

PLAN CORRECTIONS REPORT (DRB23-0994)

Submittal Intake

Version: 2

Date Received: 03/11/2024

Date Completed: 03/19/2024

1. Planning Landscape Review - Pass

Philip Byrnes Ph: email: PhilipByrnes@miamibeachfl.gov

2. DRB Plan Review - Fail

Giselle Deschamps Ph: email: giselledeschamps@miamibeachfl.gov

Comments: PLANNING DEPARTMENT
Staff First Submittal Comments

Design Review Board

Final Submittal & Formal Submittal (CSS): 04/07

PLAN ADDRESS: 40 Island Ave
Miami Beach, FL 33139-1355
APPLICATION DATE: 12/18/2023

PARCEL: 0232330040090
DESCRIPTION: redevelopment of east wing

EXPIRATION DATE:
SQUARE FEET: 0
VALUATION: \$0.00

CONTACTS	Name	Company	Address
Applicant	nicholas rodriguez	Bercow Radell Fernandez Lrkin	200 S Biscayne Boulevard 200 S Biscayne Boulevard, Suite 850 850 Miami, FL 33131
Contact	Diana Ramos	Bercow Radell Fernandez Larkin	200 South Biscayne 850 Miami, FL 33131
	MAIDOLY TELLERIA	Bercow Radell Fernandez Larkin	200 S. Biscayne Boulevard Suite 300 Suite 300 Miami, FL 33131

Notice to proceed issued: 04/17
Agenda finalized & all fees paid by: 04/19 Tentative
DRB meeting agenda date: 06/04

Draft Notice:

DRB23-0994 40 Island Ave: An application has been filed requesting Design Review Approval for a new five story hotel and multi-residential building on the east wing including a variance for the required sum of the side yard setback, a variance to aggregate three lots, including one or more waivers, to replace existing structures.

Please provide a narrative response to the comments listed below.

1. APPLICATION COMPLETENESS

- The elevations shall include the materials and finishes. [Please see revised sheet A6.00 Details + Materials.](#)
- Provide a separate diagram that references all variances/waivers requested. [Please see sheet A3.03.5 Variances + Waivers Exhibit.](#)

- Submit drawings that show the required yard and elevations of all encroachments. [Please see revised sheets A2.01, A0.03.6](#)

2. ARCHITECTURAL REPRESENTATION

3. DESIGN RECOMMENDATIONS

- All portions of the accessible roof deck, including railing should be setback a minimum 10 feet from enclosed floor below on the entire eastern elevation. [Approximately 4'-7" landscape buffer provided as well as significant existing mature landscape buffer on ground level.](#)
- The extent of clear glazing should be drastically reduced as currently there is floor to ceiling glazing proposed along the entire eastern elevation overlooking all of the single-family homes along Farrey Lane. [Please see revised sheets A4.05, A4.06, A4.50](#)
- The actual building massing should be modulated so that there is not a continuous mass along the eastern elevation. [Please see revised sheets A4.05, A4.06, A4.50.](#)
- Completely remove the fourth and fifth floor facing east. There are extensive balconies for these units facing west. [No balconies proposed on levels 4 and 5. Only exterior corridor to meet life safety requirements.](#)

4. ZONING COMMENTS

- Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic. Notwithstanding the foregoing, for residential buildings with fewer than 25 units, drives shall have a minimum width of 18 feet for two-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those parking areas underneath a building or structure, the two-way curb-cut and driveway entrance shall have a minimum width of 12 feet. [Please see revised sheet A2.00 Site Plan.](#)

- b. The first habitable level shall have a minimum floor-to-ceiling height of 12 feet in order to allow for the future retrofit and raising of the first habitable level, or if Design Flood Elevation (DFE) is adjusted upward in the future.-Waiver is being requested. [Please see revised sheet A0.03.6 Acknowledged.](#)
- c. For the purpose of these regulations a loading space is a space within the main building or on the same lot, logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used but not less than ten feet by 20 feet, and accessible to such vehicles when required off-street parking spaces are filled. [Please see revised sheets A2.01, A2.07.](#)
- d. Dimensions for valet and tandem parking spaces shall be eight and one-half feet in width by 16 feet in depth. Dimensions for tandem parking spaces shall be a minimum of eight and one-half feet in width by 32 feet in depth, with a maximum stacking of two vehicles per space, except as provided in subsection 5.2.4.1.b.1. [Please see revised sheet A2.20.](#)
- e. Tandem parking spaces may be utilized for self-parking only in multifamily residential buildings and shall have a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner. [Please see revised sheet A2.01, A2.20. \(Parking for residence only shaded in grey\). Tandem spaces will be valet only. Covenant to be provided during permitting.](#)
- These comments have been provided as a preliminary review of the documents and plans submitted and are subject to additions and/or deletions pending further review. [Acknowledged](#)

Final Submittal File Naming

All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'. For example, if the deadline for first submittal is October 29, 2017 the file name would be '10-29-2017 Application'. Use this naming format for first and final CSS submittals. The uploaded file retains the name as it has been saved on your computer. The file name cannot be changed, and the file cannot be deleted once it is uploaded.

