

# MIAMI BEACH

PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 13, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB19-0451  
**220 West DiLido Drive**

An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence on a vacant site including one or more waivers.

## **RECOMMENDATION:**

Approval

## **LEGAL DESCRIPTION:**

Lot 9, Block 2, of Di Lido Island, According to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida, and also an eight foot strip contiguous to the westerly boundary line of Lot 9, in Block 2, of Di Lido Island, According to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida lying between westerly extension of northerly and southerly lines of Lot 9, Block 2, According to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida.

## **HISTORY:**

At the October 02, 2019 DRB meeting, the Board reviewed and continued the item to the November 05, 2019 meeting in order for the applicant to refine the design and reduce the intensity of the waiver requests. The item was continued to the December 13, 2019 DRB meeting at the request of the applicant.

## **SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 10,980 SF  
Lot Coverage:  
Proposed: 3,237 SF / **29.5%**  
Maximum: 3,294 SF / 30%  
Unit size:  
Proposed: 5,484 SF / **49.9%**  
Maximum: 5,490 SF / **50%**  
**2<sup>nd</sup> Floor to 1<sup>st</sup>: 111%\***  
**\*DRB WAIVER**  
Height:  
Proposed: 24'-0" flat roof from BFE +5  
Maximum: 24'-0" flat roof

Base Flood Elevation: +9.00' NGVD  
Difference: 4.0' NGVD  
Adjusted Grade: +6.995' NGVD  
30" (+2.5') Above Grade: +7.49' NGVD  
First Floor Elevation: +14.00' NGVD  
(BFE+5' FB)  
Side Yard Elevations Min: 6.56' Max: 7.49'  
Read Yard Elevations Min: 6.56' Max: 14'

## **EXISTING STRUCTURE:**

Year: 1952  
Architect: Carlos b. Schoeppel  
Vacant: Yes  
Demolition: Total demolition

Grade: +4.99' NGVD

**SURROUNDING PROPERTIES:**

East: One-story 1939 residence

North: One-story 1947 residence

South: Two-story 2013 residence

West: Biscayne Bay

**THE PROJECT:**

The applicant has submitted revised plans entitled "220 W. Residence", as prepared by [STRANG] Architecture, dated November 08, 2019.

The applicant is proposing to construct a new two-story residence on a waterfront lot on the western side of DiLido Island.

The applicant is requesting the following waiver(s):

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c).
2. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).
3. Elevator bulkheads shall be located as close to center of the roof as possible and be visually recessive in accordance with Section 142-105(b)(7)(f).

**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:

1. For two story homes with an overall lot coverage of 25% or greater, the physical volume of the second floor shall not exceed 70% of the first floor of the main home, exclusive of any enclosed required parking area and exception from this provision may be granted through DRB approval in accordance with the applicable design review criteria. **The applicant is requesting a 2<sup>nd</sup> Floor Volume to 1<sup>st</sup> of 112% with a 29.5% lot coverage which will require a waiver from the DRB.**
2. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than one percent of the lot area. The open space provided along a side elevation in accordance with this subsection, whether required or not, shall not be included in the lot coverage calculation provided that the combined depth of the open space, as measured from the required side setback line(s), is less than 30 percent of the maximum developable building width of the property, as measured from the interior setback lines, and the total open space provided does not exceed five (5) percent of the lot area. Any portions of the interior side yard open space in excess of five (5) percent of the lot area shall be included in the total lot coverage calculation. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and at least 75 percent of the required interior open space area shall be sodded or landscaped previous

**open space.** The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

3. Height exceptions: (f.) Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.
4. The rear yard open space calculations shall comply with Sec.142-106(3). Given that the height of the pool is located above adjusted grade, the water of the swimming pool shall count towards 50% of this requirement.

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.

