

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation Board

Design Review

TO: DRB Chairperson and Members

DATE: January 2, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}


for TRM

SUBJECT: **DRB23-0937**
10 Venetian Way

An application has been filed requesting Design Review Approval for modifications to the landscape plans and fencing for the property.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Tract E, Less Southeasterly 238 Feet, AKA The Grand Venetian Condominium, Belle Isle Southeast, according to the Plat Thereof, as Recorded in Plat Book 53, Page 24, of the Public Records of Miami-Dade County, Florida.

BACKGROUND:

On December 4, 2007, the Design Review Board approved landscaping and fencing related to the Grand Venetian Condominium project, pursuant to File No. 21225.

SURROUNDING PROPERTIES:

North	Residential Multifamily
East:	Biscayne Bay
South:	Residential Multifamily
West:	Belle Isle Park

THE PROJECT:

The applicant has submitted plans entitled "Grand Venetian", as prepared by **Gardener + Semler Landscape Architecture**, signed, sealed and dated 05/10/23.

The applicant is proposing modifications to the existing landscape, as well as the introduction of a new access gate with associated fencing for the existing bay walk sited on the eastern edge of the property.

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.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Partially Satisfied; see staff Analysis.
- b. 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.
Partially Satisfied; see staff Analysis.
- c. 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 Applicable
- d. 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 2.5.3.2.
Partially Satisfied; see staff Analysis.
- e. 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 article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.
Partially Satisfied; see staff Analysis.
- f. The proposed structure, 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.
Partially Satisfied; see staff Analysis.
- g. 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 Applicable
- h. 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 safety 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 Applicable

- i. 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

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Partially Satisfied; see Staff Analysis

- k. 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

- l. 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

- m. 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

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Not Applicable

- o. 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

- p. 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

- q. 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
- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights- of-way.
Not Applicable
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Satisfied

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- 1. A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- 2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- 3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- 4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- 5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Not Applicable
- 6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Not Applicable
- 7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall,

whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Not Applicable

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

10. In all new projects, water retention systems shall be provided.

Not Applicable

11. Cool pavement materials or porous pavement materials shall be utilized.

Not Applicable

12. The project design shall minimize the potential for a project causing a heat island effect on site.

Not Applicable

STAFF ANALYSIS:

The Grand Venetian Condominium is located on Belle Isle at the southeast corner of Venetian Way and Island Avenue. The eastern portion of the site has an existing bay walk that runs along Biscayne Bay and is accessed by the public from the sidewalk on the south side of Venetian Way. In 2007, the DRB reviewed and approved an application for revisions to the landscape and fencing on the property, specifically as it related to the northern portion of the site and the bay walk. These revisions included a requirement to remove tall hedges planted within the right of way and limited the height of hedging along the northern property edge and walkways. This approval also required that the existing bay walk be open from dawn to dusk.

The applicant is proposing new modifications to the existing landscape, as well as the installation of a new gate and fence adjacent to the bay walk. The landscape plan proposes to modify some of the existing plant material and replace them with low to medium height plantings that include dwarf clusias, seagrapes, cocoplum and other groundcovers. Furthermore, a new fence and gate is proposed at the northeastern portion of the site to secure the private areas of the property and enforce the hours of access condition.

It is important to note that bay walks located on private properties, such as the subject property, are not publicly owned or public rights-of-way. Most of the bay walks open to the public on Belle Isle and along West Avenue include some form of security mechanism to ensure the safety of building residents during those times that a bay walk is not open to the public. As such, staff is not opposed to the proposed introduction of a gate and fencing, to address the security needs of the subject property, as it is consistent with a number of other similar bay walks.

Staff has recommended modifications to the proposal, as more specifically noted in the draft order, to maintain continued visibility of the bay from the sidewalk, as well as ensure public access during daytime hours. The following is a general summary of these conditions:

1. A separate, detailed bay walk condition, which is consistent with other publicly accessible bay walks approved for properties on Belle Isle and West Avenue. This includes a more defined operational timeframe of 6:00 a.m. to 9:00 p.m. daily for the bay walk access gate to be open to the public.
2. The proposed “Grand Venetian Private Property Residents Only” sign be removed and relocated away from the proposed bay walk public access sign.
3. The bay walk public access sign header shall be revised to read “Public Access Daily From 6:00 A.M. to 9:00 P.M. Only” with larger, more legible letters.
4. The proposed bay walk public access sign shall be mounted on the gate or immediately adjacent to the gate.
5. The existing Ligustrum tree at the northeast side of the site shall be relocated into the upland landscaping to enhance views to the waterfront.

In summary, staff recommends approval of the application, subject to the modifications proposed herein and included as conditions in the attached draft order.

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 Sea Level Rise criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: January 2, 2024

PROPERTY/FOLIO: **10 Venetian Way 02-3233-068-0001**

FILE NO: DRB23-0937

IN RE: An application for Design Review Approval for modifications to the landscape plans and fencing for the property.

