway and then narrows down to 5'-0" for another 120'-0" of driveway length. In total the driveway extends for 340'-0" within the required side yard. The narrowest portion aligns with the neighboring building to the west and it is designated to be the loading and trash pick-up area for the site.

The granting of this variance will also greatly affect the total amount of landscaping that can be provided on site, specifically within the required yards. The intent of the side yard setback regulations is to ensure minimal distance separation from structures onto abutting neighboring

properties. Further, the approval of this variance would inadvertently lead to the elimination of a pedestrian connection to the public Baywalk around the entirety of the proposed development from the right-of-way (Island Avenue). For these reasons, staff recommends that this variance request be **denied**.

Staff would be amenable to revisiting the variance request for a lesser relaxation of the required setback for the at-grade driveway should the applicant wish to incorporate a pedestrian corridor along the western portion of the site to connect the Baywalk from Island Avenue.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded do not satisfy Article 1, Section 2 of the Related Special Acts. Additionally, staff has concluded that the plans and documents with the application do not comply with the following hardship criteria, 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.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variance:

1. **Section 142-114 Floor Area.** Further review of the plans are required to determine if portions of the partially recessed balconies are required to be counted in the Floor Area Ratio (FAR) calculations. Enclosed elevators and stairs, as well as the portions of the

spiral stairs that covered by the treads above will need to be counted towards FAR on ALL levels.

2. **Section 142-902(2) Permitted Accessory Uses.** Lounge/Party Room is not a permitted accessory use for apartment buildings located within the RM-1 Zoning District.

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 and the incorporation of the public Baywalk into the development is **consistent** with several Objectives and Policies within the 'RECREATION AND OPEN SPACE ELEMENT' and 'TRANSPORTATION ELEMENT' of the City's Comprehensive 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.

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.
Not Satisfied; the amount of hardscape should be reduced throughout the site, particularly to those areas fronting the bay and additional canopy shade trees should be planted throughout the site along the public R-O-W.

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 amount of hardscape should be reduced throughout the site, particularly to those areas fronting the bay and additional canopy shade trees should be planted throughout the site along the public R-O-W.
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; see COMPLIANCE WITH ZONING CODE.
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.
Not Satisfied; an unimpeded view corridor has not been sufficiently provided to enhance vistas to the Bay. The proposed design and scale of the five-story massing is inconsistent with much of the low-scale quality of the properties also within the RM-1 zoning district, north of Venetian Way. Additionally, the amount of hardscape should be reduced throughout the site, particularly to those areas fronting the bay and additional canopy shade trees should be planted throughout the site along the public R-O-W.
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; an unimpeded view corridor has not been sufficiently provided to enhance vistas to the Bay.
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; an unimpeded view corridor has not been sufficiently provided to enhance vistas to the Bay.
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; an unimpeded view corridor has not been sufficiently provided to enhance vistas to the Bay.
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all

buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

Not Satisfied; the loading area and back-up drive does not comply with the required setbacks for at-grade parking.

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; the amount of hardscape should be reduced throughout the site, particularly to those areas fronting the bay and additional canopy shade trees should be planted throughout the site along the public R-O-W.

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.

Not Satisfied; a well decorated wall or other screening method should be introduced along the west side to ensure minimal light spillage onto the neighboring multifamily buildings.

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; an unimpeded view corridor has not been sufficiently provided to enhance vistas to the Bay. The proposed design and scale of the five-story massing is inconsistent with much of the low-scale quality of the properties also within the RM-1 zoning district, north of Venetian Way.

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.

Not satisfied; a roof plan showing the location of mechanical equipment and details of the associated screening have not been provided.

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
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 proposed size and design of the loading area, including the driveway ramps and location and depth of the access route, adjacent to the trash holding room require further development in order to reduce any possible negative impact on the adjacent property.

