

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: January 3, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB16-0054
7118-7140 Collins Avenue and 7117-7121 Harding Avenue

The applicants, Collins & 72nd Developers LLC, Casa Grande Shopping Center LLC, and AHM Advisors LLC, are requesting Design Review Board approval for the construction of a new 10-story hotel to replace three (3) vacant parcels of land, a surface parking lot and three (3), one-story retail buildings while two (2) one-story retail buildings will remain, one of which will be altered with exterior design changes. Additionally, the applicants are also requesting Design Review Board approval for variances to reduce the required setback for new FPL power lines. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

RECOMMENDATION:

Continue the application to a future date

Denial of the variance

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)*
Maximum FAR:	137,197.5 SF (2.75)
Height:	124'-8" (133'-8" NGVD) / 10 stories
Maximum:	125'-0" / 12 stories
Highest Projection:	149'-8" (158'-8" NGVD)
Proposed Uses:	
Commercial:	28,009 SF *
Hotel Units:	179*
Parking spaces provided:	141 spaces*
Parking spaces required:	141 spaces*
Loading spaces required:	5
Base Flood Elevation (BFE):	+8.00' NGVD
First Floor Elevation:	Varies +6.00' and +9.00' NGVD

***As represented by the applicant**

SURROUNDING PROPERTIES:

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

THE PROJECT:

The applicants have submitted plans entitled "72+ Collins Hotel", as prepared by **Revuelta Architecture International**, dated November 7, 2016.

The applicants are proposing the construction of a new 10-story hotel complex on a site containing three vacant parcels of land, a surface parking lot and three (3), one-story retail buildings. Two (2), one-story retail buildings will remain, one of which will be altered with exterior design changes. A variance to reduce the required setback for new FPL power lines is also proposed.

The applicants are requesting the following variance:

1. 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.
- Variance requested from:

Sec. 142-737. – Development regulations.

(b) Setback requirements: The minimum setback requirements for the TC-1, TC-2 and TC-3 districts are as follows. This includes all buildings, regardless of use, and subterranean parking structures. The minimum setbacks define the buildable area of the lot:

TC-1 Town Center Core, Front: Frontages along 71st Street shall have a setback of 10'-0" for the first 4 stories and a setback of 25'-0" above the 4th story; other frontages shall have a setback of 5'-0".

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 applicants are proposing the relocation of the power lines to the south side and front of the property (along Harding Avenue) with zero setback from the front property line facing Harding Avenue. Because the required front setback for the building is 5'-0" and FPL poles are not an allowable encroachment, this proposal requires a variance. Staff is not supportive of the request and finds it to be a self-imposed variance, as the utility lines can be relocated at the required setback of 5'-0". Additionally, the transmission lines are not the normal power lines, but are high voltage, long distance, transmission lines.

Staff finds that it is the applicants' decision to unify the properties, cognizant of the 10-foot wide utility easement that bisects the block. As stated by the applicants in the letter of intent, the variance request is "the result of the difficult and expensive relocation underground of the power lines". Public Works does not recommend overhead lines being placed on a street that never faced transmission lines, previously, and which lines would be facing residential units, with a very high voltage, long distance transmission lines. Having such lines adjacent to the sidewalk, a proposed hotel, and right of way, is not recommended for safety purposes. The alley utility

easement provides less exposure for the neighborhood. Moreover, FPL would have to agree, as would the Public Works Department and the City Commission to relocate the existing utility easement.

In this regard, staff would note that economic hardship is **not recognized** as a hardship for the granting of the variance. At the time of this writing, staff has not been provided with adequate further details associated with other difficulties regarding the underground placement of the lines. In addition, the applicants state in the letter of intent that “the location of the utility lines closer to the building, would also affect the design of the new building”, which does not satisfy the practical difficulties or hardship criteria as established in the Code. In summary, based on the information available, staff recommends that the variance request be **denied**.

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 variance as noted herein this application:

1. *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.*

2. 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. **(PB File No. PB16-0062).**
3. Any awning/eyebrows encroaching into the public right of way may require approval from the Public Works Department and City Commission.

