

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: July 07, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB20-0529  
**727-741 77<sup>th</sup> Street, 7710-7720 Dickens Avenue**

An application has been filed requesting Design Review Approval for the construction of a new multistory addition to replace an existing one-story building and surface parking and other overall exterior site design modifications.

#### **RECOMMENDATION:**

Approval with conditions

#### **LEGAL DESCRIPTION:**

See attached Exhibit 'A'

#### **BACKGROUND**

On May 19, 2020, the Planning Board reviewed and transmitted to the City Commission with a favorable recommendation a proposed ordinance amendment (PB20-0354) that modifies the physical development regulations of school parcels within the North Beach National Register conservation District Overlay. The modified regulations pertain to building height, setbacks, lot width and minimum lot aggregation. The ordinance amendment is scheduled to be heard by the City Commission at first reading on June 24, 2020.

#### **SITE DATA:**

Zoning: RM-1  
Future Land Use: RM-1  
Lot Size: 64,006 (1.47 Acres)  
Existing FAR: 38,344 SF / 0.60  
Proposed FAR: 67,064 SF / 1.04  
Permitted FAR: 89,692 SF / 1.4

\*As represented by the applicant

Grade: +3.5' – +3.8' NGVD  
Base Flood Elevation (BFE): +8' NGVD  
Difference: 4.5' - 4.2' NGVD  
Existing Building Finished Floor Elevation:  
+6.21' NGVD

Proposed Finished Floor Elevation: 9' NGVD  
Student Occupancy: 548

#### **SURROUNDING PROPERTIES:**

East: 2-story 1950 multi-family residential  
North: 2-story 1940's and 1950's multi-family residential buildings  
South: Biscayne Elementary School / 1-story 1952 multi-family residential  
West: 2-story 1947 multi-family residential

#### **THE PROJECT:**

The applicant has submitted plans entitled "Lehrman Community Day School", as prepared by **NC-office architecture / urbanism** dated, signed, and sealed May 11, 2020.

The applicant is proposing the construction of a new multistory addition to replace an existing one-story building and surface parking and other exterior site design modifications. Currently, the maximum number of students permitted at the school are 548 students and

the proposal does not seek to increase its student occupancy but rather to enhance the academic environment and improve the facilities.

**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:

- Proposed lightpoles shall comply with section 142-1132(k) *Lightpoles*.
- URBAN HEAT ISLAND ORDINANCE Sec. 142- 1132. g) Driveways. (4) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in section 114- 1 of this Code. (5) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in section 114- 1 of this Code, shall be prohibited.
- The proposed ramp and decks in the front yard facing Dickens Avenue shall comply with section 142-1132(o) *Projections*.
- The proposed porte-cochere shall be further detailed in the architectural plans and elevations and shall comply with section 142-1132(n) *Porte-cochere*.
- Fences shall be measured from future adjusted grade, which is 7.13' NGVD.
- Loading vehicle back-up shall not be in the street.

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.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Satisfied**

4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Satisfied**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Satisfied**
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Satisfied**
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.  
**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).  
**Satisfied**
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.  
**Satisfied**
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.  
**Not Applicable**
- (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 Satisfied**
- (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 Satisfied**
- (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**

**ANALYSIS:**

**DESIGN REVIEW**

The applicant is proposing to construct a new multi-story addition to the existing Lehrman Community Day School, as well as other overall exterior site modifications. Located in the North Beach National Register Conservation District, the subject site is an amalgamation of parcels along the southern end of a block, fronting the entirety of 77<sup>th</sup> Street and wrapping north at its ends to Dickens Avenue and Tatum Waterway Drive. The design floor elevation of the new addition is proposed at base flood elevation (8') plus 1' of free board, or 9' NGVD.