Please use names for the most common types of files. If the document type is not listed below, please use a document name that clearly identifies the file.

Document Name Description

Application Completed Land Use Board Application form including Exhibit A

LOI Letter of Intent

Checklist Pre-application Checklist

Labels Mailing Labels, List of Property Owners, Certified Letter and Map

BTR Copies of Previous Business Tax Receipts

Survey Recent Signed and Sealed Survey

Plans Architectural Plans and Exhibits

Landscape Landscaping Plans and Exhibits

HRRHistoric Resources Report

Microfilm Building Card and Microfilm

Traffic Traffic Study

Sound Sound Study

All pages of a document must be uploaded in one PDF file. Do not upload individual pages of a document.

3. DRB Admin Review - Fail Gabriela Freitas Ph: email: gabrielafreitas@miamibeachfl.gov Comments: Please see unaddressed comments, have these corrections completed by Notice to Proceed.

Comments: Submit owners mail labels in Excel.

Noted.

Page 6 of Application: Disclosure must include all owners with corresponding percentages (%) of ownership for anyone that holds 5% or more.

All persons with a 5% or greater interest have been disclosed.

Submit checklist. Must include name, signatures, and date. **No checklist was provided.**

Submittal Intake

Version: 1

Date Received: 01/17/2024

Date Completed: 01/29/2024

4. Planning Landscape Review - Fail Philip Byrnes Ph: email: PhilipByrnes@miamibeachfl.gov

Comments: The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the landscape plan.

A fully automatic irrigation system with 100% coverage to ground floor and roof level planting and an automatic rain sensor in order to render the system inoperative in the event of rain. Irrigation systems shall be designed and installed corresponding to the water requirements of the proposed plantings and as required in the Chapter 4 Landscape Ordinance.

Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

5. DRB Plan Review - Fail

Comments: PLANNING DEPARTMENT
Staff First Submittal Comments

Giselle Deschamps Ph: email: giselledeschamps@miamibeachfl.gov

Design Review Board

Final Submittal & Formal Submittal (CSS): 02/04
Notice to proceed issued: 02/14
Agenda finalized & all fees paid by: 02/16 Tentative
DRB meeting agenda date: 04/02

Draft Notice:

DRB23-0994 40 Island Ave: An application has been filed requesting Design Review Approval for a new five story multi-residential building including a variance for the required interior side setback, including one or more waivers, to replace a portion of the existing structure.

Please provide a narrative response to the comments listed below.

1. APPLICATION COMPLETENESS

- a. Please specify if the alternate owner is a partnership, corporation, or limited liability in the application (circle one on sheet four). **ATT**
- b. Provide a copy of the signed and dated pre-application checklist. **ATT**
- c. Provide the school concurrency list that will be emailed separate to the applicant, the information on the concurrency list will be transmitted to Miami Dade County Public Schools. MDCPS will contact the applicant to pay the fee for the Initial evaluation. The applicant must provide proof that this Initial evaluation is paid as soon as possible in order to proceed and keep the item on the agenda, please note that MDCPS may require additional steps to satisfy school concurrency, this process needs to be finalized in order to obtain a building permit. **O/ATT**
- d. The elevations shall include the materials and finishes. [Please see sheet A6.00 Details + Materials.](#)
- e. Provide a separate diagram that references all variances/waivers requested. [KKAID – Please see variances + Waivers table on sheet A0.03.](#)
- f. Submit drawings that show the required yard and elevations of all encroachments. [KKAID – Please see sheet A0.03.1.](#)

2. ARCHITECTURAL REPRESENTATION

- a. Include the cost of estimate under a separate cover or in the letter of intent. **O/ATT**
- b. Add "FINAL SUBMITTAL" and DRB File No. to front cover title for heightened clarity. [Please see revised sheet A0.00](#)
- c. Final submittal drawings need to be DATED, SIGNED AND SEALED. [Acknowledged.](#)

