

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 01, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23026
4000 Alton Road Talmudic University

The applicant, Talmudic University, is requesting modifications to a previously issued Design Review Approval for the construction of a new five-story addition to the front of the existing building for accessory uses, and a new eight-story detached multifamily building on the south side of the property. This project is proposed to take place in two (2) phases as a phased development project. Specifically, design modifications to the new five-story addition to the front of the existing building in order to increase the overall height of the structure.

RECOMMENDATION:
Approval with conditions

LEGAL DESCRIPTION:
See attached Exhibit "A"

HISTORY:

2005—pursuant to DRB File No. 18215 the subject property obtained Design Review approval for the partial demolition and renovation of an existing seven story hotel, the construction of a new six story structure, and the construction of a new three story townhouse structure fronting Alton Road, in order to accommodate an educational institutional use within the property. That project never came to fruition.

June 28, 2005—The Planning Board approved a Conditional Use Permit under PB File No. 1718, for a religious institution in an RM-2 district.

December 17, 2013—the Planning Board reviewed a request to amend the Future Land Use Map of the Comprehensive Plan and the Official Zoning District Map of the City of Miami Beach, for parcels of land adjacent to the "Talmudic University Site", to change the Future Land Use Category for the subject parcel from the current ROS, "Recreation and Open Space," to "RM-2, Residential Multifamily Medium Intensity". The applicant also requested to amend the Official Zoning District Map of the Code of the City of Miami Beach, Florida, by changing the Zoning District Classification for the subject parcel from the current GU, "Government Use," to "RM-2, Residential Multifamily Medium Intensity". A separate code amendment that would increase the maximum allowable height on the site from the current 6 stories / 60 feet to 8 stories / 85 feet was also reviewed by the Board. The Planning Board (by a 5-0 vote) transmitted the proposed amendments to the City Commission with a favorable recommendation.

On February 06, 2014, the Planning Board approved modifications to the existing Conditional Use Permit. The University is currently operating under a Conditional Use Permit

(PB File No. 1718) for a religious institution in an RM-2 district.

On February 06, 2014, the Planning Board approved a Lot Split application, pursuant to PB File No. 2153; the Talmudic University and future residential partner will enter into a Covenant in Lieu of Unity of Title and an Easement and Operating Agreement for the operation of the property as a unified development site.

On March 04, 2014, the DRB approved the original application for the construction of a phased development project consisting of a new five-story addition to the front of the existing Talmudic University building for accessory uses, and a new eight-story detached multifamily building on the south side of the property.

March 07, 2014, the Board of Adjustment approved multiple variances associated with the project, pursuant to BOA File No. 3688.

September 01, 2015, the DRB approved an additional variance, as well as modified some of the prior variances, and approved exterior design modifications. (**Phase I changes only**).

SITE DATA:

Zoning	RM-2, Residential, Multifamily Medium Intensity
Proposed Height	88'-0" / Eight-story new tower* 71'-9" / Five-story addition 85'-0" / Five-story addition 98'-10" / projection
Maximum Height	85'-0" / Eight-stories

EXISTING STRUCTURE:

Eight-story educational facility structure

NEIGHBORING LAND USES:

North: Single-family and FDOT right of way

East: Surface parking lot / St. Patrick's Church (RM-1) and Single Family residences

South: FDOT right of way

West: FDOT right of way

THE PROJECT:

The applicant has submitted plans entitled "4000 Alton Road: Talmudic University Expansion" as prepared by **Zyscovich Architects** dated October 13, 2015.

The applicant, Talmudic University, is requesting modifications to a previously issued Design Review Approval for the construction of a new five-story addition to the front of the existing building for accessory uses, and a new eight-story detached multifamily building on the south side of the property. This project is proposed to take place in two (2) phases as a phased development project.

Phase I The first phase will consist of the new eight-story residential tower and site work including the demolition of two (1) one-story detached accessory buildings. A full building permit for the Phase I improvements shall be issued within thirty (30) months of the Board's original approval; and

Phase II will consist of the demolition of another one-story existing building in order to accommodate the new five-story addition to the Talmudic University building. A full building permit for the Phase II improvements shall be issued within twelve (12) months of the issuance of the final certificate of occupancy for the Phase I improvements.