The architect is proposing a five-story structure facing Dickens Avenue that is sited on two parcels north of the existing three-story school building, originally constructed as a two-story building in 1959 with a third floor added in 1984. The new structure is designed in a contemporary neobrutalist style. Rectilinear in plan and elevations, the new addition includes a cafeteria on the ground floor, classrooms on the second floor, and a double height indoor gymnasium with associated rooms on the third and fourth floors. The primary façade of the addition is a composition of material cladding and stucco forms that provide interest and movement to the expansive elevation. A wall of horizontal stucco banding combines the existing building with the new and announces the principal entrance to new structure under a deep eyebrow.

While the majority of the structure is set back, a two-story volume projects forwards as stucco framed concrete fins with recessed walls planes. Along the ground floor, and corresponding to the cafetorium within, glazing is set within colored fins, while the fins continue in a gray finish to a second-floor masonry walls with rectangular window openings. The upper stories of the addition are clad in sculptural white pre-cast concrete panels that read as draped fabric. The concrete panels create an undulating surface that contrasts with minimal, yet curated, deep rectilinear openings. The design of the proposed addition is a well composed representation of architectural elements with high quality finish materials and textures. Staff is supportive of the design of the new addition, but recommends further exploration of a green roof that will not only soften the stoic massing's crown, but can serve as an educational learning opportunity with plantings of herbs and vegetable gardens, butterfly-friendly shrubs and general landscape. Additionally, staff recommends further exploration into modifying the façade of the existing building along Dickens Avenue to better integrate the existing with the new.

In addition to the new structure, the applicant is proposing exterior site modifications that include a carpool lane, a covered walkway, a reconfigured playground area and a reconfigured surface parking lot. A new curb cut on 77<sup>th</sup> Street, adjacent to the existing main entrance, brings the carpool lane into the site. The new 20' wide carpool lane, finished in semi-pervious pavers, spans a length of 156' and allows cars to queue and pass within the site with exits back onto 77<sup>th</sup> Street or through a reconfigured and enhanced parking lot

onto Tatum Waterway Drive. With the modernization, the school will be able to noticeably improve the vehicular drop off and pick up operations, which currently occur directly on the public right of way along 77<sup>th</sup> Lehrman Drive, opposite of Biscayne Elementary' s drop off. The improvements seek to internalize over 70% of the drop off and pick up on site. A masonry porte-cochere is proposed at the exit of the lane, prior to the parking lot entrance. Flanking the carpool lane, and spanning the length of the playground, is a covered walkway that features a rippling architectural screen of colored pickets and pivoting colored louvers. With a white metal picket fence proposed along the perimeter of the property line, the design incorporates layers of fences and screens in order to provide transparency and privacy where needed, as well as security.

In conclusion, staff finds that the proposed site and building design of the educational complex are elegant and subtly whimsical, and recommends its approval with the design direction provided herein, and/or additional input and directions from the Board.

**RECOMMENDATION:**

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

EXHIBIT A

LEGAL DESCRIPTION:

SUBJECT: 727 Lehrman Drive (77 Street), Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0640

LEGAL DESCRIPTION: 2 53 42 TATUM WATERWAY SUB PB 46-2 LOTS 10-11 & 12 BLK 6 & LOT 6 LESS E2.5FT BLK 28 OF ALTOS DEL MAR NO 3 PB 8-41

SUBJECT: 741 Lehrman Drive (77 Street), Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0670

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 13 BLK 6

SUBJECT: 7701 Tatum Waterway Drive, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0620

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 8 BLK 6

SUBJECT: 7737 Tatum Waterway Drive, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0610

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 7 BLK 6

SUBJECT: 7710 Dickens Avenue, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-007-2360

LEGAL DESCRIPTION: ALTOS DEL MAR NO 3 PB 8-41 LOT 5 LESS E2.5FT BLK 28

SUBJECT: 7720 Dickens Avenue, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-007-2350

LEGAL DESCRIPTION: 2 53 42 ALTOS DEL MAR NO 3 PB 8-41 LOT 4 LESS E2.5FT BLK 28

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

MEETING DATE: July 07, 2020

PROPERTY/FOLIO:	727 77 <sup>th</sup> Street	02-3202-002-0640
	741 77 <sup>th</sup> Street	02-3202-002-0670
	7701 Tatum Waterway	02-3202-002-0620
	7737 Tatum Waterway	02-3202-002-0610
	7720 Dickens Avenue	02-3202-007-2350
	7710 Dickens Avenue	02-3202-007-2360

