MIAMIBEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: June 04, 2019

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB19-0369
40 Island Avenue—Standard Hotel and Spa

DRB19-0369, 40 Island Avenue—Standard Spa. An application has been filed requesting Design Review Approval for exterior design modifications to an existing building including variances to reduce the required side and sum of the side setbacks for the construction of an FPL vault and to exceed the maximum height allowed for fences and gates.

RECOMMENDATION:
Approval with conditions
Approval of variances #3 and #4
Denial of variance #5

LEGAL DESCRIPTION:
Lots 39, 40, 41 and 42 of "Amended Plat of Belle Isle", according to Plat thereof as recorded in Plat Book 5, Page 11 of the Public Records of Miami-Dade County, Florida.

BACKGROUND
On May 02, 2017, the Design Review Board reviewed and approved a proposal for exterior alterations to the existing hotel and the construction of a new three-story hotel wing containing hotel units and a ground floor parking level including variances, to replace the existing two-story east wing of the hotel, pursuant to DRB16-0059. That project didn't come to fruition.

An adjustable, retractable shade canopy structure was approved by the Design Review Board on April 7, 2015, pursuant to DRB File No. 23148.

Portions of the project were approved at the May 07, 2019 Design Review Board meeting. Exterior modifications to the front façade tile replacement as well as variances #3, #4, and #5 were continued to the June 04, 2019 meeting by the Board.

SITE DATA:

Zoning:	RM-1
Future Land Use:	RM
Existing Room Count:	105 | No increase
Lot Size:	101,500 SF

SURROUNDING PROPERTIES:

East: One-story Farrey Lane residences
North: Biscayne Bay
South: Standard Hotel and Spa
West: One-story Century Lane residence

EXISTING STRUCTURE:
Architect: Norman Giller
Year of Construction: 1950

THE PROJECT:
The applicant has submitted plans entitled "The Standard Hotel", as prepared by **A.C. Atherton, P.A., and Peter Anselmo, R.L.A,** dated March 11, 2019.

The applicant is proposing new exterior alterations to an existing two-story hotel and the construction of a new exterior FPL transformer vault and fencing within the side yard.

The following variance(s) were approved at the May 07, 2019 DRB meeting:

1. A variance to reduce by 10'-0" the minimum required interior side setback of 16'-0" in order to construct an FPL transformer pad at 6'-0" setback from the east side property line.

2. A variance to reduce by 14'-5" the required sum of the side setbacks of 32'-0" in order to construct an FPL transformer pad on the east side yard and provide a sum of the side setbacks of 17'-7".

The following variance(s) were continued at the May 07, 2019 DRB meeting:

3. A variance to exceed by 2'-1" the maximum allowed height of 7'-0" for a fence and gates located within the interior side yard in order to construct a fence and gates up to 9'-1" (11.34' NGVD) in height as measured from grade of 2.26' NGVD for the installation of a new FPL transformer vault.

4. A variance to exceed by 3'-0" the maximum allowed height of 5'-0" for a portion of a fence located within 4'-0" from the side property line facing a street in order to construct a fence up to 8'-0" (10.26' NGVD) in height as measured from grade of 2.26' NGVD facing Farrey Lane.

5. A variance to exceed up to 3'-0" the maximum allowed height of 7'-0" for fence and gates located within the interior side yard in order to construct portions of a wood fence along the east side property line up to 10'-0" (12.26' NGVD) in height as measured from grade of 2.26' NGVD ~~and to construct gates up to 8'-4" (10.58' NGVD) in height as measured from grade of 2.26' NGVD facing Island Avenue~~.

    - Variances requested from:

    Sec. 142-1132: - Allowable encroachments within required yards.
    (h)Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:
    1) All districts except I-1 and WD-2:
    b. Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, as measured from grade, except when such yard abuts a public right-of-way, waterway or golf course, the maximum height shall not exceed five feet.

A fence enclosure with egress gates for the installation of the FPL vault are part of variances #3 and #4. The maximum height for fences and gates within the required yards is measured from grade elevation of the sidewalk at the front of the property. In this case, there is no sidewalk along the front and therefore grade is determined as the elevation of the crown of

the road at the center of the property which is 2.26' NGVD. As measured from this elevation datum, a proposed 7-foot high fence would be approximately 5'-0" as seen from the surrounding existing grade and street access on the east.

The variance request allows the fence and gates to be approximately 7'-0" in height from the existing adjacent grade elevation that ranges from approximately 4.0' NGVD to 6.0' NGVD. The difference between the grade elevation at the crown of the road and the existing elevation of the required side yard is approximately 2'-0". This existing site condition creates the practical difficulties that justify the variances #3 and #4. In addition, variance #4 pertains to a 4-foot portion of the fence abutting to the property line facing Farrey Lane Street. In this case, the maximum height for a fence is 5'-0", as this portion of the site is consider a side facing a street. Staff is supportive of variances #3 and #4 based on the elevations of grade on site and the need to provide limited access to the FPL vault, as well as provide visual screening.

