

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 07, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB19-0424
6948-6988 Abbott Avenue and 6957-6965 Byron Avenue

An application has been filed requesting Design Review Approval for the construction of a new multistory mixed-use residential and retail development, including one or more waivers, to replace existing surface parking lots.

RECOMMENDATION:

Continue to a future meeting date

LEGAL DESCRIPTION:

Lots 3, 4, 5, 7, 8, 9, 10 of Block 13, and lots 11 and 12 as less the west 50 feet thereof, 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

BACKGROUND:

On November 14, 2018, the City Commission adopted the North Beach Town Center—Central Core Land Development Regulations. The ordinance established a **TC-C, Town Center – Central Core** zoning district with a FAR of 3.5, and replaced the TC-1, TC-2, TC-3, and TC-3(c) districts within the boundaries of the area established by the FAR referendum. The TC-C is a balanced approach intended to spur sustainable development to revitalize North Beach.

Throughout a year long process of public engagement, the City Commission approved detailed development standards for the Town Center neighborhood, including increased height, increased density with diverse residential options (co-living) and relaxed parking requirements that continue to encourage thoughtful and engaging mixed use development for this area.

Since the approval of the ordinance, there have been two (2) developments approved by the Design Review Board (DRB) and four (4) more are proposed at this time within the Town Center. This is the second project developed under the new regulations that has aggregated multiple lots within an entire block and the first development in the area to require Planning Board approval for a conditional use permit since it contains a retail establishment that is over 25,000 SF.

SITE DATA:

Zoning:	TC-C Town Center--Central Core
Future Land Use:	TC-C Town Center--Central Core
Parking District:	8
Lot Size:	49,820 SF
Proposed FAR:	174,353 SF / 3.5
Maximum FAR:	174,370 SF / 3.5

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Gross SF: 286,732 SF (incl. outdoor amenities)
Retail: +25K | One 30,010 SF (PB19-0303)
Units: 170
Density: Density 109 under prior FLUM, 170 proposed, bank 61 from 500 cap.
Height:
 Proposed: **129'-2"** measured from BFE +5', or 13' NGVD | 12-story
 Maximum: 125'-0" base | 200'-0" through public benefits program
 Highest Projection: 148'-2"
CMB Grade: 5.25' NGVD
Base Flood Elevation: 8' NGVD
First Floor Clearance: 15'-6" measured from BFE +5', 13' NGVD
Required Parking: **94 required residential spaces | 175 provided**
 Unit size: 170 units: between 550-912SF
 Parking requirement: 134 units x ½ space for those units bet 550 and 850SF= **67 required spaces.**
 36 units x ¾ space for those units greater than 851SF and 1250 = **27 required spaces**
 No retail parking requirement | **56 of the 175 provided for retail +25k**
Required Loading: Total loading: **6 required spaces | 6 provided**
 C: Sec130-101(A)(1)(c) Over 20,000 but not over 40,000: Three spaces.
 R: Sec130-101(A)(3)(c) Over 100 units but not more than 200 units: Three spaces.
Required Bicycle Short term: 4c + 17r = **21 required | not identified**
Required Bicycle Long term: 12c + 170r = **182 required | not identified**

SURROUNDING PROPERTIES:

East: Surface parking, two-story Gidney Building, and six-story City National Bank Building (DRB19-0462*)
North: 71st Street, one-story service station (DRB19-0482*)
South: Two-story residential building and one-story office (AT&T)
West: P80 City surface parking lot (same block), one story Café Prima Pasta (same block), Byron Carlyle Theatre and two-story residential buildings

*future pending DRB applications

THE PROJECT:

The applicant has submitted plans entitled "Design Review Board 6988 Abbott Avenue" as prepared by **cube3, LLC** dated signed and sealed February 10, 2020.

The applicant is proposing a new 12-story, 129'-2" high building with 170 residential units above a 30,000 SF ground floor retail component and two floors of parking, including one or more waiver requests. Within the TC-C district, there is a limit of two (2) retail establishments over 25,000 square feet permitted through the conditional use process. After a lengthy discussion, an application for Conditional Use Permit approval was approved by the Planning Board on February 25, 2020, pursuant to PB19-0303.