3. DESIGN RECOMMENDATIONS

4. ZONING COMMENTS

- a. Parking at the Understory Level shall be lined along a minimum of 50 percent (50%) of the built frontage with non-residential uses, lobbies or stoops that provide access to the First Habitable Level (FHL). [Please refer to sheet A2.01.](#)
- b. The total width of the entrance and exit drives shall not exceed 22 feet. [KKAID narrative response – Primary building frontage is 100% lined by lobby and hotel \(Island Ave\).](#)
- c. The first habitable level shall have a minimum floor-to-ceiling height of 12 feet in order to allow for the future retrofit and raising of the first habitable level, or if Design Flood Elevation (DFE) is adjusted upward in the future. [KKAID - Please refer to the variances and waivers table provided on sheet A0.03](#)
- d. Provide an overall site plan that shows the location of the west and east wing among all other existing structures. The site plan shall be consistent with the setback diagram. [KKAID – Please see sheet A2.00](#)
- e. Balcony #1 and #25 on the ground to roof level (east wing) is not included in the F.A.R. calculation. Please clarify if the balcony is unenclosed for further review. [KKAID – Please see sheets A1.03-A1.07. The balconies are unenclosed.](#)
- f. Provide a lot coverage calculation and shaded diagram for further review. [KKAID – Please see sheet A0.03.3](#)
- g. There are a total of 13 hotel rooms that are less than 335 S.F. in level 2 and 3. Please be aware that only 15% of the hotel units shall consist of units between 300-335 S.F. [KKAID – Please see sheets A2.21-A2.22. Hotel unit sizes comply.](#)
- h. For the purpose of these regulations a loading space is a space within the main building or on the same lot, logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used but not less than ten feet by 20 feet, and accessible to such vehicles when required off-street parking spaces are filled. [KKAID – Please see sheet A2.07](#)
- i. As per the survey, the lot area is 110,261 S.F. however, the lot area noted on the zoning data sheet is 101,500 S.F. Please clarify the discrepancy in the lot area. [KKAID - Please see sheet A0.03](#)
- j. Grade elevation shall be taken from the crown of road that is provided in the survey. Please revise the grade elevation in the zoning data sheet. [KKAID - Please see sheet A0.03](#)
- k. Provide short and long-term bicycle parking that is in compliance with sec. 5.2.5. [Please see revised data sheet A0.03. Please see revised site plan sheet A2.00. Please see revised ground floor plan sheet A2.01. 26 long term shown on A0.03](#)
- l. Provide a written narrative with responses upon the next submittal. [Acknowledged.](#)

These comments have been provided as a preliminary review of the documents and plans submitted and are subject to additions and/or deletions pending further review.

Final Submittal File Naming

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Please use names for the most common types of files. If the document type is not listed below, please use a document name that clearly identifies the file.

Document Name	Description
Application	Completed Land Use Board Application form including Exhibit A
LOI	Letter of Intent
Checklist	Pre-application Checklist
Labels	Mailing Labels, List of Property Owners, Certified Letter and Map
BTR	Copies of Previous Business Tax Receipts
Survey	Recent Signed and Sealed Survey

Plans Architectural Plans and Exhibits
Landscape Landscaping Plans and Exhibits
HRRHistoric Resources Report
Microfilm Building Card and Microfilm
Traffic Traffic Study
Sound Sound Study
All pages of a document must be uploaded in one PDF file. Do not upload individual pages of a document.

6. DRB Admin Review - Fail

Gabriela Freitas Ph: email: gabrielafreitas@miamibeachfl.gov

Comments: Submit checklist. Must include name, signatures, and date.

Electronic files cannot exceed 25M; the files can be divided in two or more files if necessary.

Page 6 of Application: Disclosure must include all owners with corresponding percentages (%) of ownership for anyone that holds 5% or more.

COMMENTS ISSUED BY 01/24/24.

Final electronic submittal is due by 02/04/24.

The following fees will be invoiced prior to the Notice to Proceed deadline 02/14/24.

1. Mail Label Fee
2. Advertisement
3. Board Order Recording
4. Courier
5. Posting
6. Variance(s) (If required)
7. Sq. Ft Fee (If required)

Final paper submittal shall be provided before 1 p.m. (Tardiness may affect being placed on the agenda) and ALL FEES MUST BE PAID BY 02/16/24.

NOTE: Please keep in mind that the submittal MUST be consistent with the plans / document that were submitted electronically, which allowed the application to receive a Notice to Proceed. As customary, nothing can change between the Formal Submittal and the scheduled date of hearing.

The following must be submitted for Final Submittal to the attention of Gabriela Freitas – Planning Department. Please leave your package with Central Services on the first floor of City Hall.

- One (1) original application (Proper signed and notarized affidavits and Disclosures must be provided).
- One (1) original Letter of Intent.
- One (1) original set of architectural plans signed, sealed, and dated. (11x17)
- One (1) original signed, sealed, and dated Survey. (11x17)
- Two (2) sets of Mailing labels must be provided including Letter certifying the labels, radius map, gummed labels, and Labels CD done with the proper Excel format specified by the Planning Department.
- Any additional information/documents provided (i.e., traffic studies, concurrency, reports, etc.).
- A CD/DVD containing a digital version of the documents and plans submitted – USBs will NOT be accepted. The CD must be in the proper format specified by the Planning Department (Each document must be less than 25MB).
- Each file document must be labeled by day of submittal and document name.

NOTE: Please make sure you identify the final submittal by the file number and address at time of drop off. (Attn: Planning Department – Gabriela Freitas)

Should you have any further questions, please contact:

GabrielaFreitas@miamibeachfl.gov

Submit owners mail labels in Excel.