**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 applicant is requesting three (3) design waivers 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 applicant is requesting three (3) design waivers 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 applicant is requesting three (3) design waivers 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 applicant is requesting three (3) design waivers 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 applicant is requesting three (3) design waivers 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 applicant is requesting three (3) design waivers 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 Satisfied**

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

**Satisfied**

**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing to construct a new two-story residence on a waterfront parcel on DiLido Island on a vacant site that previously contained a 1952 residence. The proposed home has been designed just under the maximum zoning thresholds for lot coverage and unit size allowances and requests three design waivers from the Board as part of this application. The design floor elevation of the new residence is proposed at base flood elevation (9) plus maximum free board (+5), or +14.00' NGVD. The item was previously presented at the October 02, 2019 Design Review Board meeting and was continued by the Board to address specific concerns with the massing along the front façade and articulation along the north, interior side façade.

The following summarizes the design changes in the revised plans:

- The second story volume along the front elevation that bridges the entrance has been pushed back an additional 4'-0".
- A reduction in the size of the feature walls and architectural framing elements that frame the bridged volume.
- The ground level planters framing the entrance stairs have been reduced in size.
- The planters on along the 2<sup>nd</sup> floor balcony have been removed.
- A cornice along the roofline has been added and windows within the courtyard have been reduced in size to de-emphasize the presence of the elevator or its bulkhead.

The proposed residence is designed in a tropical modern style that incorporates a palette of painted smooth stucco, stone cladding, wood siding and wood-like aluminum vertical louvers. The two-story residence is elevated and positions the parking garage underneath the envelope of the home on the ground floor. Much of the programming and building massing is configured along the northern end of the developable site, with an open space breaking up the extensive rectilinear massing. As it is proposed, the northern volume of the home is long and rectilinear, with a landscaped open space that complies with code to break up the massing. The southern portion of the residence has been designed with a large open area / water garden that breaks up the minimal massing of the southern façade. The main entrance of the home is located just beyond this water garden, at roughly the midpoint of the home, and is accessed by an open stairwell that leads up from the street to a breezeway of stepping stones within the aquatic open space. The design of the residence highlights open spaces and voids that contribute to minimizing its volume. Additionally, the home is further softened by landscape planters at balconies and a lush green roof.

This application was continued by the Board with specific direction to the applicant to explore the structure's massing, specifically the front (east) façade and the side (north) façade, as well as the location and treatment of the elevator adjacent to the side open space. The previously designed front façade featured a stucco framed two-story volume with strong architectural features that lent resulted in a heavy presence, despite a recessed second-story volume that bridged the entrance stairs and outdoor court. The revised design of the front façade has softened the massing by setting back further the second level volume, removing vertical accent walls and a second-story projecting balcony planters, and decreasing the scale of the planter walls that frame the entrance staircase. The Board and staff also expressed concerns with the north elevation of the home that previously appeared massive with a flat, rectilinear façade. The architect has revised this elevation to incorporate eyebrows and recessed walls that provide movement along the long façade. On the same side (north) façade, sited along the setback elevation of the open space is the elevator that staff had recommend be relocated to a more central location in order to not create a vertical,

tower-like accent. The proposed design has not relocated the elevator but has revised the architectural articulation of the court's façade by continuing the cornice along the roofline, scaling back the windows on the façade, as well as finishing the elevator bulkhead in a wood-like aluminum clad in order to visually mitigate the elevator's location. Staff finds that the revised modification successfully reduces the visual impact of the elevator.

The first of the requested design waivers pertains to an elevator located in the north portion of the site plan, along the interior open space elevation, that accesses the habitable roof deck. The Code requires that the elevator and associated bulkhead be located as close to the center of the roof (floorplan) as possible and be visually recessive such that they do not become vertical, tower-like extensions along the exterior elevations. The elevator is located within the court on the north side of the home, setback 8'-10" from the setback. As designed, the elevator is not vertically accentuated and does become part of the side (north) elevation. Staff supports the requested waiver.