A breakdown of the project's development plan is delineated hereto:

Ground Floor: ±30,010 SF retail component configured along Abbott Avenue and 71st Street
4,905 SF residential lobby configured along Byron Avenue and BOH

- Two, two-way 22'-0" wide driveways (loading area and upper parking garage ingress and egress) from Byron Avenue - Waiver needed
3 internalized ground floor loading spaces accessed from Byron Avenue and
3 internalized upper floor loading spaces
70th Street "paseo" lined passage along southern portion of site from Abbott Avenue
- Level 2: 4 units ranging in size 550 SF – 650 SF
1,000 SF café configured in northeast corner of site/parking level
24 residential parking spaces, 56 commercial parking spaces, three (3) residential loading spaces
- Level 3: 4 units ranging in size 550 SF – 650 SF
95 residential parking spaces
- Level 4: 18 units ranging in size 550 SF – 912 SF
Outdoor areas, terrace occupiable space, planters, pool
3,679 SF clubhouse area
- Levels 5-12: 18 units ranging in size 550 SF – 912 SF
- Rooftop Level: Mechanical equipment

The proposed ground floor consists of a single, big box retail use with an area of 30,089 SF and is primarily configured facing 71st Street, Abbott Avenue and the 70th street pedestrian paseo. There is also a proposed café component located on the second floor at the northeast corner of the project. Additionally, the plans indicate that the residential lobby at the ground floor will have a pedestrian access from Byron Avenue. Parking access is from Byron Avenue and parking for the retail use will also be located on the second and third floors. All back of house, delivery and trash operations are located on the ground floor with access from Byron Avenue. The nine-story tower sits upon the three-story retail and parking pedestal and is configured in the east-west orientation with a double loaded corridor configuring the 170 units.

The applicant is requesting the following design waiver(s):

1. **Sec 142-745(a)(12)(c) LOADING:** Along all frontages where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways: Driveways for parking and loading shall be combined, unless waived by the Design Review Board.
2. **Sec 142-745(g)(3)(b) DRIVEWAYS** Driveways on Class C frontages shall be limited as follows: Driveways shall be spaced no closer than 30 feet apart, unless waived by the Design Review Board.

No variance(s) have been requested as part of the application.

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 waiver(s):

1. In accordance with section 142-741a of the City Code, new construction of retail establishments over 25,000 SF and over in the TC-C zoning district must receive a

Conditional Use approval from the Planning Board, whose review shall be the first step in the approval process prior to the review of the Design Review Board.

2. *Sec 142-745.a.12.c* **LOADING**
3. *Sec 142-745.g.3.b* **DRIVEWAYS**
4. *Sec 142-741(b).2.a.ii* **APARTMENTS** *There shall be a limit of 500 apartment units built within the TC-C district over and above the maximum allowable density and intensity, prior to the adoption of the FAR increase approved on November 7, 2017.*
5. *Sec 142-741(b)(3)* *There shall be a limit of two (2) retail establishments over 25,000 square feet within the TC-C district. Credits for such retail establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first.*
6. The project does not comply with the requirement to provide a shade structure consisting of an eyebrow or similar structure (parking decks or balconies can substitute) with a minimum depth of 5'-0" at a height between 15'-0 to 25'-0" as measured from BFE+5'. If not an integral part of the structure, the shade element can be located at a height between 15' measured from grade and 25' measured from BFE+5'. A shade structure that projects for a minimum depth of five (5) feet into the setback beyond the building facade, shall be provided at a height between 15 feet and 25 feet. Said shade structure may consist of an eyebrow or similar structure. Additionally, an allowable habitable encroachment such as balconies or parking deck may take the place of the shade structure. The shade structure encroaching into the right-of-way will require a revocable right-of-way permit through the Public Works department and approved by City Commission.
7. Utility infrastructure shall be concealed from public view and may be placed within required habitable space (20'-0") or behind if access from the street is required. In this case, demonstrate that access from the street is required by the Florida Building Code or other applicable regulations for the Fire command room.
8. The project, as proposed complies with the 85% required habitable space, conditioned to provide evidence that the Fire Command room require direct access from the street and if the waiver to not combine driveways is approved. However, if the waiver to not combine driveways is not approved, or the required access for fire command room cannot be demonstrated, the required length for habitable space shall be recalculated.
9. Clear Pedestrian Path. A minimum 10 foot wide "Clear Pedestrian Path," free from obstructions, including but not limited outdoor cafes, sidewalk cafes, landscaping, signage, utilities, etc.
10. The uppermost rooftop overhang encroaching into the front setback cannot exceed 25% into the front setback.
11. Identify intended compliance with Section 142-747 North Beach Public Benefits

Fund. Fee per unit public fund benefit. Contribution to public benefits fund. A contribution to the public benefits fund, in the amount identified in appendix A shall be required for each square foot of floor area located above the 125 feet. Provide information and details of how the project will satisfy this requirement.

12. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
13. Project shall comply with Urban Heat Island Ordinance, roofing.
14. Clarify location and type of required bicycle (long vs short term) parking on plans.
15. 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.
16. 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.
17. Sheet A.4 and A4.4 elevations, A4.6 sections are inconsistent with floor plans. Balconies are not projecting in plan the extent shown in elevations and sections. Lack of projection over pedestrian clear path requires variance, see below.

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 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **residential / mixed use** is **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

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

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the applicant is requesting two waivers from the Board.
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 applicant is requesting two waivers from the Board.

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 applicant is requesting two waivers from the Board.
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; the applicant is requesting two waivers from the Board.
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 applicant is requesting two waivers from the Board.
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 applicant is requesting two waivers from the Board.
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
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 submitted.
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Satisfied; the design of the parking garage screening has not been adequately developed.
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 applicant is requesting two waivers from the Board.
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Satisfied; details of the parking structure have not been sufficiently detailed.
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not 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.
Satisfied
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

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.**

Consistent- The applicant has indicated that a recycling and salvage plan will be provided at permitting.

- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Consistent- The applicant has indicated that hurricane proof impact windows will be provided.

- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Consistent - The applicant has indicated that passive cooling systems will be provided where feasible and appropriate.

- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Consistent- Resilient landscaping will be provided.

- (5) **The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.**

Partially Consistent- The applicant has indicated that sea level rise projections were considered.

- (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.**

Consistent- The ground floor of the development will be adaptable to the raising of public rights-of-way and adjacent land.

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

Consistent- Electrical and mechanical systems will be located above base flood elevation. Any mechanical and electrical systems located below base floor elevation will be floodproofed in accordance with Florida Building Code requirements.

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

Not Applicable- The subject site currently consists of surface parking lots.

- (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.**

Consistent- When habitable space is located below base flood elevation, wet or dry flood proofing systems will be provided.

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

Partially Consistent- According to the applicant's letter of intent, the design architect will study various water retention systems for the Project.

- (11) **Cool pavement materials or porous pavement materials shall be utilized.**

Consistent- The applicant has indicated that such materials will be utilized.

- (12) **The design of each project shall minimize the potential for heat island effects on-site.**

Not Consistent- The applicant has provided no information regarding any efforts to minimize heat island effects.

ANALYSIS:
DESIGN REVIEW

The subject site is a 1.1 acre, unified half block development located within the boundaries of the TC-C, Town Center – Central Core District. The applicant is proposing a new 12-story, 129'-2" high building, with 170 standard residential units above a ground floor big box retail component. There are two floors of parking proposed above the ground floor retail with 175 parking spaces. The irregularly shaped site contains limited frontage along 71st Street and unequal linear frontages along Byron Avenue and Abbott Avenue.

Staff has met with the applicant and the design team on many occasions throughout the last year and the architect has continued to make progress in addressing many of the previous concerns expressed by both Planning and Transportation staff. As the overall design has slowly improved on certain aspects of the design and the configuration of the program and site planning, staff's operational and loading concerns have been addressed by the Planning Board Conditional Use Permit (CUP). While generally supportive of the project and its requested waivers, the proposed design is not quite ready for approval as there are still several major architectural and design obstacles within the project that require further refinement and additional design attention and details.

The proposed project is a mixed use building featuring a three-story retail and parking pedestal with a 9-story residential tower that is configured in the east-west orientation. The

active retail ground floor component of the project is dedicated to the Abbott Avenue section of the site, with a single big box retail slated for the ground floor and a café and associated parking on the second floor. The residential lobby, along with back of house, access to internalized commercial loading and trash operations, is sited on the Byron Avenue section of the site. Residential units line the pedestal along Byron Avenue for two levels with the remainder of the floorplate, through to Abbott Avenue, allocated for parking. The residential tower commences on the fourth floor with a typical unit floor plan and an amenity level that includes a clubhouse, spa and landscaping. The architectural scheme of the design focuses on large panes of clear glass contrasted with white details and stucco walls. The ground floor retail exhibits floor to ceiling glazing that is intermittently broken up with modern, white stucco pilasters. Wood-colored vertical screening is introduced at the second and third levels of the pedestal and features bands of red and gray glass inserts. Additionally, white screen walls that are rendered to resemble breeze blocks, accent the mechanical penthouse facing Byron Avenue. Staff recommends that the same treatment be used to screen the stairwell tower that dominates the Abbott Avenue façade.