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing a new five-story multifamily development containing 172 residential units within two buildings and 297 parking spaces that will replace four existing three-story buildings on a 3.5 acre waterfront parcel. This highly visible site is located in the northeast quadrant of Belle Isle and serves as one of the gateways to Miami Beach. The property has the distinction of containing one of the longest Bayfront coastlines within the City, nearly 750'-0" of water frontage. The four existing buildings were built in 1939 as a series of individual, low scale three-story structures, the siting and layout of which allow for a very 'open' site. The existing building layout also provides for an open, human scale in terms of the actual residential experience. When viewed from the water, the density (120 units) and low scale massing of the existing buildings is augmented by the landscaping and orientation of the structures. The existing buildings zig-zag on-site, and are sited to approach and recede from the Bayside so that a view of a continuous unbroken line of buildings is never perceived.

The proposed project consists of the demolition of all the existing building on the site, and a new four-story parking structure positioned in the western portion of the site that is lined with a five-story residential building along the water (north) and street (south) sides. The western side of the parking structure is proposed to be clad in some form of brown alternating vertical and horizontal material system, identified as 'realistic wood composite' and anchored with smooth polished concrete. A landscaped 'roof garden' is also proposed for the top of the parking structure.

Staff has met with the applicant and the design team on multiple occasions and the applicant's architect has continued to make some progress in addressing many of the previous concerns expressed by the staff. A design consensus is slowly being realized on two of the four primary issues. Most notably the volume and massing of the previous version has been divided into two structures and the architect has opened up the massing of the building with a central view corridor that divides the building into two architectural elements.

However, the proposed separation is still not sufficient as a true unimpeded view corridor, as there are many architectural and landscape obstacles within the opening that effectively block

the view corridor. Also, although the applicant has provided a continuous Public Baywalk, a pedestrian connection has not been provided at the western portion of the site.

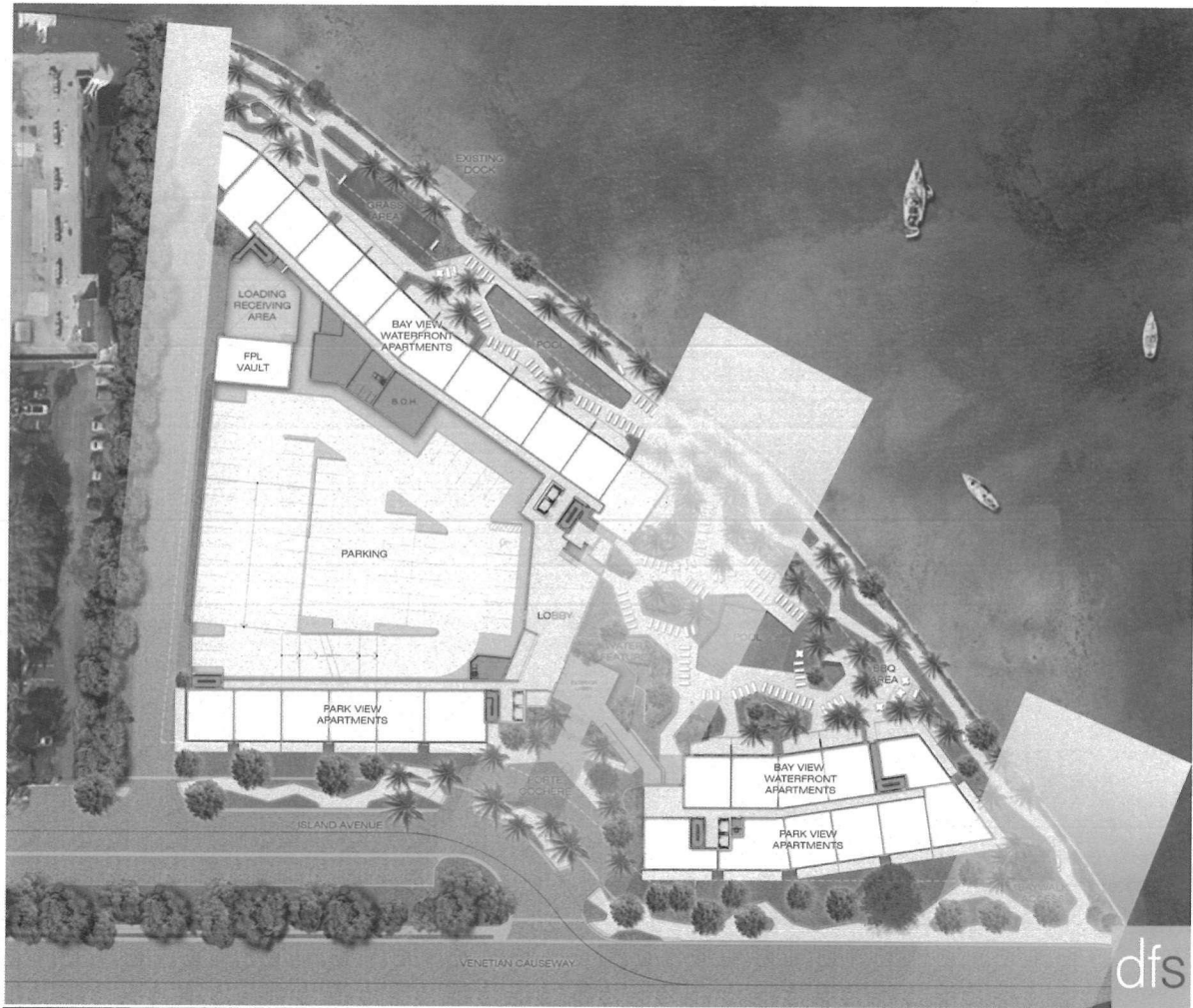
In order to be consistent with the established scale, character and context of the north side of Belle Isle, as well as to create a true view corridor, which is the intent of the Design Review criteria herein, staff would recommend that the applicant further separate the southeastern wing of the building to a minimum unimpeded width of 100'-0". This number is calculated using Section 33D-38(2) of the Code of Miami-Dade County pertaining for shoreline reviews: "an unimpeded visual corridor to Biscayne Bay of 20% of the width of the lot". Based on the total shoreline length of approximately 750'-0", a 100'-0" unimpeded viewing corridor is required. These areas should be maintained free of constructions or landscape obstructions. Further, the elimination of the lobby central portion and the units covering the potential view corridor opening at the top level is recommended—this would leave the area open to sky with the exception of a single story trellis of covered breezeway to connect the two buildings. Additionally, the one-story porte-cochere may remain. This change is also consistent with the previously approved site plan at the subject property.

