

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 03, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB19-0468**
4880 Pine Tree Drive

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

RECOMMENDATION:

Approval with conditions

BACKGROUND:

At the February 04, 2020 DRB meeting, the Board reviewed and continued the item to the May 05, 2020 meeting in order for the applicant to refine the design and reduce the intensity of the waiver requests and the massing of the structure. All items were moved from the May and June DRB meetings to the July meeting due to the Covid-19 situation.

At the July 07, 2020 DRB meeting, the Board reviewed and continued the item to the August 04, 2020 meeting in order for the applicant to continue to further refine the design and reduce the overall mass of the building. On August 04, 2020 the item was continued to the September 01, 2020 meeting at the request of the applicant. At the September 01, 2020 meeting, the item was continued to the November 03, 2020 DRB meeting, again at the request of the applicant.

LEGAL DESCRIPTION:

Lots 24 and 25 less the southerly ½ of lot 24 of Block 32 of Lake View Subdivision, according to the Plat thereof, as recorded in Plat Book 14, at Page 42, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

| | |
|--|--------------------|
| Zoning: | RS-3 |
| Future Land Use: | RS |
| Lot Size: | 19,773 SF |
| Lot Coverage: | |
| Existing: | 3,727SF / 19% |
| Proposed: | 4,969 SF / 25% |
| Maximum: | 5,932 SF / 30% |
| Unit size: | |
| Existing: | 5,852 SF / 30% |
| Proposed: | 7,548 SF / 38% |
| Maximum: | 9,886.5 SF / 50% |
| 2 nd Floor to 1 st : | 2713 4,046 / 67% |

Height:

Proposed: 24'-0" flat roof from BFE +5'
Maximum: 24'-0" flat roof

Grade: +4.6' NGVD

Base Flood Elevation: +8.00' NGVD

Difference: +3.4' NGVD

Adjusted Grade: +6.3' NGVD

First Floor Elevation: +15' NGVD (BFE+5fb + 2')

Side Yard Elevations Min: 6.56' Max: 7.1'

Read Yard Elevations Min: 6.56' Max: 13'

EXISTING PROPERTY:

Year: 1934
Architect: Robert Little
First Floor Elevation: 6.52' NGVD
Vacant: No
Demolition: Total

SURROUNDING PROPERTIES:

North: one-story 1934 residence
South: Two-story 1937 residence
West: Surprise Lake Waterway
East: Two-story 1941 residence

THE PROJECT:

The applicant has submitted revised plans entitled "4880 Pine Tree Drive Residence Design Review Board Continuance Final Submittal", as designed by **MTTR MGMT**, signed, sealed, and dated October 05, 2020.

The applicant is requesting Design Review Approval for the construction of a new two-story residence on a waterfront parcel to replace an existing two-story pre-1942 architecturally significant residence.

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

1. 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).

The applicant is requesting constructing the residence above allowable 'understory' spaces instead of infilling with berms and tiered site work:

2. Understory area shall be subject to the review and approval of the Design Review Board in accordance with Section 142-105(b)(4)(e).

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.
- Subject to the review and approval of the Design Review Board the following may apply to the understory area(s): Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage.
- Gravel in the understory shall be set back 5'-0" from the edge of the slab above on the south side.
- Covered stair vestibules are not allowable height exceptions per Section 142-105(b)(7) *Height Exceptions*.
- For proposed skylight, provide calculations of maximum area allowed on the roof

where the skylight is proposed, per Section 142-105(b)(7) *Height Exceptions*.

- The maximum height of parapets associated with the accessible roof deck is 3'-6".
- The elevator bulkhead is not shown in roof plan.
- Vestibule area at the roof counts as part of the maximum 25% of the accessible area allowed.
- Any allowed enclosed area at the roof level counts in unit size.
- Walkways: Maximum 44". May be increased to a maximum of five feet (5'-0") for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through the **Design Review** procedures.
- Note that if in the future, the building department requires a railing or guard around the roof of the front structure, due to the stair access to the roof, the accessible roof area with railing will have to be modified to not exceed 25% of the area of the floor below.