All of the streets within the TC-C have been designated as class streets ranging from Class A (71st Street), B (Abbott Avenue), C (Byron Avenue), and D (70th Street) as they pertain to their frontage type. The regulations for each class vary, linked to their hierarchy as a traveled corridor within the district. Each class street designation has various design requirements for transparency, habitable space, liner depth, allocation of uses, and fenestration requirements in order to fulfill the vision of a walkable and vibrant town center by creating active ground floor retail and restaurant components, with added emphasis on the pedestrian experience for the purposes of providing regulations for the building frontage. Minimum street tree canopy and lighting standards as well as architectural shading element guidelines have also been established by street frontage class, which require new buildings to provide additional comfort and shade to the pedestrians to compliment an active streetscape for an enjoyable and comfortable, walkable neighborhood.

In order to provide a safe pedestrian environment, the TC-C regulates urban form by guiding design standards for driveways and curb cuts. In general, they are prohibited along Class A street frontages (71st Street) and unless the only means of vehicular access to the site, not permitted on Class B street frontages (Abbott Avenue) either. Driveways and loading are permitted, if not generally preferred, on Class C frontages; however, their width is limited, the minimum distance between each driveway is regulated, and they must be incorporated into the façade of the building. Additionally, loading must be set back to limit its visibility from the public realm. Several driveway design characteristics typically cause safety and access problems for pedestrians, including excessively wide and/or sloped driveways, driveways with large turning radii, and multiple adjacent driveways, all of which lead to hazardous walking conditions in the built environment from the pedestrian perspective. In order to minimize vehicular breaks in the sidewalk to accommodate driveways, additional design guidelines implemented by the ordinance include minimum separation standards in order to prevent excessively wide curb cuts minimize conflicts with pedestrians.

DRIVEWAYS

As previously mentioned, the subject property is an irregularly shaped site with 150'-0" of direct linear frontage along Byron Avenue (Class C). By contrast the site contains approximately 281'-4" of direct linear frontage along Abbott Avenue (Class B). Along Byron Avenue the development proposes two separate, 22'-0" wide two-way driveways that

access the internalized loading berths and to the upper level parking facilities for the residential units and commercial big box retailer. These two curb cuts are proposed to be separated by an "office" measuring 12'-0" in width, but the TC-C requires driveways to be spaced no closer than 30'-0" apart, unless waived by the Design Review Board (waiver #1). The ordinance further stipulates that all driveways and curb cuts, both for parking and loading, be combined unless waived by the Design Review Board (waiver #2).

While weighing the options, two 22'-0" wide driveways along the narrowest of the north south frontages, at first seems like a nonoptimal urban solution. Given the options, by providing both driveways along the limited Class C frontage, the configuration enables the more prominent street frontages—71st Street and Abbott Avenue—to have uninterrupted architectural retail frontage. In this instance, staff is supportive of both of the waivers, but must preface this on the background, which includes a nearly two year process of reviewing various proposals, iterations of driveway locations, configurations of the design and its' program and, in staff's opinion, an exhaustion by the design team of possible viable solutions on this geometrically challenging site. It should be noted that staff had begun development reviews of the plans for the site(s) one year prior to the TC-C zoning district adoption, in order to provide the necessary internalized on-site loading space requirements and operations plan on the desired, albeit limited, street frontage along Byron Avenue. Staff recommends approval of the waiver to separate the loading and parking driveways, as well as the reduced separation of curb cuts.

On February 25, 2020, the Planning Board issued a conditional use approval for a big box retail store in excess of 25,000 SF, which is a conditional use in the TC-C zoning district. The size, location and operation of the commercial loading at the ground level was reviewed and approved, with the condition that a fully detailed operational plan for the facility be reviewed and approved by the Planning Board prior to the issuance of a building permit for the development. The Planning Board also required modifications to the residential loading area at the second level to improve operations and circulation. All of the required loading is enclosed within the building and lined with the required habitable areas for each Street Class designation.

