



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Jonah Wolfson, Commissioner
DATE: April 29th, 2011
SUBJECT: Agenda Item

Please place on the May 11th, 2011 Commission meeting agenda a referral of the attached proposal to the Land Use and Development Committee for discussion.

If you have any questions, please contact Leonor Hernandez at extension 6437.

JW/lh

April 28, 2011

MEMO FOR: Commissioner Jonah Wolfson

FROM: Frank Del Vecchio, 301 Ocean Drive, Apt. 604, Miami Beach, FL 33139

SUBJ: Requested City Commission Consent Agenda Item: Ocean Beach Historic District R-PS4 Zoning Amendment

ACTION REQUESTED: This is a request for placement of the attached item on the City Commission's May 11, 2011 Consent Agenda for referral to the city commission's Land Use & Development Committee and the Planning Board.

I have drafted a zoning amendment to enable the development of oceanfront residential condominiums in the residential R-PS4 section of the Ocean Beach Historic District. The unusually deep lots in this section of the historic district pose insurmountable problems for residential condominium development. If the area is to retain its primarily residential character this zoning change is essential.

This request is the product of three months' analysis of the feasibility of residential condominium development on a deep oceanfront lot at 315-321 Ocean Drive. The site is in a section of the historic district that is zoned residential, and permits hotels but not commercial.

The property was purchased in December, 2010 by Tim Gordon, David Arditi and Josh Benaim. Friends since grade school, these three young men, each active in family real estate development that includes award-winning historic preservation in Manhattan and Paris, have been searching for a distinctive project on which to collaborate as a team.

Since closing on the site, they have received and rejected offers from hotel developers at a premium to their investment. Their vision is a luxury condominium of distinctive architectural merit that will function as an integral element of the historic residential community. They intend to be directly and jointly responsible from design through construction and full occupancy.

This vision is supported by neighbors, who have observed how the activities at large hotels can adversely impact abutting residential. A hotel development on the site would place activities on balconies and outdoor accessory use restaurants only feet from the adjacent condominiums. Traffic and taxi queuing would significantly impact this residential section of the Ocean Beach Historic District. (Contrast the intensity of use generated by a 130-unit hotel on the site, with its restaurant and patron activity, to that of a 40-unit luxury condominium.)

The challenge posed by a uniquely deep, narrow lot abutted closely by residential condos along its entire length is how to make a condominium feasible. Whereas a hotel can be

squeezed in between its neighbors, providing outdoor activities for its patrons, units in a luxury condominium require view amenities not essential for hotel guests.

After exploring various architectural avenues, the team found one that will meet historic district objectives and minimally impact its neighbors: by increasing height from the current 75-foot maximum to one hundred feet (the height of the major oceanfront condominiums in the historic district), units can be designed with either ocean views, or with vistas up and down Ocean Drive at the western elevation. The increased height would enable greater distance separation from the condos on each side. (Side setback of the pedestal structure above parking could be doubled, from the current 7.5 feet separation, to 15 feet.)

A zoning amendment applicable solely to new condominium development in the residentially zoned oceanfront section of the Ocean Beach Historic District would make this possible. Design and architectural details of condominiums development pursuant to the requested amendment would be the province of the Historic Preservation Board.

ATTACHED: Draft of Proposed Zoning Amendment

Sec. 142-696. - Residential performance standard area requirements.

The residential performance standard area requirements are as follows:

<i>Performance Standard</i>	Residential Subdistricts			
	<i>R-PS1</i>	<i>R-PS2</i>	<i>R-PS3</i>	<i>R-PS4</i>
Minimum lot area	5,750 square feet	5,750 square feet	5,750 square feet	5,750 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Required open space ratio	0.60, See section 142-704	0.65, See section 142-704	0.70, See section 142-704	0.70, See section 142-704
Maximum building height*	45 feet Lots 50 feet wide or less—35 feet	45 feet Lots 50 feet wide or less—35 feet	50 feet Lots 50 feet wide or less—35 feet	Non-oceanfront - 80 feet; Oceanfront—100 feet; except that in the Ocean Beach Historic District - 35 feet for the first 60 feet of lot depth, 75 feet thereafter, subject to the line-of-sight analysis of section 142-697(d) Lots 50 feet wide or less - 35 feet
Maximum number of stories	5 Lots 50 feet wide or less—4	5 Lots 50 feet wide or less—4	5 Lots 50 feet wide or less—4	Non-oceanfront - 8 Oceanfront - 11 Lots 50 feet wide or less - 4 In the Ocean Beach Historic District - 7
Maximum floor area ratio	1.25	1.50	1.75	2.0
Minimum floor area per apartment unit (square feet); except as provided in section 142-1183 for elderly housing	New construction—700 Rehabilitated buildings—400	New construction—650 Rehabilitated buildings—400	New construction—600 Rehabilitated buildings—400	New construction - 550 Rehabilitated buildings - 400
Minimum floor area per hotel unit (square feet)	N/A	N/A	15% = 300—335 square feet 85% = 335+ square feet	15% = 300 - 335 square feet 85% = 335+ square feet
Minimum parking	Pursuant to chapter 130 and section 142-705 requirement.			
Minimum off-street loading	Pursuant to chapter 130, article III.			
Signs	Pursuant to chapter 138.			
Suites hotel	Pursuant to article IV, division 3 of this chapter.			

