

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 07, 2015

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: Design Review File No. 22876  
**1312 14<sup>th</sup> Terrace | 1414 West Avenue**

The applicant, West Avenue Development LLC, is requesting a modification to a previously issued Design Review Approval for the construction of a new four-story multifamily building on a vacant site. Specifically, the applicant is requesting design modifications to the exterior finishes and changes to the elevations and floor plans.

### **RECOMMENDATION:**

Approval of the modifications with conditions

### **LEGAL DESCRIPTION:**

Lots 4, 5, and 6, Block 79C, of Alton Beach Realty Company's Bay Front Subdivision, According to the Plat Thereof, as Recorded in Plat Book 16, Page 1, of the Public Records of Miami-Dade County, Florida.

### **HISTORY:**

The original application for a new four-story multifamily building was approved by the Design Review Board on November 01, 2011. A building permit for the project was approved on November 28, 2012.

A request for design modifications that included alterations to the height and the proposed activation of the rooftop came back to the Board and was approved on October 07, 2014. At the March 03, 2015 DRB meeting, this item was continued to the April 07, 2015 meeting at the request of the applicant.

### **SITE DATA:**

Zoning:	RM-1 Multifamily, Low Intensity
Future Land Use:	RM-1 Multifamily, Low Intensity
Lot Size:	15,952 SF
Proposed FAR:	19,909 SF / 1.24 as represented by the applicant
Maximum FAR:	19,940 SF / 1.25
Proposed Height:	50'-0" feet / 4 stories 69'-6" feet to highest architectural projection
Maximum Height:	50'-0" / 5 stories
Proposed Uses:	
Residential Units:	7 units
Parking Spaces:	14 spaces 7 units @ 2 spaces = 14 spaces

### **EXISTING STRUCTURE/SITE:**

Vacant site

**LAND USES:**

East: Surface parking lot  
North: Five-story multifamily building  
South: Two-story multifamily / office building  
West: Five-story multifamily building

**THE PROJECT:**

The applicant has submitted revised plans entitled "Casa Luna Apartments 1414 West Avenue" as prepared by **Urvan X** signed, sealed and dated March 06, 2015.

The applicant is proposing interior and exterior design modifications to a previously approved design. The following summarizes the proposed modifications:

1. Raised the lobby to flood level and lowered the internal garage
2. Eliminated the NW office and staircase and converted it into a bike storage accessed from the garage
3. Redesigned the vertical circulation staircase elements and rotated 90 degrees
4. Enclosed the open corridors with floor to ceiling glass
5. Added a balcony for the 2nd floor units above the lobby
6. Added an eyebrow at the roof level as per DRB Final Order
7. Reworked the parking for the internal garage
8. Reworked all the interior floor plans to comply with FAR
9. Eliminated the 2 large open planter elements
10. Reduced the balcony sizes for 3rd and 4th floor
11. Reduced the glass at the lobby level and added wood element
12. Added a new front entrance stair case to access the elevated lobby

**CONSISTENCY WITH COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

A preliminary review of the project indicates that the proposed **residential use** appears to be **consistent** with the Future Land Use Map of the CDMP.

**COMPLIANCE WITH ZONING CODE:**

The application, as proposed, is inconsistent with the following requirements of the City Code; consequently:

1. In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following: Residential uses at the first level along every facade facing a street, sidewalk or waterway.
2. There is a maximum 25% projection allowed into a required yard and all other landscaping projections shall be less than 30" from grade [CMB 142-1132 (o)]. The platform facing West Avenue and 14 Terrace seem to be projecting too far. Provide sections that demonstrate that the terraces, planters and steps that are less than 30" from established grade (3.5 NGVD).
3. Relocate the BFP so that it is not in a required yard. The PIV and FDC shall be chrome plated and may remain in the front setback.

4. The proposed FPL vault and slab does not comply with the required setbacks and must be relocated out of the required yards and relocated to within the building envelope.

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.  
**Satisfied**
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.  
**Satisfied**
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.  
**Satisfied**
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; Residential uses are required at the first level along every facade facing a street, sidewalk or waterway.**
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.

**Satisfied**

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**

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).