PARKING

Pursuant to the regulations for Parking District No. 8, no parking is required for the retail uses—regardless of the size of the retail store; however, required parking can be provided up to the required amount based on Parking District No. 1 for the use without counting against the project's maximum FAR. The program includes 54 spaces that have been designated for the commercial component of the project, which is less than the parking requirements for the square footage of the space but do not count towards the project's FAR. Additionally, a large big box retailer will likely draw some customers from beyond the local area and providing some parking on site may make sense. As proposed, Byron Avenue includes two (2) curb cuts; one provides access to the ground level trash room and commercial loading area, and the second provides vehicular access to parking on the second and third levels and residential loading areas on the second level. The plans indicate the required six (6) loading spaces contained within the building will be allocated as follows: three (3) of these spaces are located on the ground floor and are associated with the proposed retail space, two (2) of the required loading spaces for the residential units are located on the second floor and one (1) is located on the third floor. Loading, delivery and operations were extensively reviewed and discussed at the February 25, 2020 Planning

Board, pursuant to PB19-0303, and the project is tied to the all of the operational conditions of the CUP approval.

HEIGHT

The applicant is proposing a 12-story structure measuring 129'-2" to the top of the main roofline of the tower from BFE +5, or 13' NGVD. The TC-C requires participation in the Public Benefits Program (Sec. 142-747) for all floor area located above 125 feet up to the maximum building height. The fees are established in Appendix A of the City Code and is currently \$3 per square foot located above 125 feet; the fee is paid prior to obtaining a building permit.

PASEO

The TC-C regulations identify one "street" as a Class D street frontage type, established to create a pedestrian alley, or paseo. The blocks between 69th Street and 71st Street extend over 620 feet in length as a result of a 70th Street never having been platted. This distance is not ideal for pedestrian connectivity, walkability, or proper urban form for blocks. As a result, the TC-C regulations identify a property line where 70th Street should have been located, midway between an elongated block that currently extends from 69th Street to 70th Street. This line is treated as a frontage line and requires a 10 foot setback from the adjacent properties. This will eventually result in a 20 foot wide lane being established that will greatly enhance connectivity and provide for interesting active spaces for the Town Center area. The subject property's eastern parcel (lot 7 of block 13) abuts the targeted location for the pedestrian lane.

Unfortunately, at this time due to the irregular geometry of the aggregated parcels within this application, as well as the differing ownership composition for the abutting lot 6, the complete passage from Abbott Avenue westward through to Byron Avenue cannot be fully realized as part of this development. As proposed, the passage has been designed in accordance with all of the TC-C regulations but fails to detail the design and nature of the passageway. Pedestrian alleys should be designed to a pedestrian-scale speed and a level of detail, wherever possible, that emphasizes pedestrian use. The proposal lacks a detailed plan that identifies all the public space elements that include seating, special paving, landscaping, and pedestrian scaled lighting to create usable public spaces. Additionally, since the completion of the full street paseo is not possible at this time, the proposed design results in a dead-end street that as a basic CPTED strategy should be avoided in all instances. As such, until that time when a full passage is finally realized through the development of the western parcel, staff would recommend the architect provide elements to block off the dead-end spaces with a well-designed and articulated transparent fence or gate system to limit access during portions of the non- business hours / evening.

MECHANICAL CONDENSING FARM

The second floor plan (sheet A3.2) indicates that there will be a condenser farm of mechanical equipment located adjacent to neighboring properties. The site located directly south of the subject property, across the paseo, is predominantly configured with parking that is associated with the ATT service administration one-story structure. However, the site that is directly west of the project contains a two-story building with nine residential units. Staff has concerns that the potential noise generated by the 40'x34' mechanical

"condensing farm" for the big box retailer will adversely impact the residential multifamily building located in the southwest portion of the project. Sufficient detail has not been provided in the plans to ensure that it would not become a nuisance and that it would be adequately screened to properly isolate the mechanical noise from the adjacent residential property.