Staff also recommends that the elevations of the larger western building be further redesigned to incorporate a compatible mixture of solid and glass forms with more varying heights, which will successfully aid in breaking up the visual mass and extended length of the proposed building. The design of the smaller, easternmost building should be substantially revised to differentiate it from the architecture of the western structure. Also, staff would continue to recommend that the massing and height of the southern portion of the project (east wing most proximate to the historic Venetian Causeway) be reduced by stepping downward in height from the north to the south in order to create a transition from the ground level to the main 5-story building massing. As presently designed, the 5-story massing still overwhelms the historic Venetian Causeway, which in addition to being locally designated, is listed on the National Register, and is designated as an American Scenic Highway. Reducing the height of the structure would help mitigate the adverse impact of the large development project.

In summary, to fully address the issues herein, staff is recommending that the application be continued to a future meeting date, in order to address the following specific areas:

- Expand the unimpeded width of the central view corridor, to a minimum of 100'-0". This can be accomplished by relocating the corner line of units on each building.
- The central and eastern view corridors shall incorporate the following: be open to the sky, at a 45 degree angle or less (from Island Avenue), be at an elevation that is no greater than adjusted grade, and not contain any parking, accessory or ancillary structures.
- Any landscaping within the central and eastern view corridors shall be used to promote views of the water as seen by a person standing beside or on the public roadway and to enhance the view of the land as seen from the water.
- The smaller building in the SE corner shall be lowered one floor and the architectural language further developed, so as to create a differentiation from the main, larger building.
- Provide a Baywalk connection along the west side of the site a minimum of 15'-0" to match the width of the Public Baywalk along the edge of Biscayne Bay.
- Eliminate the side driveway and reconfigure loading and trash internal to the garage.