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.
Not Satisfied; the applicant is requesting the review of the elevator bulkhead and the design of the understory area.
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 the review of the elevator bulkhead and the design of the understory area. The enclosed stairwell is not permitted, please find an alternate location of an exterior stair accessing the roof.

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
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 the review of the elevator bulkhead and the design of the understory area.
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 the review of the elevator bulkhead and the design of the understory area. The enclosed stairwell is not permitted, an alternate location of an exterior stair accessing the roof is required.
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 the review of the elevator bulkhead and the design of the understory area.
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.
Not Satisfied; the applicant is requesting the review of the elevator bulkhead and the enclosed stairwell is not permitted.
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.
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.

Satisfied

ANALYSIS:
DESIGN REVIEW

The applicant is proposing a new two-story residence on a waterfront parcel that will replace an existing pre-1942 architecturally significant two-story residence. The proposal includes the review of the understory portion of the design and the location of the elevator bulkhead.

The proposed residence has a separate front building sited in a diagonal-formation on the 106'-0" wide waterfront lot that centers around an elevated living condition above the habitable understory. The design floor elevation of the new residence is proposed at base flood elevation (8) plus maximum free board +5'-0", plus an additional 2'-0", or +15.00' NGVD.

The item was previously presented at the February 04, 2020 Design Review Board meeting and was continued by the Board to address specific concerns with the massing along the northern interior façade, the one-story massing facing the street, the transparency of the understory, and the overall impact of the home in height and massing as a result of the understory. The item was again presented at the September 01, 2020 Design Review Board meeting and while the applicant addressed many of the Board's previous concerns, the item was continued by the Board to further address concerns with the one-story massing facing the street and height of the home as it relates to the northern interior façade, the transparency of the understory, and the overall impact of the home in height and massing as a result of the understory.

The following summarizes the design changes in the revised plans:

- The front one-story structure has been broken up into two volumes where one is at the required front yard setback of 20'-0" and the other is setback an additional 10'-0", increasing the setback to 30'-0" where 20'-0" is required in an effort to lessen the structure's presence along the street.
- The front one-story building has varying roof lines.
- The overall height of the two-story main residence has been reduced to comply with the Code, eliminating all height waiver requests.
- The northern, interior setback for the home has been increased by 5'-3" for a total setback of 15'-9" where 7'-6" is required.
- The driveway has been relocated to northern portion of the site.
- Translucent (semi-transparent) glass panels have been added to bathroom locations and north facing railings to screen the interior of the home.
- The bedrooms and private spaces programmed within the north bar building have been relocated to face the interior of the site with the corridors sited along the north facing elevation.
- The understory has been modified with larger and more openings to allow for more natural light as well as landscape spillage from level one green roof.
- The level one green roof has been further reduced in size and has incorporated trellises to allow additional light into the understory.
- The diamond shaped aperture on the covered courtyard green roof has increased

in size to allow for more natural light spillage into understory.

- The design of the front screening has been modified to a vertical wood colored screen.
- The understory breakaway walls have been substantially broken up to make area more open.
- An open tread stair has been added to allow more light into the understory.
- Included an additional aperture has been added to provide light into the understory.
- Additional retainment and mitigation of existing canopy trees, as well as increase in the number of new trees.
- Increased landscape screening along the north and south side elevations.
- Relocated the elevator to the the interior of the building.
- Flipped the plan layout of the bedrooms within the two-story volume along the northern interior property line so that the bedrooms overlook south to the interior of site and the corridor runs along the northern façade.

Since the understory ordinance was adopted in July of 2018, there has been a discernible increase in elevated homes that are being configured with finished first floor elevations at or above the maximum measurable freeboard. This is due to several factors including sea level concerns, flooding and mitigation, the raising of City roads, and a renewed interest in elevated living with open-plan structures. In this design, the project architect is proposing transition spaces to access the main level of the home in a new "Sarasota Modern" style, while still designing a responsible and sensitive design to the neighborhood.

The first fully-enclosed, habitable floor of the residence is designed at an elevation of 15'-0" NGVD, 6'-0" above the minimum building standard requirement of +9'-0" NGVD (BFE + 1' Fb) and 2'-0" higher than the maximum freeboard allowance of +5.00' over Base Flood (+15.00'). This does increase the perceivable height of the structure as it lifts the habitable first floor to a greater elevation. The design intention is to create a larger, non-air-conditioned space below the main slab that serves as a usable outdoor recreational amenity and program feature for the owner. The applicant is embracing the design of the understory area and designing a functional outdoor living and parking room area.

The residence is comprised of two buildings, including a one-story structure sited at the front of the site. An I-shaped bar building is also proposed, accessed by a stratified path of concrete pavers that commences at the sidewalk and continues underneath the one-story front building, meandering through site to reach an internally located glass vestibule. The vestibule is the entry to a circulation tower within which a staircase encases a small hydraulic elevator. The circulation tower is internal to the site with a catwalk along its north, court facing façade that buffers the stairs, as well as connects the two bar buildings that define the two-story residence.

The stem of the 'I' is located along the northern interior property line and features a large, open court that breaks up the massing and connects to the bar building facing the bay. At the previous Design Review Board meeting, staff addressed reservations with the proposed massing of these buildings, specifically as a height waiver was being sought and as the additional height coupled with the understory rendered the structures overwhelming to the site even though the lot coverage and the unit size of the proposed home was well-within the allowable zoning threshold. To address the massing of the "I" shaped two-story building, specifically in relation to the northern property line, the architect has setback the entirety of the home further south into the side to allow for a setback of 15'-9" from the north, interior

property line, where 7'-6" is required. Furthermore, the revised design has lowered the proposed heights of the home to 24'-0" and has eliminated the request for a design waiver for additional height. The Board also found that the design of the one-story building at the front of the property was massive and incompatible with the street scape due to its expansive façade that was designed within the height and setback allowances for a one-story structure.

To address the massing of the home, the architect has further broken up and refined the front building massing by breaking it up into two volumes that, while connected, vary in height, setback and architectural transparency. The foremost volume has been set back 20'-0" from the front property line and features glazing and ipe wood vertical screens that are sandwiched between two, filleted concrete slabs, while the rearmost volume is lowered and setback 30'-0", and features a band of fenestration that is accented by charred wood at its base and vertical screening above. The revision to the front building, which is positively accented by a landscaped green roof, is softer and more residential. However, staff recommends that the building, especially its foremost volume, be further setback from the property line, and that the pattern of the wood fins be varied to allow panes of glazing to be exposed and to soften the strict order of the screen.

The applicant is requesting design review as it pertains to the proposed location of an elevator located in the north portion of the site plan that accesses the habitable roof deck. Elevators are permitted to extend to the roof and are allowable height exceptions that may extend an additional 10'-0" above the height of the main roof line. 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 it does not become a vertical, tower-like extension along the exterior elevations. The location of the elevator is within the circulation volume that is offset 22'-3" from the north setback line.

The elevator has been modified and now consists of a tubular hydraulic car that is located at the center of a grand circular staircase. To further recess the elevator, a catwalk, which connects the dominant bar buildings of the home, is sited along the northern, court facing façade. Additionally, the elevator is visually offset by a relocated mango tree and two proposed giant papyrus within the open space recess. The neighboring property to the north is a one-story residence built in 1934. The expansive setback to the elevator addressed most of staff's concerns. However, further study of the glass fenestration of the elevator to avoid light spillage onto the neighboring property and additional robust vertical landscaping along the side property line is recommended. To note, the design has proposed a stair bulkhead on the roof level that is not an allowable height encroachment and is to be removed.

Subject to the above noted modifications, staff believes the revised design addresses concerns with the massing of the residence as it relates to its site and neighborhood and is responsive to the design direction provided by the DRB members. As such, staff is supportive of the proposed new home and its unique architectural design.

In summary, staff recommends approval of the revised design with the following modifications:

1. The board-formed concrete shall be of a light grey color to lighten up the architecture of the home overall.
2. The architect shall further recess the front structure into the site by increasing the front setback of the foremost volume to 30'-0";

3. The architect shall incorporate translucent glass fenestration at the recessed circulation core along the north elevation in order to further mitigate light spillage and transparency;
4. The architect shall revisit the screening element that clads the foremost front building volume to break-up its strict, soldier-like pattern with a varied screen pattern.
5. All areas within the understory that are not associated with the access vestibule shall be a minimum of 50% open, as the space is not part of the access to the upper floor and it is not counted in unit size. See section 142-105(b)(4)e.1.
6. The enclosed stairwell is not permitted, please find an alternate location of an exterior stair accessing the roof.

Staff is confident all of these proposed changes can be reviewed and approved administratively.

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.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: November 03, 2020

PROPERTY/FOLIO: 4880 Pine Tree Drive 02-3222-022-1770

FILE NO: DRB19-0468

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

LEGAL: Lots 24 and 25 less the southerly ½ of lot 24 of Block 32 of Lake View Subdivision, according to the Plat thereof, as recorded in Plat Book 14, at Page 42, 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, 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 4880 Pine Tree Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The understory area shall be permitted provided the understory area must comply with section 142-105(4)e, as noted in the compliance with zoning portion of the staff report, specifically the open area between the storage and stair access at the understory level.

- b. The proposed gravel in the understory shall be set back 5'-0" from the edge of the slab above.
- c. The stair bulkhead above the roof deck is not an allowed height exception. The enclosed stairwell is not permitted, an alternate location of an exterior stair accessing the roof shall be required and submitted 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 skylight shall comply with Section 142-105(b)(7) *Height exceptions* and calculations of maximum area allowed on roof shall be provided.
- e. The maximum height of parapets associated with the accessible roof deck are not to exceed three and one-half feet, per Section 142-105(b)(7) *Height exceptions*.
- f. The elevator bulkhead shall be located as close to the center of the roof as possible.
- g. The vestibule area at the roof level counts as part of the maximum 25% of the accessible area allowed.
- h. The architect shall setback the foremost one-story guest structure an minimum of an additional 10'-0" from the front property line for a minimum front setback of 30'-0".
- i. All open areas within the understory that are not associated with the access vestibule shall be a minimum of 50% open.
- j. The green roof on the first habitable level shall include more openings and perforation to the understory space below, 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 color of the board-formed concrete proposed for the exterior walls and details shall be of a light gray color.
- l. The architect shall incorporate translucent glass panels at the recessed circulation core along the north elevation in order to mitigate light spillage.
- m. The screening element proposed for the foremost, front structure shall be further refined. The final design, material details and color selection shall be submitted, in a 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 details and color selection of exterior materials 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 details and color selection of the “charred wood 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.
 - p. The final design details of the “translucent glass” proposed along the north facade 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 details of the screening material proposed for the exterior staircase on the north façade 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 details of the “wood colored metal screen” proposed along both north and south facades 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 details of the “metal screen” proposed for the one-story building, east facade 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 design of the glass fenestration of the elevator shall incorporate translucent panels or a screening material to mitigate light spillage; 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.
 - 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. The architect shall revise the proposed landscaping along the proposed north side yard and raised garden plane and install tropical palms with evergreen brazilian beauty leaf trees or similar species in order to provide

total screening to block views from the new two-story residence and rooftop elements into the adjacent properties to the north, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- b. The architect shall include vertical landscaping along the north side property line, 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 architect shall increase the landscaping with buffering plantings between the driveway and the north side property line, 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 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. 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.

- k. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- l. 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.
- m. 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.
- n. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- o. 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.
- p. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- q. 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.
- r. 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.
- s. 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 "4880 Pine Tree Drive Residence Continuance Final Submittal", as designed by **MTTR MGMT**, signed, sealed, and dated May 14, 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

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