OVERALL DESIGN

Staff's primary concern pertains to the lack of execution resulting from the blank zero-lot-line instances facing both the north (71st Street) and south (internal) elevations triggered mostly by the property being again the site's geometry and its positioning as a predominantly interior lot development. Since the aggregated site includes only one lot with a limited 60'-0" wide linear frontage along 71st Street, which does not contain all of the 71st Street fronting parcels within this block, the proposed development includes a 55'-0" high featureless blank wall that fronts the important corridor. This featureless wall extends 175'-0" eastward from Byron Avenue behind the existing one story 20'-0" high Italian restaurant and then turns towards 71st Street, where it rises to 69'-0" in height and extends 100'-0" northward following the outline of the corner building. The blank wall will be highly noticeable from nearly all directions as the site abuts a 125'-0" wide surface city-owned parking lot and the 20'-0 high restaurant (see sheet A4.2). While the architect has attempted to address this through diagonal markings on an otherwise plain white stucco wall with a notation for "arch finish", it is not nearly sufficient. Similarly, this blank wall condition resurfaces at the southern façade of the building that also encounters a zero-lot-line situation. Although visible, staff is less concerned with the observable nature of this façade(s) as it is an interior lot condition (see sheet A4.4) that will more likely be developed by neighboring properties in the foreseeable future.

Regardless, these blank walls need to be significantly refined and substantially redesigned by the architect. Some possible design options include modifying the setbacks to allow for window openings, adding contrasting high quality material and finish changes, introducing changes in elevation to break up coplanar expanses, or the incorporation of large-scale artistic murals. It must be noted that modifications to the non-electronic graphics and images section of the city code now regulates any artistic murals, graphics and images to a maximum aggregate size of 100 SF, unless otherwise approved by a majority vote of the city commission.





Staff has equally strong concerns regarding the proposed architectural design execution of the east and west façades of the second and third floor parking and residential liner along Byron Avenue and Abbott Avenue. As proposed, the garage screening along Abbott Avenue is a system of 6" wide x 10" deep metal tubes that are spaced 4" apart and affixed to the structure beyond (see sheet A5.4). Often, red translucent vertical panels extend the full height of both of the parking levels, or the half levels above and below, in a random iteration of patterning. The screening is interrupted by large openings mounted with landscape planters and fixed glazing. In previous projects, staff has found these mounted planters as screening enhancements to be unsuccessful both in the architecture and in the overall maintenance and upkeep of the plantings. The pattern and size of the apertures is arbitrary and does not relate to the use or enhance the design of the screening, and the glazing is contradictory to the intent of the screen. Further, staff has concerns with the extent of transparency provided. Staff recommends further refinement to the screening that includes removing the glazing component and minimizing the size of the openings, or removing them, along with the planters, altogether; and reducing the space between vertical elements to 3". Similarly, this vertical screening element is reflected along the second and third floor levels of the residential liner along Byron Avenue.



Further there are several inconsistencies in the plans. The south and north elevations of the tower (sheets A4.2 and A4.4) on floors 5 through 12 depict individual balconies extending from each unit (projecting and Juliet style), while the floor plans depict projecting balconies at the corner units and along Byron Avenue. These juliet balconies are repeated in the west screen elevation of the lower level residential units that line the parking beyond. Here, details of the balcony projections and railings appear in conflict with the vertical screening. Staff recommends modifying the plans to create a more coordinated relation of the projecting balconies and incorporating additional true balconies along these elevations. Additionally, these same elevations of the tower (sheets A4.2 and A4.4) depict rooftop overhangs (uppermost eyebrow) above the top level balconies that project greater than allowed into the required setback.

Additionally, similar to the concerns expressed by the Planning Board, Planning staff has additional concerns with other aspects of the design, specifically the inconsistent depiction of the stairwell on the north elevation (along 71st Street), the western stairwell of the main tower (Abbott Avenue), the transparency of the glazing and future tenant build out for the ground floor retail establishment (Abbott Avenue), and the lack of detail, aside from landscape, of the amenity deck. Further refinement of all noted components is recommended.

Within the most architecturally successful component of the project, the corner building at 71st Street and Abbott Avenue, a four-story stair tower is proposed along the 71st Street elevation. The submitted elevations do not correctly reflect the floor plans or rendering. On sheet A5.2, the design of the stair seems to be of an open nature, which staff highly supports. A prominent, visible, appealing and comfortable stair will encourage active use, and avoid another vertical blank wall along the TC-C's most vital and vibrant corridor. Staff recommends further refinement of the design of the open stair tower by incorporating architectural screening features that enhance and highlight the movement of the staircase as it rises.