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 a variance pertaining to the relocation of the FPL overhead high voltage utility lines. Staff is not in favor of the variance.
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 relocation of the FLP overhead lines requires a variance to reduce the required setback for new FPL power lines. The proposed location has a negative impact on the scale, massing and design of the project. In addition the proposed site plan is not consistent with the required alley (CMB Section 142-737 (f)) that should be provided on the south side of the property line (10 feet), which in the future could provide the northern half of an east-west oriented alley connected to a future north south alley, south of the applicants property on the same block. Also, the vacation of a portion of an utility easement must be approved by the City Commission.
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 relocation of the FPL overhead lines have a negative visual impact on the project along Harding Avenue and 72nd street.
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 relocation of the FPL overhead lines have a negative visual impact on the project along Harding Avenue and 72nd street.
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 relocation of the FPL overhead lines have a negative visual impact on the project along Harding Avenue and 72nd street.
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 proposed curb cuts on Harding Avenue for the hotel drop off, entry and exit drives are excessive and negatively impact pedestrian movement.
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.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied; (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.
Partially Satisfied; a roof plan showing the location of mechanical equipment has been provided but details of the associated screening have not.
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.
Not Satisfied; the location of the relocated FPL lines will have a negative impact on the site and surrounding area.
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 location of the relocated FPL lines will have a negative impact on the site and surrounding area.

ANALYSIS

ANALYSIS

DESIGN REVIEW

The proposal consists of a new 10-story building with 179 hotel units and a 134 seat bar/lounge, along with 23,754 SF of ground floor commercial space, the partial retention of two existing 1-story commercial buildings, which are part of the development site, and a mechanical parking garage on the second level. The square footage of the proposed project is approximately 129,337 SF, as represented by the applicants. The proposed uses are permissible in the TC-1 zoning district and are compatible with the surrounding neighborhood. The Planning Board reviewed and approved on December 20, 2016 under PB16-0062 with regard to important issues related to the operations of the project, including parking, traffic, deliveries, sanitation and security.

Staff is generally 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. Although the applicant has a generally well-conceived project, staff does have some concerns with certain aspects.

The project been designed to retain two existing one-story retail buildings (Denny's and the other southern most parcel) and demolish the building 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 50'-0" high retail and parking pedestal is proposed to occupy the site.

Staff has met with the applicants and the design team on multiple occasions and the architect has continued to advance the ground floor pedestal element of the project. In accordance with the TC requirements, a ground floor urban plaza has been designed around the street frontage perimeter of the site, culminating into a larger plaza in the northwest portion of the site. The urban plaza's primary function is to encourage a diversity of opportunities for social interaction and activities, to provide relief and relaxation, to expand and reinforce the public realm, and to contribute to the livability and general amenity of the City. Staff would note that the success of the massing of the architecture will depend on the quality and diversity within the selection of the proposed materials and finishes.

The proposal consists of a ground floor lobby/reception area with most of the back of house operations along Harding Avenue—including loading, delivery, trash and the automobile freight elevators to access the second floor of parking. South of the urban plaza is a one-way drive-aisle off of Harding Avenue, intended to serve as hotel guest drop-off driveway. Another two-way curb cut to accommodate the drive aisle and open covered areas is also proposed along on Harding Avenue. While the applicant has made improvements to this portion of the project, the ground floor configuration is almost entirely designated for vehicular access, which creates a very uninviting condition for pedestrians and the neighborhood. In order to address this issue, staff would recommend eliminating the one-way drop-off driveway, internalize all hotel operations and limit the sole curb-cut to the proposed two-way aisle. This would also allow for an opportunity to expand the urban plaza.

Additionally staff has concerns that inappropriate lighting and merchandising could have serious adverse impacts on the new architecture and surrounding area. As such, staff would recommend that all interior lighting be designed in a manner so as not to have an overwhelming impact upon the surrounding areas and consist of indirect lighting elements with a soft, neutral color. Staff would further recommend that transparent displays be permitted within 10'-0" from the storefront windows along the ground floor retail/restaurants. Additionally, a uniform signage program should be designed to be consistent in materials, method of illumination and sign location.

Finally, the southern wall of the building perpendicular to Collins Avenue has been envisioned with an artistic super graphic mural. The final details and the artist selection have not been finalized, but the approval of such will require a new application to the Design Review Board.

EASEMENT AND TRANSMISSION LINES

The subdivision of land was granted in 1925 with the platting of Normandy Beach South

subdivision. The parcel at the focus of this project lies within block 8. Block 8 consists of 12 individual lots—8 of which are part of this application. A 10'-0" wide platted public utility easement is located in the middle of the properties running north-south, and contains overhead high voltage electric transmission, distribution lines, telecommunication lines as well as an underground watermain. These lines continue northward and southward down the middle of the adjacent blocks.

This 10 foot wide platted public utility easement in the middle of the property running north-south contains overhead high voltage electric transmission, distribution lines, telecommunication lines as well as an underground watermain. These lines continue northward and southward down the middle of the adjacent blocks.

The applicant is proposing to relocate these overhead high-voltage power/communication lines to the Harding Avenue side of the property, running south to the terminus of the property, then heading eastward within a new 10 foot easement to the middle of the property, which will then continue southward in the existing configuration. The applicant has indicated that they have explored the possibility of placing these lines underground but that the cost is too expensive. The existing watermain can be eliminated throughout the entire block as long as the water services for the buildings immediately south of this development on the north side of 71st Street are relocated.

