

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 07, 2017

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB16-0099
1001 West 46th Street – Mansion Apartments

The applicant, the Mansion, L.C. c/o George Befeler, is requesting Design Review Approval for the installation of paving and a sidewalk along the west and south sides of the property and onto the City swale, including a variance to reduce the amount of required open space within side yard area facing a street. The City Commission has approved a permanent public easement between the City of Miami Beach and Mansion, L.C. for the purpose of installing and maintaining a public sidewalk along West 46th Street and North Michigan Avenue.

RECOMMENDATION:

Approval with conditions

Approval of the variance with conditions.

BACKGROUND:

Currently the swale area located adjacent to the corner parcel is too small for cars to park without the rear section of vehicles protruding into the street and/or sidewalk; this condition endangers both vehicles and pedestrians. After numerous meetings with City staff and the neighborhood association, it was mutually determined that the best way to address the current conditions would be to move the sidewalk a few feet within the subject property in order to install grassy turf block lined parking in the swale for cars to park. The applicant applied for an easement from the City to perform the improvements and on November 9, 2016, the City Commission unanimously accepted the proposal and approved a permanent public easement between the City of Miami Beach and Mansion, L.C. for the purpose of installing and maintaining a public sidewalk along West 46th Street and North Michigan Avenue. The homeowners association of the neighboring properties have expressed full support of the proposed improvements.

LEGAL DESCRIPTION:

Lot 13, Block 15, of NAUTILUS ADDITION OF MIAMI BAY SHORE CO., according to the Plat thereof, as recorded in Plat Book 8, at Page 130 of the Public Records of Miami-Dade County, Florida

SITE DATA:

Zoning:	RS-4
Future Land Use:	RS
Lot Size:	7,500 SF

Sidewalk Area:	
Existing	78 SF
Proposed	657 SF
Green Area:	
Existing	607 SF
Proposed	28 SF

EXISTING STRUCTURE:

Three-story residential building (18 units)
Architect: Robertson & Patterson
Year of Construction: 1926

SURROUNDING PROPERTIES:

East: Single Family Residential
North: Single Family Residential
South: Single Family Residential
West: Single Family Residential

THE PROJECT:

The applicant has submitted plans titled “MANSIONS APARTMENTS – NORTH MICHIGAN AVE. & 46TH STREET, MIAMI BEACH”, as prepared by Zamora & Associates, Inc., dated December 22, 2015.

The applicant is requesting approval for the installation of paving and a sidewalk along the west and south sides of the property and onto the City swale, including a variance to reduce the required pervious open space within the side yard facing North Michigan Avenue.

The applicant is requesting the following variance(s):

1. A variance to reduce the minimum landscape open space within the required side yard facing the street to provide 28 SF of landscape open space.
 - Variance requested from:

Sec. 142-106. Setback requirements for a single-family detached dwelling.

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(2) Side yards: (b) Side, facing a street. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater. Also, at least 50 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space. With the exception of driveways and paths leading to the building, paving may not extend any closer than five feet to the front of the building.

In its current state, the side (east) yard of the subject property fronting North Michigan Avenue does not comply with the City Code as it pertains to the required amount of open space. The design proposes widening the City swale to accommodate and install paving for delineated on-street parking for the 18-unit multifamily building and the relocation and installation of a new 5'-0" public sidewalk within the subject property along West 46th Street and North Michigan Avenue, which will be maintained by the applicant as per the approved permanent public easement. To moderate the loss of pervious open space in the side

yards, the design calls for grass turf block pavers for the parking area, as well as additional landscaping at the corner of the property.

The existing multifamily building is a legal nonconforming property, and is located within a single family residential neighborhood. The building was constructed in 1925 as a hotel for an equestrian facility not far from the once present polo fields. The surrounding area was later developed as a single family neighborhood, while the hotel evolved into a multi-family residential building. The requested variance would allow the applicant to accommodate a paving area along two property lines, reducing the amount of required open space in order to use and maintain the City swale as parking for its tenants. In turn, the project will provide a continued public sidewalk path, improvements to the City swale, which currently is a combination of asphalt, grass, rock, sand and muck; and delineated parking that will improve the control of traffic and vehicular visibility.

However, staff would note that the relocation of the sidewalk internal to the property may conflict with the existing access points on the street side at the ground level as the existing steps may have to be eliminated. It may also have conflict with accessibility requirements of the Florida Building Code.

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:

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

COMPLIANCE WITH ZONING CODE:

The application, as submitted, appears to be inconsistent with the applicable requirements of the City Code, aside from the requested variance as noted herein this application:

1. The porches and entrance stairs along the side (east) portion of the property may need to be reconfigured in order to accommodate movement and safety access.

