

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 03, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23196
1 Ocean Drive—Lot P2—City Parking Lot

The applicant, the City of Miami Beach, is requesting Design Review Approval for the renovations and improvements, including resurfacing and new landscaping, to an existing surface parking lot.

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

Lot 1 thru 8 of Block 112 of the "Ocean Beach Addition No.4" according to Plat thereof as recorded in Plat Book 3, Page 151 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	GU
Future Land Use:	ROS
Lot Size:	138,248 SF
Existing Parking Spaces:	152 Total
Surface lot:	128 spaces (5 ADA)
Along Ocean Dr.:	6 spaces (0 ADA)
Along S. Pointe Dr.:	18 spaces (0 ADA)
Proposed Parking Spaces:	183 Total
Surface lot:	157 spaces (5 ADA)
Along Ocean Dr.:	6 spaces (0 ADA)
Along S. Pointe Dr.:	20 spaces (2 ADA)
Existing Open Green Space:	26,824 SF of green space
Proposed Open Green Space:	27,551 SF of green space

SURROUNDING PROPERTIES:

North: Ten-story residential building—Hilton Bentley Beach Club
South: Thirty-eight story residential building—Portofino Tower
West: Seven-story residential building (under construction)—Ocean One
East: Nikki Beach

THE PROJECT:

The applicant has submitted plans entitled "Surface Parking Lot -1A Improvements" as prepared by **Milian, Swain & Associates, Inc., SDM Consulting Engineers, and Rosenberg, Gardner Design** signed sealed and dated September 24, 2015.

The applicant is proposing improvements to an existing City surface parking lot. Scope of work includes resurfacing and expanding the parking lot, installing new landscaping and new light fixtures, and the installation of new bicycle racks and a new circulation layout.

CONSISTENCY WITH COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **parking lot** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

The application, as proposed, may be inconsistent with the following requirements of the City Code:

1. Per Section 142-1131 (k): *Lightpoles*. In all districts:
 - (1) Lightpoles shall have a maximum height of ten feet. Lightpoles shall be located seven and one-half feet from any property line except that when such property line abuts a public right-of-way, or waterway there shall be no required setback.
 - (2) All light from lightpoles shall be contained on-site or on any public right-of-way as required by the city Code.
2. The electrical panels shall be visibly screened from Public view.

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 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; See Compliance with the Zoning Code and Staff Analysis
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; See Compliance with the Zoning Code and Staff Analysis
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; See Compliance with the Zoning Code
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.

Not Satisfied; See Compliance with the Zoning Code and Staff Analysis

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; See Compliance with the Zoning Code and Staff Analysis

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 Applicable

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.

Not Satisfied; See Compliance with the Zoning Code and Staff Analysis

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.

Not Satisfied; See Compliance with the Zoning Code and Staff Analysis

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 applicant is proposing improvements to an existing surface parking lot. These improvements include resurfacing the lot, new landscaping, new light fixtures, the installation of new bicycle racks and a new circulation layout for the entire lot. The lot is owned by the City of Miami Beach with a portion of the lot utilized by Nikki Beach as part of their lease agreement with the City—Nikki Beach occupies the building adjacent to the lot to the east. The new layout will improve circulation throughout the site and more clearly separate the lot from the parking spaces utilized by the public versus the private spaces utilized by visitors specific to Nikki Beach.

The Capital Improvement Project team has been working closely with staff for over two years to create the best possible improvements for the site. The proposed plans include the elimination of green space at the southeast corner of the lot and the expansion beachward of additional parking resources. It is this elimination of greenspace and expansion of parking that is requiring the application for the parking lot improvements to be presented for approval by the Design Review Board.

Staff is amenable to the expansion of the parking area within that approximately 4,500 SF (50' x 90') green space area proximate to the southern wall of the ground floor of Nikki

Beach clubhouse, provided that the overall amount of green space throughout the entirety of the site would be increased. In this regard, it has increased from 26,824 SF to 27,551 SF of green space. Moreover, staff is highly supportive of the removal of the existing one-way curb cut along South Pointe Drive, allowing for a continuous uninterrupted pedestrian circulation along the sidewalk that terminates into a much utilized beach access point. This area was recently improved with outdoor showers, a beach concession stand, bicycle racks and public restrooms.

