



MIAMI BEACH

PLANNING DEPARTMENT

DESIGN REVIEW BOARD STAFF REPORT

FROM: Richard G. Lorber, AICP, LEED AP
Acting Planning Director *MLC for RGL*

DATE: December 1, 2009 Meeting

RE: Design Review File No. 22561
1681 Lenox Avenue

The applicant, Lenox Ave I LLC., is requesting Design Review Approval for the construction of a new 2-story commercial building, which will replace an existing surface parking lot, to be demolished.

LEGAL DESCRIPTION:

Lots 16 & 17, Block 38, Palm View Subdivision, according to the Plat Thereof, as Recorded in Plat Book 6, Page 29, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning -	CD-3 (Commercial, High Intensity)
Future Land Use Designation-	CD-3 (Commercial, High Intensity)
Lot Size -	16,000 S.F.
Existing FAR -	N/A (Surface Parking Lot)
Proposed FAR -	13,990 S.F. / 0.88 (Max FAR = 2.25), as represented by the applicant
Existing Height -	N/A (Surface Parking Lot)
Proposed Height-	2-stories / 22 feet
Existing Use -	Surface Parking Lot
Proposed Use -	Retail and Restaurant

THE PROJECT:

The applicant has submitted plans entitled "Lenox Avenue Retail Building", as prepared by itecdesign, dated October 21, 2009.

The applicant is proposing to replace the existing surface lot with a new 2-story retail and restaurant building. The subject lot is located within Parking District No. 2, which has no parking requirements for retail or restaurant use, and no parking is proposed. Pedestrian entrances are located along Lenox Avenue, and an exterior service corridor is provided along the south side of the building, adjacent to the City parking lot, and also along the rear of the building along the east elevation.

COMPLIANCE WITH ZONING CODE:

The application, as proposed, is inconsistent with the following requirements of the City Code; consequently, a variance from the Zoning Board of Adjustment shall be required if applicable.

1. The sign shown on the north elevation is not permitted.
2. The applicant must verify that the existing parking is not required parking for any other site.

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.

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.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; See Zoning Analysis

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 Staff Analysis and Condition No. 2
The landscape in the right of way along the Lenox Avenue street frontage is under developed.
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Satisfied
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; See Staff Analysis and Condition No. 1
Due to their high visibility, the north and south elevations require further design development.
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Satisfied
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Satisfied; See Staff Analysis and Condition No. 2
See 4 above.
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).
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.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
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:

The applicant has proposed a highly noteworthy site plan and elevation design scheme, which staff believes is largely compatible with the surrounding neighborhood. The servicing of the building has been appropriately configured, with trash and mechanical rooms located on the east side of the building, and an open service corridor along the south elevation, adjacent to the Municipal parking lot.

Staff is highly complimentary of the architectural team for the advanced design concept proposed. The application of diverse surface finishes, combined with the movement of the storefront system and projecting canopy at the front of the property, create a highly energetic and forward thinking design approach. The proposed structure further advances the evolution of high architectural standards within the commercial zone just north of historic Lincoln Road.

In reviewing the submitted application package, staff did note some minor concerns relative to the design and color scheme proposed for the north and south elevations, as well the lack of any street trees along Lenox Avenue. The quality of the renderings in the application package may have something to do with the color issues that confronted staff when reviewing the plans. In general, the color scheme proposed is developed, and takes advantage of strategic contrasts in materials, windows frames and wall surfaces.

First, although the subject structure is located mid-block between Lincoln Road and 17th Street, both the north and south elevations will be highly visible due to the large municipal parking lot abutting the property to the south, and the smaller parking lot and single story building abutting the lot to the north. Due to this condition, staff believes that minor fine tuning of both elevations would be in order to break down the long horizontal mass of the building. In this regard, staff would recommend that the porcelain tile on the north and south sides of the structure be consistent with the lighter color shown on the elevation sheets, and not the darker color shown on the renderings. The applicant may wish to further develop the color scheme of the tile sections, as a slightly darker color could be successful, without creating a dark and gothic appearance. Also, on the north elevation, additional fenestration in the form of ribbon windows or storefront (to the extent permitted by Building Code), as well as further design development, should be explored, in order to help break-up the long solid massing.