This 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 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 project requires one (1) variance to be granted by the Design Review 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 project requires one (1) variance to be granted by the Design Review 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 project requires one (1) variance to be granted by the Design Review 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; Not Satisfied; replacement of turf block pavers with permeable concrete pavers
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 project requires one (1) variance to be granted by the Design Review Board
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the project requires one (1) variance to be granted by the Design Review 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.
Not Satisfied; the project requires one (1) variance to be granted by the Design Review Board
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 Applicable
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Satisfied; replacement of turf block pavers with permeable concrete pavers
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 Applicable
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 Applicable
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
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 Applicable

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Not Applicable

STAFF ANALYSIS:
DESIGN REVIEW

The subject property contains a three story multifamily residential building built in 1925 as a 36 room hotel known as the Polo Hotel. The hotel was the central hub of the former Polo Club, an equestrian facility in mid-beach providing lodging quarters as an alternative to the beach resorts. After the Second World War, the surrounding area developed into a single family residential neighborhood, while the Polo Hotel converted into an apartment building. In 2005, the applicant purchased the property and meticulously renovated the prospective, mediterranean revival building. It continues its use as an 18-unit apartment building, Mansion Apartments.

With scarce on-street parking, the City swale defaulted into a parking option for the residents. However, due to the elements, and inadequate dimensions, an unsightly and unsafe conditions fostered for years. The swale's current state is a mixture of asphalt, grass, rock, sand and muck. The applicant is proposing to improve the function and aesthetics of the swale by increasing its width for delineated angled parking, as well as to install and maintain a 5'-0" wide public sidewalk path, as per the approved permanent public easement.

The design for the parking area proposes pervious pavers, specifically turf block pavers and increased sod and landscape within the swale to mitigate the loss of pervious open space in the side yards. Staff recommends the use of permeable concrete pavers in lieu of the turf block due to concerns of liability and long-term maintenance of sod. Additional recommendations include the use of white pavers to delineate the parking striping; a 6" curb to define the parking spaces from landscape area, and the extension of the public sidewalk to follow the profile of the edge of the parking spaces, which would eliminate the need for wheel stops, as per CMB Code section 130-61.

Staff's sole concern is that with the relocation of the sidewalk within the required side yard along West 46th Street, little if any remaining area is left adjacent to the two front entrance porches. This may have consequences if some or a portion of the stair treads need to be removed to accommodate the passage. A reconfiguration of the porch and access stairs may be required, but staff is confident that such details can be worked out at time of building permit.

VARIANCE REVIEW

As previously mentioned under the 'Project' portion of the analysis, the existing structure is a multifamily residential building in a RS-4, single family residential district that does not provide for any onsite parking for the 18 residential units. The applicant is requesting a variance to reduce the required pervious, open space of the side yards in order to accommodate a public sidewalk on private property in order to allow for angled parking within the City's respective swales at the intersection of West 46th Street and North Michigan Avenue. In its current state, the side yard fronting North Michigan Avenue does not comply with Code. Additionally, the condition and performance of the swale needs to be improved.

The applicant has proposed a design that allows for parking while mitigating the loss of pervious, open space in the side yards. Moreover, the project benefits the public by providing a continuous sidewalk path, enhances the esthetics and performance of the City swale, and improves the control and visibility of traffic with delineated parking. Staff is supportive of this variance since the site complies with the Practical Difficulty and Hardship Criteria.

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

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria.

TRM/JGM/FSC

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: March 07, 2017

FILE NO: DRB16-0099

PROPERTY: **1001 West 46th Street**

APPLICANT: Mansion, L.C., c/o George Befeler

LEGAL: Lot 13, Block 15, of NAUTILUS ADDITION OF MIAMI BAY SHORE CO., according to the Plat thereof, as recorded in Plat Book 8, at Page 130 of the Public Records of Miami-Dade County, Florida

IN RE: The application requesting approval for the installation of paving and a sidewalk along the west and south sides of the property and onto the City swale, including a variance to reduce the required pervious open space within the side yard facing North Michigan Avenue.

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 1, 2, 3, 4, 5, 6, 7, and 10 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. Revised elevation, site plan and floor plan drawings for the proposed modification to 1001 West 46th Street shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The proposed concrete permeable concrete block pavers installed in the proposed parking area, with painted white concrete pavers delineated parking spaces and a 6" curb to define parking from landscape area.

- b. 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.
- c. 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.

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 to reduce the minimum landscape open space within the required side yard facing the street to provide 28 SF of landscape open space.

~~B. The applicant has submitted plans and documents with the application that 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 applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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 grants the requested variance(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 applicant shall submit detailed elevations and floor plan drawings showing modifications to the street access to the building. The elimination of the steps would have to comply with the requirements of the Florida Building Code and Fire Code.

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

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

- A. If required, the applicant shall obtain a revocable permit for the building lighting channels and/or signage proposed to project over the sidewalk along Lincoln Lane and Meridian Court, subject to approval the City Commission, prior to the issuance of a building permit.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- F. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Mansions Apartments – North Michigan Ave. * 46th Street, Miami Beach", as prepared by **Zamora & Associates, Inc.**, dated December 22 2015, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. 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 the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

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