Variance # 5 pertains to portions of a new fence along the interior side abutting the single family homes fronting on Farrey Lane. Staff would note that the gate fronting on Island Avenue has been reduced in height as noted on page L-2.01B to comply with the maximum 7'-0" in height. In this case, staff does not recommend in favor of this variance as the side property line abuts the rear of multiple single family properties, therefore, access to the hotel on this side is more limited. There is also a landscape buffer along the property line that contributes to increase security. Although there is variation on the grade elevations on the site, as previously noted, staff finds that security and access to the property is not significantly compromised and a higher fence would not be necessary. Staff would recommend that the fence be modified to not exceed a maximum height of 7'-0" from grade. In summary, staff recommends approval of variances #3 and #4 and denial of variance #5.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variances:

- Section 142-1132(o)(12). Vehicle charging station located at the front of the property shall be associated with off-street parking located in the property. The applicant shall obtain all required permits for the installation of the electrical charging station.

- Section 142-156. Two (2) parking spaces encroaching into the front yard do not comply with the required front setback. Evidence of a building permit approved for the construction of the two parking spaces shall be provided or other alternatives to modify the existing conditions shall be required.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts, with the exception of variance #5, as noted above, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, staff has concluded that the plans and documents with the application comply with the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code with the exception of variance #5, as noted above:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

- That the special conditions and circumstances do not result from the action of the applicant;

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

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 are 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.
   Not Satisfied; the proposed project requires multiple variances from the Board.

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.
   Not Satisfied; the proposed project requires multiple variances from the Board.

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; the proposed project requires multiple variances from the Board.

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; the proposed project requires multiple variances from the Board.

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.
Not Satisfied; the proposed project requires multiple variances from the Board.

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; the proposed project requires multiple variances from the Board.

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.
Not Satisfied; a lighting plan has not been submitted.

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.
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.
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 Satisfied; see below

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 Satisfied
A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied

(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.
Satisfied

(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.
Satisfied

(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 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 subject property, the Standard Hotel and Spa, located in the northwestern quadrant of Belle Island, is a nonconforming waterfront hotel in the RM-1 zoning district. The 105 room hotel has a spa, an 84 seat interior restaurant, and a 209 seat Bayside café located in the northeastern portion of the site that contains outdoor seating. The applicant is requesting Design Review Approval for exterior alterations to the existing two-story hotel and the construction of a FPL transformer. This item was previously presented at the May 07, 2019 Design Review Board meeting. Most of the proposed design improvements were approved with the exception of the fenestration on the north (rear) elevation and the replacement of the existing wall tiles of the primary façade. These items were continued to the June 04, 2019 meeting, along with variances related to proposed enclosures, to address Board and staff concerns.

The proposed windows along the rear elevation have been modified to better reflect the Board's recommendations. The fenestration on the second level was revised to incorporate a similar rhythm of mullions and muntins similar to the windows directly above on the third level. Additionally, the applicant has redesigned a third-floor fixed window, corresponding with the proposed 'spa lounge', to better assimilate in proportion and detailing with adjacent windows. Staff is supportive of the proposed window modifications as proposed.

Lastly, the applicant will be restoring the existing tile wall of the front, primary façade, which is a signature exterior finish of the MiMo structure. As noted at the May 07, 2019 meeting, the applicant will be replacing the existing 1"x1" mosaic tiles and the chiseled stone tiles with replicated tiles to match. While the DRB submittal does not fully note the extent of renovations required, it was noted by the applicant at the May 07, 2019 meeting that the entirety of the wall will need to be replaced due to damage from past weather incidents. Staff strongly recommends that the tiles, in color and in size, match the existing tiles of the primary façade; and that "Option B – Proposed New 1"x1" Hand Painted Tile" for the mosaic tile, be approved subject to the clay base and color being similar to the existing tile. With this, staff is supportive of the proposed design modifications and recommends approval.

VARIANCE REVIEW

The existing non-conforming hotel was previosly approved in 2017 for a much larger renovation that included partial demolition and the addition of a 3-story structure including parking and a variance from the driveway width required. With new ownership of the

property, the renovations to the site are more limited in scope and as part of this application façade modifications and the installation of a new FPL vault, fence and gates are proposed.

At the May 07, 2019 meeting the Board approved two (2) setback variances (variance #1 and #2) to install an FPL vault on the east side yard abutting Farrey Lane. Based on the existing conditions of the property, the side yard location should not have an adverse impact on the adjacent area. Due to the existing non-conforming setbacks at the front and both interior sides, as well as the variable grade elevation on the site, staff is suportive of variances #3 and #4 that relate to the height of the FPL fence enclosure.

In addition to this enclosure, a new fence along portions of the east property line and front gates is also proposed as part of variance #5. In this case, staff is not supportive of variance #5, as practical difficulties or hardship are not fully demonstrated. In summary, staff recommends approval of variances #3 and #4 and denial of variance #5.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design and the requested variances #3 and #4 and **denial** of variance #5 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.