Second, staff is concerned with the lack of landscaping proposed along Lenox Avenue, and would recommend that at a minimum, three (3) canopy trees, consistent with the streetscape plan for Lenox Avenue be evenly placed along the sidewalk in the public right-of-way. Also, staff would recommend that the raised planters proposed along the south elevation be further studied by the applicant, as the structure of the raised planters may limit the planting width that is provided. Staff recognizes that the south side of the property faces a municipal parking lot, and that raised planters may provide a more protected landscape holding area, particularly if there are differences in finished grade. However, an at grade planting area may allow for more substantial landscape material.

Lastly, staff is concerned with the impact that a 2-story building facade located on the north property line will have on the quality of life for the residents of the abutting single story apartment building, which is only setback approximately five (5') feet from its south property line. Such apartment building is comprised of four (4) units, each with their primary entrances located on the south side of the building, which will directly face the north elevation of the proposed new structure. Such a condition will severely reduce the amount of light and air afforded the residents, and result in undesirable living conditions. Staff would recommend that the north elevation of the proposed new building be setback five (5') feet, only along the portion of the north elevation which directly faces the single story apartment building. This additional setback will allow for the planting of shade tolerant landscaping, including understory planting, which will soften the transition between the two buildings and also allow a sufficient amount of light and air between the buildings. Staff believes that a setback of less than five (5') would not allow for the maintenance of landscape placed along the north elevation, and could also render the multifamily building unlivable.

Staff is confident that these issues, as well as other minor design details, can be easily addressed at the administrative level, as indicated in the recommendation.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be approved, subject to the following conditions, which address the inconsistencies with the aforementioned Design Review criteria:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. Bicycle racks shall be required. The quantity, placement, design and materials of such bike racks shall be made part of the Building Permit plans and shall be subject to the review and approval of staff.
 - b. The paving pattern proposed within the public right-of-way shall not be permitted. All paving within the public right-of-way shall be consistent with the master streetscape plan for Lenox Avenue.
 - c. The porcelain tile on the exterior elevations shall be consistent with the lighter color shown on the elevation sheets, and not the darker color shown on the color renderings. The final tile color scheme shall be subject to the review and approval of staff.
 - d. Additional design development and fenestration shall be required on the north elevation, in order to break down the horizontality of the façade, in a manner to be approved by staff.
 - e. The portion of the north elevation of the proposed new building which is located eastward of column line 'd', shall be setback five (5') feet, from the north property line, in a manner to be reviewed and approved by staff. Within this setback, shade tolerant landscape material, including understory planting, shall be provided, in a manner to be reviewed and approved by staff.
 - f. The final design and details of all exterior surface materials and finishes, including railing details, shall be provided, and shall be subject to the review and approval of staff.
 - g. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - h. Any roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be approved by staff.
 - i. 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 detailed 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. At a minimum, three (3) new street trees, with the City standard bound aggregate system, with irrigation and uplighting, shall be required, in a manner to be reviewed and approved by staff.
 - b. All exterior walkways shall consist of decorative pavers, set in sand or other decorative material, subject to the review and approval of staff.
 - c. 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, shall be

- required for all landscaped areas. Right-of-way areas shall also be incorporated as part of the irrigation system.
- d. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - e. 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; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - g. Prior to the issuance of a Certificate of Occupancy, 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.
3. All building signage shall be consistent in type, composed of non-plastic, individual letters and shall require a separate permit.
 4. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 5. 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.
 6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
 7. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of

Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.

- b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
8. 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.
 9. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 10. 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.
 11. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.