FILE NO: DRB20-0529

An application has been filed requesting Design Review Approval for the construction of a new multistory addition to replace an existing one-story building and surface parking and other overall exterior site design modifications

LEGAL: See attached Exhibit 'A'

**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 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, 8, 9, 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 addition at 727-747 77<sup>th</sup> Street, 7710-7720 Dickens Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. URBAN HEAT ISLAND ORDINANCE Sec. 142- 1132. g) Driveways. (4) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in section 114- 1 of this Code. (5) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in section 114- 1 of this Code, shall be prohibited.
- b. Proposed lightpoles shall be of a high quality design and higher quality lighting specification and shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. The proposed ramps and decks in the front yard facing Dickens Avenue shall comply with section 142-1132(o) *Projections*.
- d. The proposed porte-cochere at the end of the carpool lane shall comply with section 142-1132(n) *Porte-cochere*.
- e. The architect shall explore a green roof with gardens and landscaping atop of the new addition, 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 architect shall explore refining the existing building's Dickens Avenue elevation to better assimilate to the design of the new addition, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the 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.
- h. The coral stone wall on Dickens Avenue shall be buffered by landscaping in order to soften its appearance within the pedestrian realm, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. The final design details of the white metal fence along the perimeter of the site 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 color and design details of the screen and associated operable 'colored louvers' flanking the playground and covered walkway 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.

- k. The final design and details of the canopy covering the walkway and entrance to the building on 77<sup>th</sup> Street 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. The final design and details of the porte-cochere 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.
- m. The final design, color and details of the semi-pervious, pre-cast pavers 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.
- n. The final design and details of the “sculptural, white pre-cast concrete panels” 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.
- o. The final design and details of the concrete fins with ‘sides colored’ 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.
- p. The final design and details of the concrete fins ‘painted gray’ 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.
- q. The final design and details of the “coral stone wall” 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.
- r. The final design and details of the “horizontal stucco bands” 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.
- s. The final design and details of the “white metal” screening proposed on the rooftop 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.
- t. The final design and details of all exterior material 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.
- u. 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.

- v. 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. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.
    - d. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
    - e. 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.
    - f. 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.
    - g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.

- h. 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.
- i. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
- j. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- k. 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.
- l. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- m. 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.
- n. 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.
- o. 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. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.

- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 "Lehrman Community Day School", as prepared by **NC-office architecture / urbanism** dated, signed, and sealed May 11, 2020, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

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

EXHIBIT A

LEGAL DESCRIPTION:

SUBJECT: 727 Lehrman Drive (77 Street), Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0640

LEGAL DESCRIPTION: 2 53 42 TATUM WATERWAY SUB PB 46-2 LOTS 10-11 & 12 BLK 6  
& LOT 6 LESS E2.5FT BLK 28 OF ALTOS DEL MAR NO 3 PB 8-41

SUBJECT: 741 Lehrman Drive (77 Street), Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0670

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 13 BLK 6

SUBJECT: 7701 Tatum Waterway Drive, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0620

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 8 BLK 6

SUBJECT: 7737 Tatum Waterway Drive, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-002-0610

LEGAL DESCRIPTION: TATUM WATERWAY SUB PB 46-2 LOT 7 BLK 6

SUBJECT: 7710 Dickens Avenue, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-007-2360

LEGAL DESCRIPTION: ALTOS DEL MAR NO 3 PB 8-41 LOT 5 LESS E2.5FT BLK 28

SUBJECT: 7720 Dickens Avenue, Miami Beach, FL 33141

FOLIO NUMBER: 02-3202-007-2350

LEGAL DESCRIPTION: 2 53 42 ALTOS DEL MAR NO 3 PB 8-41 LOT 4 LESS E2.5FT BLK 28