* Notwithstanding the foregoing provisions regarding maximum building height, in the Ocean Beach historic district, as defined in subsection 118-593(e)(11), the maximum building height for a lot located in the R-PS1, R-PS2, or R-PS3 zoning districts

(i) With a lot exceeding 50 feet, and

(ii) Upon which there exists a contributing structure which has not received a certificate of appropriateness for demolition (or any such approval has expired),

shall be 35 feet.

1. Notwithstanding the above height restrictions, existing structures within a local historic district are subject to section 142-1161.

2. In the R-PS4 zoning district, within the Ocean Beach Historic District, when an existing contributing structure is nonconforming with respect to the height regulations in section 142-696, such structure may be repaired, renovated or rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of chapter 118, article IX, "Nonconformances."

3. Lots at a width of 50 feet or less aggregated with adjacent parcels after November 3, 2002, shall have a maximum height of 35 feet and shall not be allowed the increased height for parcels wider than 50 feet.

4. Notwithstanding the above height restrictions, in the R-PS4 zoning district, within the Ocean Beach Historic District, the maximum height of an oceanfront residential condominium building on a lot 100 feet or more wide shall be 100 feet, ll stories.

(Ord. No. 89-2665, § 20-4(B), eff. 10-1-89; Ord. No. 94-2908, eff. 2-26-94; Ord. No. 97-3097, § 3, 10-8-97; Ord. No. 98-3107, § 7, 1-21-98; Ord. No. 98-3150, § 2, 11-4-98; Ord. No. 99-3169, § 1, 2-3-99; Ord. No. 2002-3386, § 1, 11-13-02; Ord. No. 2005-3483, § 8, 5-18-05; Ord. No. 2006-3522, § 1, 7-12-06)

Sec. 142-697. - Setback requirements in the R-PS1, 2, 3, 4 districts.

(a) The setback requirements in the R-PS1, 2, 3, 4 districts are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot (below building)	5 feet	5 feet	5 feet	Non-oceanfront lots - 5 feet Oceanfront lots - 50 feet from bulkhead line
Subterranean	5 feet	5 feet	5 feet	Non-oceanfront lots - 0 feet Oceanfront lots - 50 feet from bulkhead line
Pedestal	5 feet, <u>Except that in the R-PS4 zoning district, within the Ocean Beach Historic District, for a residential condominium building on an oceanfront lot 100 feet or more wide, 5 feet minimum.</u>	7.5 feet, except when section (e) below applies. Lots 50 feet wide or less - 5 feet. <u>Except that in the R-PS4 zoning district, within the Ocean Beach Historic District, for a residential condominium building on an oceanfront lot 100 feet or more wide, 15 feet for any portion of the pedestal above 35 feet height.</u>	5 feet	Non-oceanfront lots - 10% of lot depth Oceanfront lots - 20% of lot depth, 50 feet minimum from bulkhead line. <u>Except that in the R-PS4 zoning district, within the Ocean Beach Historic District, for a residential condominium building on an oceanfront lot 100 feet or more wide – 20% of lot depth.</u>
Tower	50 feet, except that in the R-PS4 within the Ocean Beach Historic District, the minimum shall be 60 feet <u>except for a residential condominium building on an oceanfront lot 100 feet or more wide, 5 feet minimum.</u>	The required pedestal setback plus 0.10 the height of the building. <u>Except that in the R-PS4 zoning district, within the Ocean Beach Historic District, for a residential condominium building on an oceanfront lot 100 feet or more wide, 15 feet.</u>	The required pedestal setback plus 0.10 the height of the building	Non-oceanfront lots - 15% of lot depth Oceanfront lots - 25% of lot depth, 75 feet minimum from bulkhead line. <u>Except that in the R-PS4 zoning district, within the Ocean Beach Historic District, for a residential condominium building on an oceanfront lot 100 feet or more wide – 20% of lot depth.</u>

(b) All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and pedestal side yard facing a street setback which shall be considered as both a minimum and maximum requirements, except for a residential condominium building on an oceanfront lot 100 feet or more wide, the front yard pedestal and tower setback shall be considered as a minimum.

(c) For lots greater than 100 feet in width the front setback shall be extended to include at least one open court with a minimum area of three square feet for every linear foot of lot frontage.

(d) In the R-PS4 zoning district, within the Ocean Beach Historic District, the tower portion of ground-floor additions to contributing buildings, ~~or new construction~~ shall meet a line-of-sight, which for the purpose of this section is defined as not visible when viewed at eye-level (5'6" from grade) from the opposite side of the adjacent right-of-way.

(e) In the R-PS4 zoning district within the Ocean Beach Historic District, when an existing contributing structure has a minimum 5-foot sideyard setback, the setback of new construction in connection with the existing building may be allowed to follow the existing building line. The maintenance of the existing setback shall apply to the linear extension of the existing building.

(Ord. No. 89-2665, § 20-4(C), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 94-2908, eff. 2-26-94; Ord. No. 2002-3386, § 2, 11-13-02; Ord. No. 2006-3522, § 2, 7-12-06)