**Satisfied**

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; Residential uses are required at the first level along every facade facing a street, sidewalk or waterway.**

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.

**Not Satisfied; Residential uses are required at the first level along every facade facing a street, sidewalk or waterway. The removal of the glass does not promote transparency at the ground floor lobby level.**

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**

**STAFF ANALYSIS:**

The application for a new two-story residence was approved by the Design Review Board on November 01, 2011. A building permit (B1202545) has been issued for that project. After several exterior changes to the design were conceived by the applicant, the architect met with staff who then determined that the proposed modifications were significant enough, particularly the alterations to the height and the proposed activation of the rooftop, to require the review and approval of the DRB. These modifications were approved by the Board at the October 07, 2014 DRB meeting.

Again, the applicant is proposing interior and exterior design modifications to a previously approved design. The following summarizes the proposed modifications:

1. Raised the lobby to flood level and lowered the internal garage
2. Eliminated the NW office and staircase and converted it into a bike storage accessed from the garage
3. Redesigned the vertical circulation staircase elements and rotated 90 degrees
4. Enclosed the open corridors with floor to ceiling glass
5. Added a balcony for the 2nd floor units above the lobby
6. Added an eyebrow at the roof level as per DRB Final Order
7. Reworked the parking for the internal garage
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In summary, these initial proposed exterior changes created better façades with more modern articulations, material selections, and overall refinement which results in a more appealing massing for the highly visible corner location. Correspondingly within the "shell" of the building, the architect has reduced the unit count by one, and shifted the available square footages with a revised interior configuration, as well as increasing each floor to floor ceiling height from 9'-8" to 11'-1½" while still complying with the height regulations. The applicant has continued to work with staff to resolve the sole design concern to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented and which are appropriate and compatible with the neighborhood.

Staff is confident the project architect can successfully address the minor concerns below at a

staff level, and staff would recommend that the application be approved.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the modifications be approved, subject to the following conditions, which address the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria, as applicable:

**I. Design Review**

- A. 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 6, 13, and 16 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if the following modifications are made:
  1. Revised elevation, site plan and floor plan drawings for the proposed new home at 1312 14<sup>th</sup> Terrace shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. 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.
    - b. The lobby entrance and other ground floor spaces along 14<sup>th</sup> Terrace shall be further developed and designed on the north side of the entrance circulation core to accommodate residential uses. This may require relocating or reconfiguring certain ground floor components.
    - c. The proposed plans shall be revised to fully comport with the FAR requirements of the City Code.
    - d. The proposed FPL vault and slab does not comply with the required setbacks and must be relocated out of the required yards and relocated to within the building envelope, 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 active roof deck shall not exceed **50%** of the enclosed floor area immediately one floor below, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - f. An architectural eyebrow shall be introduced along the top floor along portions of the south, east, west and north elevation that project the same distance as the balconies below, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- g. A fully detailed automatic overhead garage gate, which is consistent with the architecture of the main structure, shall be required for the entrances to the parking garage, 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 recycling and trash system, consisting of separate chutes for trash and recyclables, shall be relocated from the central location within the open corridor to a location that is less visible 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.
- i. All window frames shall be composed of an aluminum finish. All windows shall consist of clear glass and 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.
- j. Any fence or gate at the front of the property shall be designed in a manner consistent with the architecture of the main structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. The rooftop mechanical equipment proposed within the southeast corner of the roof shall be relocated away from the edges of the building that face a street. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.
- m. The applicant shall explore an alternative and more durable material selection other than the "resysta" material choice of cladding that may withstand the harsh South Florida climate, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- n. The final design details of all exterior surface materials and finishes 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.
- 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.
2. 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. Street trees, including irrigation and up-lighting shall be required both on West Avenue and 14<sup>th</sup> Terrace, within the public right-of-way, in a manner to be reviewed and approved by staff.
  - b. All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, subject to the review and approval of staff.
  - c. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
  - d. 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.
  - e. The utilization of root barriers and/or Silva Cells as applicable shall be clearly delineated on the revised landscape plan.
  - a. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
  - b. 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-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - f. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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. No variance(s) were filed as part of this application.

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

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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.
- H. 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.

- I. 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.
- J. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- K. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.

TRM/JGM

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