The proposed modification is specific to Phase II, the existing Talmudic University and five-story addition, no changes are proposed to Phase I, the new eight-story residential building. Specifically, the applicant is seeking design modifications to the new five-story addition to the front of the existing building in order to increase the overall height of the new five-story structure.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code. 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.

Section 118-259 PHASED DEVELOPMENT PERMIT

A phased development permit shall apply to multiple building/structure development only and shall include all plans for each phase of the project as submitted, required and approved by the Design Review Board. The applicant shall request the Board approve a phased development at the public hearing and the Board shall specify a reasonable time limit within which the phases shall begin or be completed or both. The Board shall require a progress report from the applicant at the completion of each phase. A phased development permit shall not be a demolition, electrical, foundation, mechanical or plumbing permit or any other partial permit.

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.

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.
Not Satisfied; the landscape on the north parcel is not consistent with the prior approval. Staff will require the applicant to comply with the previously approved landscape scheme for the northern parcel.
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; the proposed height is within the allowable height permitted by the underlying zoning regulations.
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.
Satisfied
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a comprehensive lighting plan has not been submitted.
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Satisfied; additional site work will be required pertaining to the proposed location of surface parking areas.
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.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Satisfied; a complete roof plan inclusive of roof-top fixtures, air-conditioning units and mechanical devices has not been supplied.
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).

Satisfied

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied

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

Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The project was originally approved at the March 04, 2014 Design Review Board meeting for the construction of a new eight-story (85'-0" high) residential building on the southern portion of the property with a total of 72 residential units and the expansion of the existing Talmudic University.

The existing Talmudic University expansion consisted of a new, approximately 72'-0" tall addition for accessory religious uses proposed on the east side of the existing building facing Alton Road. The proposed expansion, identified as phase II, consists of the construction of an addition of a (5) five-story building on the eastern edge of the existing Talmudic University tower that is programmed to house a new cafeteria, study hall, library, and gym for the University. The architectural language of the new addition was always designed differently than the proposed residential tower, as it should be, since it is an expansion of the institutional use.

The proposed modifications to the new five-story addition proposed for the University building on the north side of the site include:

- An increase in height from 72'-0" to 85'-0". This modification does not require a variance.

The proposed modification does not result in an additional story or floor, but rather an expanded upper story to better accommodate sporting activities within the programmed top-floor gymnasium.

Staff is supportive of the change in height.

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.

TRM/JGM

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

MEETING DATE: December 01, 2015

FILE NO: 23026

PROPERTY: **4000 Alton Road**

APPLICANT(S): Talmudic University

LEGAL: See Exhibit "A" attached.

IN RE: The Application for Design Review Approval for modifications to a previous Design Review Approval for the construction of a new five-story addition to the front of the existing building for accessory uses, and a new eight-story detached multifamily building on the south side of the property. This project is proposed to take place in two (2) phases as a phased development project. Specifically, design modifications to the new 8-story detached multifamily building including modifications to previously approved variances and the addition of a new variance to exceed the maximum permitted building height. This project had previously obtained approval for multiple variances from the Board of Adjustment.

SUPPLEMENTAL 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 a 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, 9, 11, and 14 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. The applicant shall comply with all the conditions imposed by the Planning Board Final Orders No. 1718 and No. 2153.
 2. All of the original conditions of approval by this Board shall remain in effect except as modified herein:
 - a. The height of the top floor of the new addition to Phase II only shall be no greater than 85'-0".

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. 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.
- B. 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.
- C. 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.
- D. 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
- E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "4000 Alton Road" as prepared by **Zyscovich Architects** dated 11/12/13 and revised sheets submitted at the March 04, 2014 Design Review Board meeting, and the plans entitled "4000 Alton Road: Talmudic Univeristy Expansion" as prepared by **Zyscovich Architects** dated October 13, 2015, 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