Staff is concerned with the visual impact that these high voltage lines will have on the street and would recommend that they be further studied. In this regard, no elevation details or perspective renderings depicting the visual relationship to the north, west and south sides of the proposed building and site have been provided. Such details are critical in terms of understanding the impact that the proposed location of the transmission lines will have on the architectural design of the building, the overall siteplan design and the surrounding area. Staff is not comfortable recommending that the project move forward without these drawings.

The applicant has contacted FP&L regarding the feasibility of undergrounding of these lines; as of the writing of this report, detailed information has not yet been provided to the City. Additionally, the vacation of the easement shall require the review of the Public Works Department and the review and approval of the City Commission. As such, staff believes that additional input is needed from the Public Works Department.

VARIANCE REVIEW

A new hotel development is proposed on a site with lot area of 49,890 sf and containing 8 platted lots with in block 8. The applicant is requesting a variance to place new FPL poles and power lines at zero setback from the property line fronting Harding Avenue. As per the Code, 5'-0" of setback is required in front yards. However, the applicant's choice remains unchanged and has resulted in the variance request. As noted above, staff is concerned with the visual impact that these high voltage lines, as proposed, will have on the street and would recommend that they be placed underground or relocated internal to the building envelope to not cause a negative impact in the urban context.

Based on the documents and information provided by the applicant, as well as the large size of the property, staff has concluded that the variance request does not meet the practical difficulties or hardship criteria of the Code, as it is not the minimum variance that would make a reasonable use of the property and the variance request is self-imposed.

Accordingly, staff recommends **denial** of the variance as requested.

In summary, staff commends the applicant and the design team for a very forward thinking architectural approach, and the effortss made to further develop and improce the project. While the applicant continues to make progress in terms of the overall development of the project, staff believes that the issue of the location of the existing FPL transmission lines needs further study and analysis. In light of the significant impact that the proposed relocation of the transmission lines would have on the project site and building, as well as the surrounding area, staff would recommend that the matter be continued, in order to better the address the concerns raised herein.

RECOMMENDATION:

In view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, staff recommends that the application be continued to a date certain of March 7, 2017, and that the variance request be **DENIED**. In the event the DRB should elect to move forward with the project, staff recommends that any approval be subject to the conditions in the attached draft order, which address the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria, as applicable.

TRM/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: January 3, 2017

FILE NO: DRB16-0054

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

APPLICANTS: Collins & 72nd Developers LLC, Casa Grande Shopping Center LLC, and AHM Advisors 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 Design Review Approval for the construction of a new 10-story hotel to replace three vacant parcels of land, a surface parking lot and three one-story retail buildings while two one-story retail buildings will remain, one of which will be altered with exterior design changes. Additionally, the applicants are also requesting Design Review Board approval for variances to reduce the required setback for new FPL power lines.

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 an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 6, 7, 8, 9, 12, 14, 15, and 16 in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
 - 1. Prior to the submission of any Building Permit application relative to the approval herein, the applicant shall obtain approval from the City Commission for the vacation of the existing utility easement.
 - 2. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. 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.
- b. 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.
- c. 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
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.

- j. 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
 - k. 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.
 - l. The final design and placement and model/type of all street furniture and fixtures, shall be approved by the Planning Department. A minimum of one (1) bench shall be provided for every 100 linear feet of street frontage and a minimum, one (1) waste bin shall be provided at each block corner and at intervals of no more than 300 feet
 - m. 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.
 - n. 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.
 - o. 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.
 - p. 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.
3. 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 their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- d. The one-way curb-cut on the west side of the site (along Harding Avenue) shall be eliminated and the hotel drop off plan shall be internalized and accessed from the sole two-way curb-cut drive aisle (along Harding Avenue).
- 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/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- 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):

1. 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.

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 the Board has concluded **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.

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 vacation of the easement shall require the review of the Public Works Department and the approval of the City Commission.
3. The proposed utility lines shall be either underground or relocated in a manner that complies with the required setbacks.

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. All new construction valued over \$250,000 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. This fee is set as a percentage of the cost of construction.
- B. 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.
- C. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- D. Alley or service corridor construction is required as part of the redevelopment of any property, unless an alley already exists. The recommended location is within the minimum rear or side setback area for each lot, as shown on the Infill Regulating Plan. The location of a proposed alley or service corridor may be adjusted to improve functionality due to the configuration of assembled parcels of land within a block, with the approval of the Planning Director; provided that there is a feasible long term plan to provide rear service access to all lots within the block.
- 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, that the Application for Design Review approval is GRANTED and the application for a variance be DENIED 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", as prepared by **Revuelta Architecture International**, dated November 7, 2016, 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.

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