While staff is satisfied with the slight increase of overall green space, there are some design concerns regarding the proximity of some of the existing trees in relation to the construction required for the new improvements. Tree #104 (Green Buttonwood) and #117 (Seagrape) are located relatively close to the new parking spaces and curb cut. Tree #117 is further way from the curb, and staff's concerns can be alleviated by creating a larger landscape island which will begin to mitigate the proximity of the tree to the parking spaces. However tree #104 is located at the edge of the curb and may require relocation as determined by the City's Urban Forester.

The utilization of the southeast corner of the lot for additional parking resources (4 new accessible and 10 traditional spaces) has eliminated the existing pedestrian access that directed visitors to the beachside showers and concession building further east from the lot. Staff would recommend that a new pedestrian access be incorporated at this corner of the lot in a manner to facilitate a safe travel path for pedestrians.

The new layout of the site also includes a new parking and landscape "VIP Island" in front of Nikki Beach and on east-west axis of the primary two-way entrypoint off Ocean Drive. The island has a pedestrian access that is currently bisecting the southern landscape "lung". Staff would recommend that the location of the new pedestrian access be moved closer to the the parking spaces in order to maximize the planting spaces and create a better green edge along the drive. This change would also move the pedestrians further away from moving vehicular traffic.

The elevation of the sidewalks adjacent to the driveways on Ocean Drive appear to be unclear. Staff would recommend a more gradual change in grade from sidewalk to driveway than what is currently proposed. Additionally, staff has noted an inconsistency with the materiality of the pedestrian walkways--sheet C-6 calls out markings on the asphalt for the crosswalks, while sheet LA-3 shows decorative pavers. Staff would recommend all pedestrian walkways and crossings be decorative pavers within the site instead of concrete or asphalt with markings to better differentiate these areas.

Overall, staff is supportive of the improvements to the lot and would recommend approval based on the comments above.

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 and/or Practical Difficulty and Hardship criteria.

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: November 03, 2015

FILE NO.: 23196

PROPERTY: **1 Ocean Drive**

APPLICANTS: City of Miami Beach

LEGAL: Lots 1 thru 8, of Block 112 of OCEAN BEACH ADDITION NO.4, according to Plat thereof, recorded in Plat Book 3, at Page 151, Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the renovations, improvements, including resurfacing and new landscaping, to an existing surface lot.

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 1-5, 8 and 10 in Section 118-251 of the Miami Beach Code.
- C. The project would be 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 new home at 1 Ocean Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The light poles shall comply with the required height regulations of 10'-0" within any required yard, otherwise light poles be limited to 15'-0", in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The electrical panels and all other mechanical equipment proposed outside 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.
 - c. The Capital Improvement Project team shall explore the replacement of the existing "Pier Park" concrete sign to a more modern and contemporary signage typology found Citywide that adhere to our wayfinding signage standards, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The final Design details of the exterior 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.
 - e. 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.
 - f. 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, 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 improvements, 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. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. Existing trees to be retained on site in close proximity to new construction shall be evaluated by the City's Urban Forester prior to demolition in order to determine if the trees need to be relocated.
- f. No trenching shall be allowed around existing trees' roots to be retained, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. The utilization of Silva Cells may be required around the larger trees, subject to staff.

- h. The proposed landscape island around tree #117 shall be increased, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. Sidewalk elevation along Ocean Drive shall be further refined in order to minimize the grade change on the sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. The applicant shall supply a section through the sidewalks and driveways.
- j. A pedestrian crossway shall be provided in the Southeast corner of the lot, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. Decorative pavers shall be utilized in all pedestrian walkways and crosswalks on the drive aisles instead of markings on asphalt, 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 proposed pedestrian walkway on the new island shall have a minimum width of 5'-0" and be located towards the edge of the parking space instead of through the island to maximize the landscape planting areas, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- n. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- o. 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.
- p. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- q. 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.

- r. 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.
- s. 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. 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. During Construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an 8'-0" high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

- 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 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 for Design Review approval 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 "Surface Parking Lot -1A Improvements" as prepared by **Milian, Swain & Associates, Inc., SDM Consulting Engineers, and Rosenberg, Gardner Design** signed sealed and dated September 24, 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 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 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 shall 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_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of

_____ 20__ by Deborah J. Tackett, Design and Preservation Manager,
Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf
of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ (_____)

Filed with the Clerk of the Design Review Board on _____ (_____)

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