TRM/JGM/IV/FSC

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: June 04, 2019

FILE NO: DRB19-0369

PROPERTY: **40 Island Avenue—The Standard Hotel and Spa**

APPLICANT: Ferrado Lido, LLC

LEGAL: Lots 39, 40, 41 and 42 of "Amended Plat of Belle Isle", according to Plat thereof as recorded in Plat Book 5, Page 11 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for exterior design modifications to an existing building including variances to reduce the required side and sum of the side setbacks for the construction of an FPL vault and to exceed the maximum height allowed for fences and gates

SUPPLEMENTAL 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 inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 9, 12, and 19 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 the Sea Level Rise Criteria 1, 5, and 10 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 for the proposed addition at 40 Island Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

a. The exterior tile repair/replacement shall not be approved as proposed. Any alterations to the exterior tiles, in color and in size, match the existing tiles of the primary façade; thus recommending approval of "Option B – Proposed New 1"x1" Hand Painted Tile" for the mosaic tile, provided that its clay base and color is similar to the existing tile.

b. The proposed window changes along the North elevation shall be approved as proposed.

c. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

d. All new 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 building 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.

e. Material samples for all exterior paving areas 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.

f. All new proposed rooftop mechanical equipment shall be screened from view. The final design and details shall be submitted as part of the building permit.

g. The final design and details, including materials, exterior finishes, glazing, railings, and color of tiles, 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.

h. 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.

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 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. The applicant shall underground The FPL overhead utility lines and utility poles identified as numbers 6-8 (or 5-6-7) on the graphic exhibit entitled "Belle Isle FPL Overhead Lines Location Graphic" (attached), in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

b. Any proposed plant material between building edge and edge of parking/Island Avenue shall consist of plant species that would naturally not exceed 36" in height at maturity and would not require periodic pruning in order to maintain such height.

c. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

d. The proposed entry drive and garage entrance area shall consist of decorative paving on the ground and decorative louvers on the north wall and ceiling consistent with details shown on sheet A-3.3 of the submitted plans. The final design and details 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.

e. 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 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. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, 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.

i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the

site and landscape plans and shall be subject to the review and approval of staff.

j. 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 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. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied:

The following variances were **approved** by the Board:

1. A variance to exceed by 2'-1" the maximum allowed height of 7'-0" for a fence and gates located within the interior side yard in order to construct a fence and gates up to 9'-1" (11.34' NGVD) in height as measured from grade of 2.26' NGVD for the installation of a new FPL transformer vault.

2. A variance to exceed by 3'-0" the maximum allowed height of 5'-0" for a portion of a fence located within 4'-0" from the side property line facing a street in order to construct a fence up to 8'-0" (10.26' NGVD) in height as measured from grade of 2.26' NGVD facing Farrey Lane.

3. A variance to exceed up to 3'-0" the maximum allowed height of 7'-0" for fence and gates located within the interior side yard in order to construct portions of a wood fence along the east side property line up to 10'-0" (12.26' NGVD) in height as measured from grade of 2.26' NGVD ~~and to construct gates up to 8'-4" (10.58' NGVD) in height as measured from grade of 2.26' NGVD facing Island Avenue~~.

B. The applicant has submitted plans and documents with the application that the Board has concluded satisfy Article 1, Section 2 of the Related Special Acts only as it relates to variance(s) II.A.1 and II.A.2 and II.A.3 allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that the Board has concluded comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code only as it relates to variance(s) II.A.1 and II.A.2, as noted:

That special conditions and circumstances exist which are peculiar to the land,

structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare, and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

A. The Board hereby **Approves** the Variance request #1, #2 and #3, and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

2. Evidence of an approved building permit for the installation of the electrical vehicle charging station located in the front of the property and for the two parking spaces partially located on the front of the property shall be provided at the time of the building permit. If there is no building permit, or evidence of an approved building permit, as determined by the Planning Department, the applicant shall take additional actions to correct the existing conditions, unless found legally approved by the Planning Department and/or public Works Department.

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 applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the closeness of the FPL vault to the street side.

B. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.

C. If required, the applicant shall obtain a revocable permit from the Public Works Department for the existing parking paving within the public right-of-way, subject to approval of the City Commission, prior to the issuance of a building permit. Prior to the issuance of a building permit for any work approved by the Design Review Board, as it relates to the subject development project, the applicant shall enter into and record a restrictive Maintenance Agreement and Covenant running with the land, form approved by the Miami Beach City Attorney and Planning Director and Public Works Director, which runs with the land, confirming the applicant's agreement to design, permit, construct and maintain the proposed parking paving, in perpetuity, and confirming public access to such parking, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.

D. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.

E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

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 plans, entitled "The Standard Hotel", as prepared by **A.C. Atherton, P.A., and Peter Anselmo, R.L.A, dated** May 13, 2019, and as approved by the Design Review Board, as determined by staff.

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 this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

_____
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires:_____

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

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

"Belle Isle FPL Overhead Lines Location Graphic"

