

# MIAMI BEACH

## 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: DRB19-0384  
**11 Century Lane**

**DRB19-0384, 11 Century Lane.** An application has been filed requesting Design Review Approval for the construction of a new five-story residence including one or more waivers and variances from the required front setback for parking, from the required pedestal front setback and to reduce the required clearance for parking at the ground floor level below the first habitable level, on a vacant property.

#### **RECOMMENDATION:**

Continue to a future meeting date

#### **LEGAL DESCRIPTION:**

Lot 11 of "Belle Isle Villas", according to the plat thereof filed for record and recorded in Plat Book 42 at Page 92 of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning:	RM-1 (Residential, Multifamily Low Intensity)
Future Land Use:	RM-1 (Residential, Multifamily Low Intensity)
Lot Size:	2,829 SF
Existing FAR	1,190 / 0.42
Proposed FAR:	3,521 SF / 1.25
Maximum FAR:	3,536 SF / 1.25
Proposed Height:	64' from BFE   (5) four-story
Maximum Height:	50'-0" from BFE + Freeboard
CMB Grade:	3.06' NGVD
Base Floor Elevation:	9' NGVD
Garage Elevation:	6.56' NGVD
Garage Clearance:	<b>5.56' / 12' VARIANCE REQUIRED</b>
Finished First Floor:	15'-6" NGVD (BFE +5 +1'-6")

\*As indicated on submitted survey

#### **Surrounding Properties:**

East: Two-story hotel "Standard Hotel and Spa"

North: One-story 1941 residence

South: One-story 1940 residence

West: Six-story residential building "The Vistas" condominium (DRB5946 | February 1995)

#### **HISTORY:**

On October 03, 2017, the Design Review Board reviewed and approved a new four-story residence including three variances, pursuant to DRB17-0134.

**THE PROJECT:**

The applicant has submitted plans entitled "11 CENTURY LN", as prepared by **Gabriel Lopez Architecture PA** dated, signed and sealed 04/04/19.

The applicant is proposing a new five-story residence on a vacant site, including REQUESTS FOR variances from the required front setback for parking, from the required pedestal front setback, and to reduce the required clearance for parking at the ground floor level below the first habitable level. Since the underlying zoning district is RM-1, such regulations will apply, notwithstanding the proposal for a single-family structure.

The applicant is requesting the following variance(s):

1. A variance to eliminate all of the required front setback of 20'-0" in order to construct parking spaces up to the front property line, facing Century Lane.

- Variance requested from:

**Sec. 142-156. - Setback requirements.**

*(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows: At-grade parking lot on the same lot except where (c) below is applicable, Front: 20'-0"*

The proposed single family home must comply with the RM-1 zoning regulations, which require at-grade parking to be setback at a minimum of 20'-0" from the front property line. In order to be able to park a vehicle in the front yard at the subject site, which is a standard occurrence with single family residences, a variance is being requested. Staff finds that the sub-standard lot area creates difficulties with regard to constructing a single family home, as allowed by the uses permitted in the district.

2. A variance to reduce by 10'-0" the minimum required pedestal front setback of 20'-0" in order to construct a portion of a new residence with a setback of 10'-0" from the front property line facing Century Lane.

- Variance requested from:

**Sec. 142-156. Setback requirements.**

*(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows: Pedestal, Front: 20'-0"*

The new structure is proposed with a front setback of 10'-0" at the second floor. The first, third and fourth floors, comply with the 20'-0" setback required. The lot area of the property is very small which restricts the development of the site and creates practical difficulties when applying the minimum setbacks required for the new single family home in order to provide reasonable living areas. The previous residential structure had a non-conforming front setback of 10'-5" and many of the existing one-story structures still remaining on Century Lane have non-conforming front setback distances of varying amounts. This is a similar condition to the nearby single family homes along Farrey Lane that also do not comply with the 20'-0" front setback. Staff could be supportive of a front setback that is in-line with these structures at 10'-0". However, as proposed, the present configuration does

not adequately mitigate the impact of the variance requested and could potentially overwhelm the site and the immediate area. This is fundamentally linked to the proposed second floor being configured at an elevation height of 15'-6" NGVD with a 15'-0" ceiling height—designed as such to accommodate a 4' deep pool. The lot area of the property is substantially below the minimum area required, as noted above, and restricts the development of the site, imposing practical difficulties when applying the minimum setbacks required for the new development in order to provide reasonable interior areas to accommodate a functional program. Staff finds that the RM-1 area and irregular shape of the property satisfies the practical difficulties criteria that justify for the granting of a front setback variance, but generally maintains that the request for the upper levels of the building are too intense for the site. Staff does not have any objections to the second level encroaching at the proposed 10' setback but recommends further refinement of the upper levels to more appropriately attempt to satisfy the massing in order to justify the setback relaxation.