Additionally, the east elevation (sheet A4.3) depicts the top of the four-story building with little or no roof projecting overhang, while the rendering (sheet A5.2) depicts a wide rooftop overhang. Staff recommends that the architect resolve this and other rooftop projection details, as differing rooftop treatments, eyebrows and overhangs, are evident throughout the multiple areas of the building and the individual façades. Other overhangs appear to encroach greater than permitted. Staff recommends the continuation, and incorporation, of the concrete eyebrow detail above the balconies and window glazing of the top, twelfth, floor; and removing the eyebrow from the top of the mechanical roof tower. Collectively this adds to the general disjointed appearance of the project.

In summary, staff believes that with further study and refinement of the massing and design execution along the second and third levels of the parking levels (Abbott Avenue) and residential liners (Byron Avenue), a more successful and cohesive architectural design can be established for the project. In addition to the direction of the Board, staff recommends the following additional modifications:

- a. *Screening along the garage: The architect shall continue to refine the openings / apertures and eliminate those portions infilled with glass and suspended planter system along Abbot Avenue. The architect shall continue to refine the openings / apertures and redesign the juliet balconies infilled with glass and suspended planter system along Byron Avenue.*
- b. *Blank featureless walls: The architect shall further refine all featureless walls to incorporate a more articulated architectural treatment, including modifying the setbacks to allow for window openings, material and finish changes, introduction of changes in elevation to break up coplanar expanse, or the incorporation of a large scale artistic murals in order to minimize the stark appearance from the rights-of-ways and adjacent properties.*
- c. *Green roof: Additional design details / further refinement for a true "green" roof incorporated that encompasses 100% of the rooftop area(s) of the building at the NE corner of 71st Street and Abbott Avenue with plant beds of sufficient size to accommodate trees and landscaping.*
- d. *North stair: Additional design details / further refinement of the design, orientation, and configuration of the 71st Street stair is needed. Staff recommends further pursuit to incorporate a dynamic active stair while addressing all life safety requirements and CPTED goals.*
- e. *East stair: Additional design details / further refinement of the screening on the Abbot Avenue stair tower is needed. Staff recommends it be the same breezeblock pattern adorning the mechanical penthouse on Byron Avenue.*
- f. *Paseo: Additional design details / further refinement of the all of the street furniture elements proposed within the dedicated paseo, including seating, special paving, landscaping, and pedestrian scaled lighting.*
- g. *Roof overhangs: Additional design details / further refinement of all of the rooftop overhangs throughout the project.*
- h. *Residential tower: Additional design details / further refinement of all the elevations/plans of the north and south façade of the tower to create a more coordinated relation of the projecting balconies and incorporating additional true balconies.*
- i. *Shade structure: Additional design details / further refinement of the required shade*

structure (concrete eyebrows) shall extend or other type of shade shall be provided to substantially cover linear frontage along 70th Street paseo, Byron Avenue and 71st Street.

- j. Street trees: The architect shall improve the landscaping along 71st Street and Byron Avenue adjacent to the P80 parking lot of the project block with the necessary tree and lighting requirements of the Class A and Class C street frontages.*
- k. Condensing units: Additional design details / further refinement of the elevations and section drawings of the mechanical equipment area located on the second floor that services the big box retailer shall be provided. This area shall be screened from view from the adjacent building and from the pedestrian paseo, and an additional wall with sound attenuating material shall be provided, subject to the review and approval of staff. Additional design details / further refinement of the south and west wall abutting the existing residential building. The garage structure shall be enclosed along these elevations to ensure that lighting and vehicular noise is contained within the building, in a manner to be reviewed and approved by staff.*
- l. Retail layout: Additional design details / further refinement of the ground floor big box retail tenant build out, including all interior fixtures, shelving, lighting, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of ten (10') feet from the exterior glass storefront walls of the ground floor along 71st Street and Abbott Avenue.*
- m. Amenity deck: Additional refinement of landscape and spa/pool design.*
- n. Utility poles / lines: All overhead utility lines and poles adjacent to the subject property along Abbott Avenue shall be placed underground. Applicant to engage FPL, block development north of site (7100 block Abbott, DRB19-0482) also being redeveloped and will have to underground poles and lines*
- o. Other: Additional modifications, where necessary, to fully comply with all of the other deficiencies identified under compliance with zoning code section of this recommendation.*

Based on this analysis, and due to the substantial changes and refinements needed, staff recommends continuance of the application to a future meeting date.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **continued** to a date certain of July 07, 2020, in order to address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria.