

# MIAMI BEACH

PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 06, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB20-0564  
**4354 Michigan Avenue**

An application has been filed requesting Design Review Approval for the construction of a new two-story residence including one or more waivers to replace an existing pre-1942 architecturally significant one-story residence.

## **RECOMMENDATION:**

Approval with conditions

## **LEGAL DESCRIPTION:**

Lot 18 of Block 22 of Nautilus Extension, according to Plat thereof as recorded in Plat Book 34, Page 98 of the Public Records of Miami-Dade County, Florida.

## **SITE DATA:**

Zoning: RS-4  
Future Land Use: RS  
Lot Size: 9,968 SF  
Lot Coverage:  
Existing: 2,710SF / 27%  
Proposed: 2,749 SF / 27.5%  
Maximum: 2,990 SF / 30%  
Unit size:  
Existing: 2,710 SF / 27%  
Proposed: 3,934 SF / 39.5%  
Maximum: 4,984 SF / 50%  
2<sup>nd</sup> Floor to 1<sup>st</sup>: 1927/1944 | 98.9%%\*  
\*DRB WAIVER  
Height:  
Proposed: 24'-0" flat from BFE+1'  
Maximum: 24'-0" flat roof  
CMB Grade: 3.97' NGVD

Base Flood Elevation: +8.00' NGVD  
Difference: +4.03' NGVD  
Adjusted Grade: +5.985' NGVD  
First Floor Elevation: +9' NGVD (BFE+1fb)  
Side Yard Elevations Min: 6.56' Max: 6.56'  
Read Yard Elevations Min: 6.56' Max: 6.56'

## **EXISTING PROPERTY:**

Year: 1938  
Architect: David Ellis  
First Floor Elevation: 5.93' NGVD | 6.53' NGVD

## **SURROUNDING PROPERTIES:**

North: Two-story 2017 residence  
South: One-story 1956 residence  
West: Two-story 1939 residence  
East: City of Miami Beach Polo Park

## **THE PROJECT:**

The applicant has submitted plans entitled "New Single-Family Home 4354 N Michigan Ave", as prepared by **GAIA/S Design**, signed and sealed August 10, 2020.

The applicant is proposing to construct a new two-story residence on an interior lot across from Polo Park in the Nautilus neighborhood.

The applicant is requesting the following design waiver(s):

1. A two-story side elevation more than 60'-0" in length in accordance with Section 142-106(2)(d).
2. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c): 99%.

#### **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:

- 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.
- Mechanical equipment (pool, AC, generator) must be located at minimum BFE +1 (9' NGVD), confirm with building department; as such any equipment located 5'-0" or so to property line must comply with the elevation restrictions in Sec. 142-106(b)(5).
- DRB1.0 Zoning legend identifies +2 of freeboard, or 10' NGVD, but the plans (DRB2.1) and elevation depict +1, or 9' NGVD (DRB3.2)
- DRB1.2 Pool deck at the rear shall be setback 6'-0" from the rear property line.
- DRB 1.3 and 1.4 Unit Size – Diagrams shall include the total calculated SF of all floors total calculations and % - ensure permit drawings demonstrate the total Unit Size for entire structure and its percentage.
- Note that fences within the interior side (not including front yard) and rear yards only can be measured from adjusted grade, instead of grade (when the site complies with the minimum and maximum yard elevations). In this case, the top 4'-0" of the fence shall be picket type of fence with minimum 3" spacing. The maximum height of 5' for rear waterfront still applies. The height of a fence located within the front yard is measured from grade elevation, not from adjusted grade and can be up to 7'-0" in height when setback 4'-0" from the property line.
- 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:
  - a. 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.
  - b. **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 percent of the lot area. Any portions of the interior side yard open space in excess of five percent of the lot area shall be included in the total lot coverage calculation.**

- c. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
- d. At least 75 percent of the required interior open space area shall be sodded or landscaped with pervious 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.

- 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 99% with a 27% lot coverage, which will require a waiver from the DRB.**

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 two 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 two 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 two 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 two 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 two 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 two 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).

**Not Satisfied; the applicant is requesting two design waivers 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**

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

The applicant is proposing to construct a new two-story residence on an interior parcel that will replace an existing one-story architecturally significant pre-1942 residence. The proposal includes a request for two design waivers. The design finished first floor elevation of the new residence is proposed at base flood elevation (8') plus 2' free board, or 10' NGVD.

The proposed residence is designed in a contemporary style that incorporates a palette of rich materials such as coral rock stone cladding, 'accoya' modified wood siding and wood-like

aluminum vertical louvers, contrasting fields of painted smooth stucco in a creamy light sand hue. The architecture is defined by stark exterior facing facades (front, side and rear) arranged in a U formation—featuring an expansive interior courtyard that is softened by the internal fenestration that looks upon the courtyard space. The two-story home is set back 34'-0" from the front property line and extends nearly side setback to side setback line. The minimum required setback is 10'-0" and the design adheres to the minimum along the north side, while providing an additional 2'-0" along the south side for a setback total of 12'-0". The large interior open space "opens up" to the north. A covered carport opens up the solid front façade and provides a break to the front massing and offers a visual glimpse into the openness found within.

The majority of the residence's program consists of multiple bedrooms on the second floor including a separate guest bedroom suite detached from the second floor master bedroom and connected by a terrace that opens up to the rear of the property; this additional opening breaks up the rectilinear massing towards the rear and correlates to the ground floor opening of the carport. The main entry to the home is centrally located in the front portion of the home and a double height stairway tower grounds the southernmost element of the front façade.



Front façade, 2142 Michigan Avenue

The design of the residence is warm and delicate in its proportion and its success lies in the fully realized selection of materials. Generally, staff is supportive of the overall design but would suggest that the front façade be slightly refined and lightened to soften the architecture and improve the residential aesthetic.

The applicant is requesting one design waiver that pertains to the open space requirements for two-story elevations that exceed 60'-0" in length. As previously mentioned, the proposed home features a large open space along the north interior side. The outdoor area measures 30'-1" wide by 35'-11' deep. This outdoor garden area is designed as a wide and deep recess that is set flush at the same elevation of the first finished floor of the residence with an elevation of 9' NGVD. Within the space, it has been designed and configured with landscaping, gravel and a plunge pool. It is the design intent of the team to integrate the architecture into the environment and maximize the sustainable nature of the architecture, reinforced through its compact footprint falling below the maximum unit size by 10%. The desire of the design is to maximize the natural environment through the centralization of the courtyard to emphasize natural passive cooling opportunities and in its orientation towards the north, move closer to achieving a zero-emission goal.





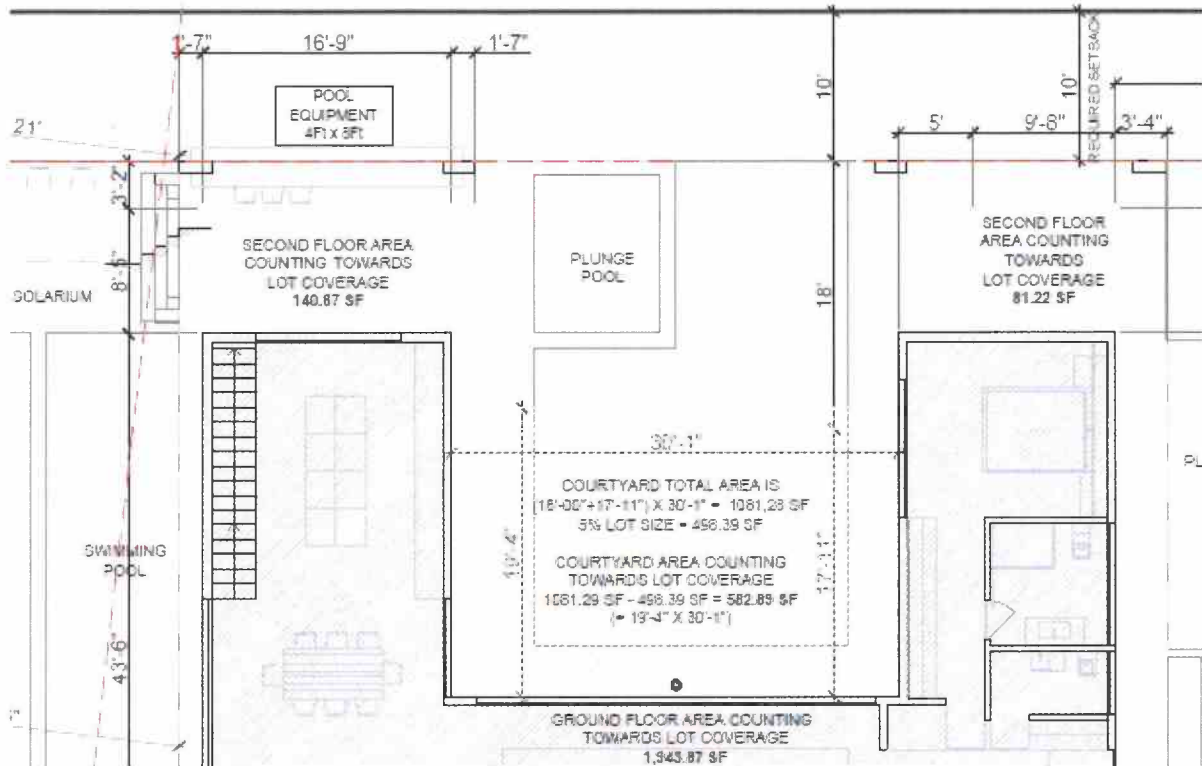
North side interior courtyard, 2142 Michigan Avenue

The open space provided along this side elevation is designed in the spirit of the regulations which is to break up the mass of side elevations in order to prevent uninterrupted sheer wall façades, but does not meet the restrictive code requirements of subsection 142-106(2)(d) as it pertains to elevation height, depth of the area and amount of landscaping. Critically, its size exceeds the courtyard size restriction and it has been designed at an elevation higher than adjusted grade and it is not 75% landscaped.

The provided open space is also configured with a depth that is 60% of the maximum developable building width of the property. Therefore, this excess area over 30%, or 18'-0', has been counted towards the lot coverage of the project. Additionally, the materiality of the space, as graveled area walkway and a garden with plunge pool, does not comply with the required 75% pervious landscape. The proposed open space addresses the intent of the ordinance by breaking up the two-story elevation and promoting light and circulation not only within the site but upon the abutting property as well. While the proposed elevation of the open space is elevated higher than adjusted grade, staff finds that the extent of open spaces provided mitigates any impact on neighbors, and as such is fully supportive of the design waiver.

The next design waiver pertains to the second floor to first floor ratio of the home. Since the proposed home has a lot coverage of 27.5%, any second-floor massing is restricted to 70% of the first floor, unless a waiver is approved by the DRB. As proposed, the home has a second floor to first floor ratio of 99%, as it is generally a double stacked two-story home configured in a U formation.





North side interior courtyard, 2142 Michigan Avenue

As such, the design is comprised of a large central outdoor area that due to being enclosed by three walls count towards lot coverage. The area covers approximately 1,081.3 SF, which is open to the sky. Adjacent covered terraces and the landscaped niches flanking the north side yard also contribute to area that is counted towards lot coverage. Only 5% of the courtyard area is required as part of the side open space requirement and does not count towards the overall lot coverage. The balance of the area, 583 SF, exceeds this amount and extends further internal to the site than the 30% of the developable width of the parcel allows. If this uncovered and outdoor area were to be subtracted from the overall lot coverage amount, it would lower the proposed lot coverage from 28.5% to 21.7%. Additionally, when reviewing the second-floor volume rule, staff believes that the request is commensurate with the design that features the two-story main residence surrounding a large open courtyard. As such, staff is supportive of this requested waiver given the design that features extensive open spaces integrated within and around the building volumes.

**RECOMMENDATION:**

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

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

MEETING DATE: October 06, 2020

PROPERTY/FOLIO: **4354 Michigan Avenue 02-3222-008-0450**

FILE NO: DRB20-0564

IN RE: An application has been filed requesting Design Review Approval for the construction of a new two-story residence including one or more waivers to replace an existing pre-1942 architecturally significant one-story residence.

LEGAL: Lot 18 of Block 22 of Nautilus Extension, according to Plat thereof as recorded in Plat Book 34, Page 98 of the Public Records of Miami-Dade County, Florida.

**ORDER**

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1, 2, 3, 4, 5, 6, 9, 12, and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with 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 home at 4354 Michigan 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. The proposed (north and south) side open space requirements **shall be** waived as proposed.
  - c. The required 70% limitation for the second floor volume **shall be** waived as proposed and shall not be increased at time of permitting, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. The proposed mechanical equipment (pool, AC, generator) must be located at minimum BFE +1 (9' NGVD), confirm with building department; as such any equipment located 5'-0" or so to property line must comply with the elevation restrictions in Sec. 142-106(b)(5).
  - e. The final design details and color selection of the "decorative screen cladding" proposed at both portions of the façades 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 "transparent vertical fins" proposed at portions of the façades 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 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.
  - h. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - i. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding 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. The architect shall include butterfly friendly plantings, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- i. 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.



- j. 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.
- k. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- l. 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.
- m. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- n. 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.
- o. 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.
- p. 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.

**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. 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 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 "New Single-family Home 4354 N Michigan Ave", as prepared by **GAIA/S Design**, signed and sealed August 10, 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 \_\_\_\_\_ (                    )