3. A variance to reduce by 6' the minimum required ceiling clearance height of 12'-0" from base flood elevation plus minimum freeboard to the underside of the first floor slab, in order to provide parking ceiling clearance of less than 5.5' from 9' NGVD.
  - Variance requested from:

**Section 142-155(a)(3) f. Ground floor requirements.**

When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply: 1. A minimum height of 12 feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab.

The ground floor of the residence has been configured with a covered garage area and vertical circulation vestibule to the second level. When measured from the base flood elevation plus minimum freeboard to the underside of the first floor slab, a 5'-6" ceiling clearance is proposed. The code requires this non-habitable transition area to have a minimum of 12'-0" clearance height, with the DRB having the authority to waive this height requirement by up to 2'-0". This pertains to both enclosed and unenclosed parking areas for multifamily construction. Since the proposed unenclosed parking has been configured at the minimum required yard elevation of 6.56', it does not come close to meeting this requirement and, as such, the deficiency exceeds the threshold amount of 2'-0" that can be waived by the DRB without a variance.

Staff would note that this requirement pertains to development regulations in the RM-1 residential multifamily district and does not appear in the single family regulations. If the proposed design was revised to comply with the minimum garage ceiling clearance, the entirety of the massing would be raised about 6' higher and would exacerbate the proposed setback of the second level (variance #2) even further above the neighboring one-story residences and increase its dominance on the small street. Staff is supportive of the reduction of clearance height for the parking of two vehicles for a private residence.

**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.

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

- 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 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 variance(s):

1. **Section 142-155(3)(f)(A):** A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.

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.

### **CONSISTENCY WITH 2025 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **residential** use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

### **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 three 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 three 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 three 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 three 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 three 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 three 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).  
**Not Satisfied; the proposed project requires three variances from the Board.**
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 Satisfied**

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

**Not Satisfied**

#### **STAFF ANALYSIS:**

##### **DESIGN REVIEW**

On October 03, 2017, the Design Review Board reviewed and approved a similar proposal for a new four-story residence with numerous variances. That project failed to obtain the required permit within 18 months of the approval; now, a new design that is similar in scope and massing is being proposed. The applicant is proposing to construct a new multi-story single family residence on a vacant site, including variances from the required front setback for parking, from the required pedestal front setback, and to reduce the minimum ceiling clearance for ground level parking below the first habitable floor. The properties along Century Lane were originally developed with one-story single-family homes, all constructed as part of a residential development in 1941. This residential street, however, is an anomaly within the encompassing RM-1 multifamily district, which allows for multifamily developments with a maximum height of (5) five-stories and properties to be developed with a maximum FAR of 1.25. As such, any proposed modification or new construction, even that of a single-family residence, would have to comply with the RM-1 zoning development regulations.



The subject property is a slightly tapered-shaped lot that contains a total area of 2,829 SF, and is both irregular in shape and deficient in lot area, imposing challenges to new construction. The architect for this project proposes a compact design for a single-family home under the RM-1 zoning regulations that does appear to be too large for the site.

The five-story residence is designed in a contemporary style. The main interior levels of the residence measure a total of three-stories in height and are configured over a ground level of parking and topped with an active rooftop with an outdoor kitchen, an enclosed bathroom and a circulation vestibule. The first enclosed habitable floor is designed at finished floor elevation of 15'-6", which is one and a half feet above the maximum freeboard elevation of 14' NGVD. That level fronts Century Lane with a prominent elevated second floor that pulls towards the street to fall in-line, urbanistically, with the non-conforming front setbacks that occur along the lane, while the predominant volume of the home at levels three and four recedes back into the lot. The second floor is elevated approximately 15'-6" NGVD from grade and features the largest floorplate of the levels configured with three bedrooms and some ancillary residential program areas. Recessed below the dominant second floor is a ground floor comprised of a covered parking area and an enclosed entry vestibule that leads to the elevated bedroom level area. The next floor is elevated approximately 30'-6" NGVD and features an open plan for dining, kitchen and parlor-with a generous wraparound outdoor terrace and pool that overlooks Century Lane. More private arrangements and open terraces occur on the 4<sup>th</sup> level and a rooftop amenity deck completes the stacked form at the fifth level.

The home is predominately finished in painted stucco and concrete that is contrasted with material accents throughout. The bulk of the home's massing is at the piano nobile, or second floor, and steps back from the front and south side for the upper stories, terminating with an active rooftop floor. The dominant second floor is clad in grey ledgestone and transitions into horizontal wood veneer cladding as it rises. A fully glazed third story sits below a substantially solid finished fourth floor with a projecting concrete frame that creates an aperture facing south. The circulation core of the home is centrally on the north, interior, side of the building and is expressed as a glass tower up to the roof top floor.