- The architectural design, scale, massing and height of the southeast portion of the project (east wing fronting the Venetian Causeway) shall be further studied and substantially refined. Specifically, the massing shall be reduced by stepping downward in height from the north to the south in order to create a transition from the ground level to the main five-story building massing.
- The height of the southeast portion of the project (east wing fronting the Venetian Causeway) shall be reduced by a minimum of one (1) floor.



LANDSCAPE REVIEW

The applicant is proposing to relocate 60 existing trees on site and retain 17 trees at their current locations from a total of 295 trees on-site in order to create a new landscape and hardscape plan. Staff conducted a site visit in order to review the existing trees on-site and found that most of the trees to be in poor condition with the exception of trees identified as # 297, #245, and #276. Staff also found trees identified as #5, #11, #104, and #126 to be in fair condition and will be requesting a tree report on all of these trees to explore their retention as well. The proposed plans feature multi-tiered, landscaped terraces bisecting the site.

The different levels are connected by a series of ponds, alternating paving patterns and pools

intersected with transitioning planting materials. The 'Roof Garden' level is located on the upper terrace above the parking structure consisting of plant materials typically found in South Florida, such as Simpson's Stoppers, Sweet Bay Magnolias, and Bald Cypress trees and a variety of palm trees. The "Existing Tree Disposition List" and the proposed landscape plan are very difficult to read. However the proposed plant list shows a diverse and complex ground story planting with a variety of palms, shrubs and trees throughout the terrace and around a large water feature in the middle of the terrace. Staff's main concern with the proposed planting scheme and pond for this level is that there isn't enough planting depth for the proposed species. Staff would recommend a minimum planting depth of 48" for the Bald Cypress trees.

The next level of terrace is relatively small and proposed with some palm trees and an understory planting. While the green roof atop the parking structure is proposed with a diverse plant palette by contrast, the ground floor area in the rear of the property is taken up mostly by non-natural elements (hardscape, ponds, and pools). The landscaping around the pools is comprised of palm trees and several Seagrape trees positioned closest to the Bay. Staff would recommend an overall increase of native canopy shade trees along this rear outdoor area. Additionally, staff would recommend an overall increase of the landscaping by a minimum of 50% of the non-building area in order to increase the overall green space area and would recommend for the majority of the hardscape materials to be permeable.

In an effort to alleviate current parking and access conditions, the applicant is proposing to renovate the sidewalk and street conditions along the front of their parcel. This parcel makes up almost a quarter of Belle Isle and has a frontage which is a little over 609 linear feet. Currently a portion of the property perpendicular to the entrance of the Venetian Causeway from Belle Isle contains twelve parking spaces—creating a dangerous back-out maneuvering onto the Causeway. The proposed plan eliminates all the on-site surface parking fronting the Venetian Causeway and the on-site diagonal parking off of the northern portion of Island Avenue and replaces it with a meandering walkway that connects to a new sidewalk path. In this regard, the applicant has provided an attractive street edge with decorative pavers and landscape. This pattern is continued throughout the site on the upper public terraces and on the pool deck tying together the street with the bay.

VARIANCE REVIEW

Staff is not supportive of the variance since it will have a negative impact on the neighboring property and on pedestrian connection from Island Avenue to the future public Baywalk. Further, the amount of paving hardscape reduces the amount of landscaping areas on the site and will eliminate any possibility of adequately screening the loading operations and trash pickup from the adjacent neighboring building. Additionally, the reduction of setback will also prohibit larger landscape screening opportunities to visually mitigate the massing of three-story exposed parking pedestal. Based upon the foregoing, staff recommends that the variance application, as presently proposed, be **denied**.

TRANSPORTATION REVIEW

On January 13, 2016 the City Commission approved a new ordinance requiring all new constructions in excess of 5,000 SF to submit a Traffic Transportation Study as part of their Design Review Board application. The peer reviewer has reviewed the plans and has issued first review comments which has been addressed by the applicant.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **continued to August 2, 2016**, in order to address the concerns enumerated in the attached Draft Order. In the event that the DRB should move to approve the project, staff recommends that the conditions enumerated in the attached draft Final Order be imposed, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria.

TRM/JGM

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