

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 5, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB24-1050
West Avenue Phase II Right of Way improvements

An application has been filed requesting modifications to a previously approved Design Review Approval for construction of improvements in the rights-of-way for the area generally bound by 8th Street to the south, Collins Canal to the north, just west of Alton Rd. to the west, and Biscayne Bay to the east, including all side streets in-between (Previously approved as file no. DRB21-0704). Specifically, the modification is for the approval of Street Lighting and Generator Screening.

RECOMMENDATION:

Approval.

BACKGROUND:

On January 2, 2019, the West Avenue Phase II Improvements, and specifically the conversion of the street-ends into parks, was reviewed by the Design Review Board as a discussion item.

On April 5, 2022, the subject application was approved by the DRB, with the exception of light fixtures and generator screening, which were continued to the June 7, 2022, DRB meeting. On June 7, 2022, the light fixtures and generator screening portions of the project were continued to the September 6, 2022, meeting but no action was taken on the application.

THE PROJECT:

The applicant has submitted plans entitled "Lighting Submittal West Avenue Improvements ", as prepared by **ANIXTER INC.**, dated 9/24/2021 and plans entitled "Pump Station #27 Emergency Generator", "Pump Station #28 Emergency Generator", and "Pump Station #33 Emergency Generator", as prepared by **CES Consultants**.

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.

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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.
Satisfied
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.

Not Applicable

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.

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.

Satisfied

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.

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
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code 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
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development 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 126 of the City Code.
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.
Satisfied
- (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.

Satisfied

- (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:

DESIGN REVIEW

The Office of Capital Improvements Projects (CIP) has submitted an application to the Design Review Board seeking approval of the exterior street lighting and generator screening for the West Avenue Phase II Improvement Project. The remainder of the project, which involves rebuilding West Avenue and upgrading the underground infrastructure, was previously approved by the DRB on April 5, 2022. The project site extends northward from 8th Street to Collins Canal, and eastward from Biscayne Bay to just west of Alton Road, encompassing all side streets in-between.

The proposed street lighting is contemporary in design, with round tapered poles, flared edges and a stepped base housing fixture. The pedestrian lighting consists of a Poulsen fixture with a flat molded fiberglass shade top. Both light fixtures and poles black, consistent with similar lighting installed in the city, and staff is supportive of the proposed lighting.

The project contains three pump stations; one at 14th Street (Pump Station 33) and two at 17th Street (Pump Stations 27 and 28), all of which are located at street ends fronting Biscayne Bay. Pump Station 27 is located on the northern half of the street end and Pump Station 28 is located on the southern half.

The above ground generators are proposed to be screened with a 6-foot-high fence and landscaping consisting of Simpson's Stopper trees. The generators will ensure that the stormwater pump stations will be able to function in case of a power outage. The proposed landscape screening will mitigate the visual impact of the generators on the surrounding community.

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, Sea Level Rise criteria and Practical Difficulty and Hardship criteria.

DESIGN REVIEW BOARD

City of Miami Beach, Florida

MEETING DATE: November 5, 2024 & April 5, 2022

PROPERTY/FOLIO: **West Avenue Phase II Right of Way Improvements**

FILE NO: DRB24-1050 A.K.A. DRB21-0704

IN RE: An application for Design Review Approval for the construction of improvements in the rights-of-way for the area generally bound by 8th Street to the south, Collins Canal to the north, just west of Alton Rd. to the east, and Biscayne Bay to the west, including all side streets in-between. Improvements include, but are not limited to, infrastructure for storm water drainage, sanitary sewer and water mains, elevation of roadways, new hardscape and landscaping, new protected bike lanes on West Avenue, new street and pedestrian lighting, harmonization to adjacent properties, bay walk and seawall construction at the Lincoln Rd. street end, and small parks with storm water pump stations and associated infrastructure at the street ends of 10th Street, 14th Street, 16th Terrace, 16th Ct., Bay Rd, and Lincoln Road.

APPLICANT: City of Miami Beach

MODIFIED 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 consistent with Design Review Criteria in Section 118-251 of the Miami Beach Code.
- 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 inconsistent with Sea Level Rise Criteria 1 in Section 133-50(a) of the Miami Beach Code
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The final landscape plans shall be coordinated with the engineering drawings to ensure that the generators proposed within the street-end parks are well screened, and 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.
 - b. The final design and details of associated exterior street lighting shall be submitted, subject to the review and approval ~~the Design Review Board.~~ of staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The final design and details for the generator screening within the street ends shall be submitted, subject to the review and approval of ~~the Design Review Board.~~ staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The final design and details of exterior lighting within the street-end parks shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. The final design and details of furniture proposed within the street-end parks shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. Any exterior handrails along sidewalks, walkways and ramps shall be of a continuous railing design. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the permit plans and shall be subject to the review and approval of staff, consistent with the Design Review Criteria and/or the directions from the Board.
 - g. 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.
 - h. Details of the harmonization plans between public and private property shall include the following, where applicable, subject to the review and approval of staff.
 - i. Relocation/replacement of existing fences/walls and gates.
 - ii. The use of materials, to the extent feasible, to match those used by individual properties.
 - iii. The removal, relocation or replacement of landscape elements to

accommodate harmonization.

- iv. The possible restoration of any existing encroachments, on a case-by-case basis where necessary, as determined by the City.
 - v. Modifications to parking spaces located on private property, including modifications necessary to access such parking spaces, to the extent permitted by the City Code.
 - vi. Alternatives to the standard harmonization details and procedures may be approved administratively, provided such alternatives satisfy the Design Review Criteria.
 - i. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for permit and shall be located immediately after the front cover page of the permit plans.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, 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. Native ground cover and shrub plant species shall be included in landscape design along pedestrian ramps and landings, to be review and approved by staff.
 - b. Prior to the issuance of a permit, a tree protection plan for all trees to be retained shall be submitted, subject to the review and approval of staff.
 - c. Existing trees to be retained 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.
 - d. Where feasible, 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 provided.
 - e. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - f. Prior to the issuance of a Certificate of Completion, 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 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.

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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- B. 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.
- C. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- D. 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 "West Avenue Improvements Phase II", as prepared by **Shwebke-Shiskin & Associates** dated, signed and sealed 6/26/19, entitled "Landscape Planting Plans- West Avenue Improvements Phase II", as prepared by **Savino Miller Design Studio**, dated, signed and sealed 10/11/19, and entitled "Lighting Plans", as prepared by **CWI Civil Works, Inc.** dated, signed and sealed 9/30/19, 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 _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Michael Belush, Chief of Planning and Zoning 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: _____ ()