The second of the requested design waivers pertains to the second floor to first floor ratio of the home. Since the proposed home has a lot coverage of nearly 30 percent, any second floor massing is restricted to 70 percent of the first floor, unless a waiver is sought by the DRB. As designed the second floor of the proposed home is nearly coterminous with the ground floor, containing 112 percent of the volume of the first floor. The design features projecting second floor volumes that provide shaded outdoor spaces on the first floor. Additionally, the proposed design modifications further reduce the structure's massing along its front and side elevations. As such, staff is supportive of the waiver request.

The remaining design waiver relates to open space requirements for two-story elevations that exceed 60'-0" in length. As previously mentioned, the proposed elevated home features open spaces for each interior side, that are primarily programmed to blend indoor and outdoor programmed space and to break up the home's two-story massing. The north outdoor garden area is designed as a 8'-10' x 16'-6" recess that is lower than the first finished floor of the residence with an elevation of 6.995' NGVD (adjusted grade) and configured with landscaping. The open space provided along this side elevation is designed in accordance with subsection 142-106(2)(d) of the City Code. Notwithstanding, the southern courtyard is more expansive, measuring 21'-10" x 19'-6", and has been designed at an elevation higher than adjusted grade; with an elevation of 14' NGVD that is flush with the interior of the first floor. The provided open space is also configured with a depth that is 30 percent of the maximum developable building width of the property. Therefore, this excess area, 153 SF, has been counted towards the lot coverage of the project. Additionally, the materiality of the space, as a water garden, does not comply with the required 75% pervious landscape. The open space proposed attempts to address the intent of the ordinance by breaking up the two-story elevation. While the proposed elevation of the open space is elevated nearly seven (7) feet higher than adjusted grade, staff finds that the extent of open spaces provided, coupled with the integration of architectural screening, mitigates any impact on neighbors, and is supportive of the design waiver.

Overall, the architect has produced an attractive architectural design with rich finishes and complex elements that, when integrated with voids and screens, successfully mitigates its impacts on the street and neighbors. Based on this analysis, staff recommends that the design of the replacement home be approved.

**RECOMMENDATION:**



In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

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

MEETING DATE: December 13, 2019

FILE NO: DRB19-0451

PROPERTY: **220 West DiLido Drive**

APPLICANTS: Maestria Real Estate, Inc.

LEGAL: Lot 9, Block 2, of Di Lido Island, According to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida, and also an eight foot strip contiguous to the westerly boundary line of Lot 9, in Block 2, of Di Lido Island, According to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida lying between westerly extension of northerly and southerly lines of Lot 9, Block 2, According to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single-family residence on a vacant site including one or more waivers.

**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, 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, and 11 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 home at 220 West DiLido Drive shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. The 70% limitation for the second floor volume **shall** be waived as proposed; the architect shall either reduce the massing of the second floor to comply with the percentage allowance or reduce the footprint to less than 25% lot coverage.
- b. The (south) side open space requirement **shall** be waived as proposed.
- c. The location of the elevator **shall** be permitted as proposed; the elevator shall be relocated internally to the floor plan.
- d. The required rear yard shall comply with the 70% open space requirement.
- e. The final design details and finish selection of the stone cladding 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. The final design details and color selection of the vertical aluminum louvers with 'wood-look' finish 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.
- g. The final design details and finish selection of the wood siding 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.
- h. The final color selection of the painted finish over smooth stucco, shall be submitted, in a manner to be reviewed and approved by staff.
- i. The final design details of the exterior 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.
- j. The final design details and finish selection of the mechanical pad screen enclosure submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. The final design details and finish selection of the wood pergola proposed on the roof top 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.
- l. 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.

- m. 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 plans 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 plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and 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. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
  - c. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
  - d. 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.
  - e. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
  - f. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
  - g. The applicant shall install street trees adjacent to the subject property consistent with the City's Street Tree Master Plan or similar to existing species along the street, 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.

- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. 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.
- j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, 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.
- l. 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-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. 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. No variance(s) were filed as part of this application.

## **III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.**

- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

- B. During construction work, the applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front 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.
- C. If applicable, 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.
- D. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- 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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )SS

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 \_\_\_\_\_ ( )