LEGAL: Tract E, Less Southeasterly 238 Feet, AKA The Grand Venetian Condominium, Belle Isle Southeast, according to the Plat Thereof, as Recorded in Plat Book 53, Page 24, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Grand Venetian Condominium Association, Inc.

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 2.1.3.1 of the Land Development Regulations. 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 consistent with Design Review in Section 2.5.3.1 of the Land Development Regulations.
- C. 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 consistent with Sea Level Rise in Section 7.1.2.4(a)(i) of the Land Development Regulations.
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:
 - 1. A revised site plan and corresponding sections shall be submitted to and approved by staff. At a minimum, such plans shall incorporate the following:

- a. The proposed “Grand Venetian Private Property Residents Only” sign shall be removed or relocated away from the proposed bay walk public access sign, in a manner to be reviewed and approved by staff.
 - b. The bay walk public access sign header shall be revised to read “Public Access Daily From 6:00 A.M. to 9:00 P.M. Only” with large and legible letters, in a manner to be reviewed and approved by staff.
 - c. The proposed bay walk public access sign shall be mounted on the gate or immediately adjacent to the gate, subject to the review and approval of staff.
 - d. The proposed fence and gate shall consist of aluminum pickets and shall not exceed five (5') feet in height, as measured from the ground level of the location of the gate. The final design, dimensions, details and materials of the proposed fence and gate shall be subject to the review and approval of staff.
2. The applicant has voluntarily offered, proffered and agreed to provide a public bay walk (“Public Bay walk”) along the eastern portion of the subject site, as more specifically noted in the submitted plans and in accord with the following conditions. This proffer and its acceptance are based on a particularized evaluation and assessment of the subject project, the rational nexus between such project and impacts to the local transportation network, and the rational nexus and rough proportionality between the project and impacts to the transportation network and the bay walk proffered. The following conditions pertain to the Public Bay walk and are subject to change upon further review by the City Attorney’s Office and other departments:
- a. Prior to the issuance of a building permit for any work approved by the Design Review Board, as it relates to the subject project, the applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to maintain a Public Bay walk including any required easements, in perpetuity, and confirming public access to such Public Bay walk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
 - b. The Public Bay walk shall commence at the northeast corner of the property, via a direct connection to the public sidewalk on the south side of Venetian Way. The Public Bay walk shall continue southward along the entire portion of the property fronting the bay.
 - c. The Public Bay walk shall connect directly to any future Public Bay walk to the south and west of the property.
 - d. The Public Bay walk may be secured and segregated from the upland portions of the site, in a manner to be reviewed and approved by staff.
 - e. The Public Bay walk shall be open to the public from 6:00 a.m. to 9:00 p.m., 7 days a week, or as otherwise determined by the City Commission, upon

the City Commission's future adoption of uniform rules relating to public bay walks.

- f. The applicant may install an operable gate and fence to restrict public access to the Public Bay walk, in accordance with the plans approved herein and subject to the review and approval of staff. Such operable gate shall include an automatic timing device, in order to ensure that the Public Bay walk is open between the hours of 6:00 a.m. and 9:00 p.m. Access by the public to the Public Bay walk shall only be restricted between the hours of 9:00 p.m. and 6:00 a.m., unless determined otherwise by the City in the event of an emergency, dangerous condition or other circumstance that would render usage of the Public Bay walk a safety risk.
 - g. The applicant shall be responsible for the maintenance, repair and, if necessary, the replacement, if destroyed in whole or part, of the full Public Bay walk, including the seawall.
 - h. The installation of fences, gates or other barriers, which permanently block public access to the Public Bay walk shall be prohibited, unless determined otherwise by the City in the event of an emergency, dangerous condition or other circumstance that would render usage of the Public Bay walk a safety risk.
 - i. If the applicant sells, leases or otherwise conveys the property, these conditions shall run with the land, and the applicant's successors shall be obligated to comply with these conditions.
 - j. Any violation of these conditions shall be subject to a notice of violation and enforcement by the Special Master or any alternative remedy available to the City.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans 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 plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. The landscape plan shall be installed and maintained in accordance with plans approved herein, and all applicable conditions of this order.
 - b. All landscape areas that are approved to utilize FIGI, *Ficus macrocarpa* "Green Island Ficus" shall not exceed 24" inches in overall height at any time.
 - c. The existing *Ligustrum* tree at the northeast portion of the property shall be relocated to enhance views to the waterfront. The new location of this tree shall be subject to the review and approval of staff.

- d. The plans shall comply with applicable line-of-sight visibility triangle requirements, subject to the review and approval of staff.
- e. Any 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.
- f. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- g. 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.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- i. 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to 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.

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. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

- C. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- D. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- 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. 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 revised plans entitled "Grand Venetian", as prepared by **Gardener + Semler Landscape Architecture**, signed, sealed and dated 05/10/23, 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Planning & Design Officer
For Chairman

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Michael Belush, Planning & Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

{NOTARIAL SEAL}

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

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

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