The applicant has addressed many of staff's initial concerns and has eliminated some design elements and reduced the floorplate of the levels to comport within the developable building envelope in regard to the side and rear setbacks. However, staff still has design concerns and believes the residence is still slightly massive for the site. Specifically, the two top and bottom levels contribute to much of the overpowering appearance of the home. The effect of the relaxed setback for the elevated second floor is exacerbated by the high ceiling height of 15' for the private bedroom levels. This is notably due to allow for the construction of a built-in 4' deep pool above the predominant level. Staff recommends reducing this level to a maximum ceiling height of 10' and eliminating the built-in pool at the third level.

Further, staff recommends that the applicant revise the design of the upper levels that, as currently proposed, also contribute to the home's bulky appearance. In this regard, staff recommends removing the rooftop floor and pushing the vertical circulation towards the rear end of the site. Additionally, staff recommends removing the architectural frame on the fourth-floor side (south) elevation, or at a minimum reducing its projection. Modification to these last two stories, along with the second floor, will greatly reduce the impact of the home's massing on the small site. Lastly, staff finds that the front yard, as proposed, is

extensively paved and recommends increasing the amount of green, open space within it by reducing the width of the pedestrian walkway and the driveway within the required front yard.

The design of the home is composed of interesting architectural features that provide texture and movement of planes, but also that lend to the home's appearance as imposing on the small, non-conforming site. Staff recommends that the design of the home be further refined with the design direction provided herein, and/or directions from the Board. Based on this analysis, staff recommends continuance of the application to a future date in order to address staff concerns.

#### **VARIANCE REVIEW**

As identified under the 'Project' description of the analysis, all three variances are fundamentally linked to the substandard lot size and proposed single family use for the RM1 zoned site. Staff finds that the variances requested are associated with the site conditions. These variances are the minimum required to develop the site with a more resilient structure consistent with the City's direction. In summary, staff recommends that the Board approve the three variances requested.

#### **RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **continued**, 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

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: June04, 2019

FILE NO: DRB19-0384

PROPERTY: **11 Century Lane**

APPLICANT: Brigitte Eva Alfred LLC

LEGAL: Lot 11 of "Belle Isle Villas", according to the plat thereof filed for record and recorded in Plat Book 42 at Page 92 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new five-story residence including one or more waivers and variances from the required front setback for parking, from the required pedestal front setback and to reduce the required clearance for parking at the ground floor level below the first habitable level, on a vacant property.

**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, 5, 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 Sea Level Rise Criteria 1, 10, 11 and 12 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 new residence at 11 Century Lane shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. The proposed plans shall be revised to fully comport with the FAR requirements of the City Code. FAR diagrams and calculations shall be revised and to be reviewed and approved by staff as part of the building permit plans.
  - b. The architect shall refine the ground floor to “open up” the first level in order to have the appearance of a more porous garage area, a more transparent base and floating residence above, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - a. The final design details of all exterior surface materials and finishes 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. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
  - c. The final design details and color selection of the stone wall finish shall be submitted, in a manner to be reviewed and approved by staff. The stone cladding proposed along the façades of the residence, identified as “coral stone veneer”, shall consist of a natural keystone or other natural stone, in a manner to be reviewed and approved by staff consistent.
  - d. The final design details and color selection of the concrete or aluminium brise soleil screening element shall be submitted, in a manner to be reviewed and approved by staff.
  - e. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view on all sides, in a manner to be approved by staff.
  - f. 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.
  - g. 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- b. The driveway shall be constructed of an erosion resistant material and the paved area shall be kept to the minimum required for a drive aisle width, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required 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.
- d. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- e. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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):

1. A variance to eliminate all of the required front setback of 20'-0" in order to construct parking spaces up to the front property line, facing Century Lane.
2. A variance to reduce by 10'-0" the minimum required pedestal front setback of 20'-0" in order to construct a portion of a new residence with a setback of 10'-0" from the front property line facing Century Lane.
3. A variance to reduce by 3'-0" the minimum required pedestal front setback of 20'-0" in order to construct a portion of a new residence with a setback of 10'-0" from the front property line facing Century Lane

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, 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 also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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.

- C. The Board hereby **Approves** the Variance requests 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.

**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 reduction in width of the drive aisles internal to the site.
- 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. During Construction work, the Applicant will maintain gravel at the front of the construction site to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an 8'-0" high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- 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 "11 CENTURY LN", as prepared by **Gabriel Lopez Architecture PA** dated, signed and sealed 04/04/19, 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



Filed with the Clerk of the Design Review Board on \_\_\_\_\_ ( )