

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: DRB20-0562
416 West San Marino Drive

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

RECOMMENDATION:

Continue to a future date.

LEGAL DESCRIPTION:

Lot 13 Block 2 of San Marino Island according to the Plat thereof, as recorded in Plat Book 9, at Page 22, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 12,906 SF
Lot Coverage:
Proposed: 3,870 SF / 29.9%
Maximum: 3,872 SF / 30%
Unit size:
Proposed: 6,452 SF / 49.9%
Maximum: 6,453 SF / 50%
2nd Floor to 1st: 4056/3282 | 80.9%*
Height:
Proposed: 27'-0" flat roof from BFE +1'*

***DRB WAIVER**

***DRB WAIVER**

Maximum: 24'-0" flat roof

Grade: +5.66' NGVD
Base Flood Elevation: +9' NGVD
Difference: +3.44' NGVD
Adjusted Grade: +7.33' NGVD
First Floor Elevation: +10' NGVD (BFE+1)
Side Yard Elevations Min: 6.56' Max: 8.16'
Read Yard Elevations Min: 6.56' Max: 10'

SURROUNDING PROPERTIES:

North: Two-story 2009 residence
South: Two-story 2012 residence
West: Biscayne Bay
East: One-story 1936 residence

THE PROJECT:

The applicant has submitted plans entitled "416 W San Marino Design Review Board Final Submittal", as designed by **DOMO Architecture + Design** signed, sealed, and dated August 10, 2020.

The applicant is requesting Design Review Approval for the construction of a new two-story residence on a vacant waterfront parcel on the northern tip of San Marino Island.

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

1. The height of the proposed structure is 27'-0" in accordance with Section 142-105(b); 27' as measured from BFE +1, or 10' NGVD.
2. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c): 80.9%.
3. A two-story side elevation more than 60'-0" in length in accordance with Section 142-106(2)(d).
4. Elevator bulkheads shall be located as close to center of the roof as possible and be visually recessive in accordance with Section 142-105(b)(7)(f).

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

- 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.
- Fences in side yards (not including the front and rear yard) can be measured from adjusted grade, provided that the top 4'-0" be of open pickets with a minimum spacing of 3", or approved by the DRB.
- 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.

- Section 142-105(b)(1) *Lot area, lot width, lot coverage, unit size, and building height requirements*. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows: **RS-3 May be increased up to 28 feet for flat roofs when approved by the DRB 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 2nd Floor Volume to 1st of 81% with a nearly 30% lot coverage, which will require a waiver from the DRB.**
- Height exceptions: (f.) Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.
- 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

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 four design waivers from the Board and review of the elevator location.
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 four design waivers from the Board and review of the elevator location.

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 four design waivers from the Board and review of the elevator location.

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 four design waivers from the Board and review of the elevator location.

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 four design waivers from the Board and review of the elevator location.

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 four design waivers from the Board and review of the elevator location.

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 four design waivers from the Board and review of the elevator location.

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 Applicable
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 requesting Design Review Approval for the construction of a new two-story residence on a vacant waterfront parcel on the northern tip of San Marino Island. The proposal includes a request for four design waivers, as well as the review of the location of the elevator. The design floor elevation of the new residence is proposed at base flood elevation (9') plus maximum free board +1' or +10.00' NGVD.

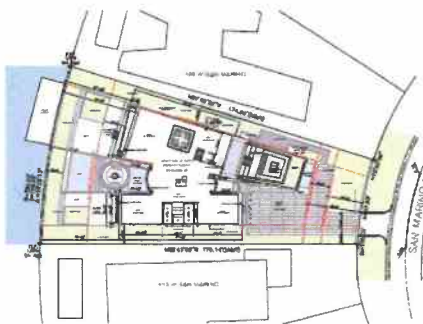
The waterfront parcel is pie-shaped and the massing of the home conforms to the site as two coplanar bar buildings that are unified by a central elliptical volume. The home features end walls that angle upward and out creating apertures at the ends of the bars facing the bay and the street. The design contrasts these robust travertine walls with bronze glazing bronze metal projecting volumes. The staunch design is softened with a water feature on the front facade that cascades to the ground as a concave vertical slope, as well as by the two-story central volume that protrudes on the front and rear facades as glazing. The south and rear facing elevations have a much lighter presence with the incorporation of floor to ceiling fenestration.

The first design waiver pertains to the height of the residence. RS-3 zoned single-family properties can be designed with homes that have an overall height of 24'-0" for flat roof structures; such height may be increased up to 4 additional feet through the design review board process. The allocation and distribution of this additional height is subject to DRB approval. The architect is seeking an additional 3'-0" of height for the new two-story residence from BFE + 1'-0", or 10' NGVD. The subject site contains a lot area of 12,906 SF, which meets the minimum lot area required for RS-3 lots (10,000 SF). The waiver is intended for large lots in the RS-3 districts that closely resemble lot sizes in the RS-1 (30,000 SF) and RS-2 (18,000 SF) zoning districts. As the project lot is minimally sized for the RS-3 zoning district, staff is not supportive of the requested 3'-0" height increase.

In analyzing the surrounding area, the applicant's additional height increase request is not compatible with its immediate neighbor's height and the added 3'-0" would further exacerbate the massing. The abutting property to the north is 28'-0" high measured from CMB Grade, which would be about 23.5' from BFE+1'. The abutting property to the south is 29' high measured from CMB Grade, which would be about 24.5' from BFE+1'. Additionally, on March 03, 2020 the Design Review Board reviewed a new two-story residence, located two houses to the north, at 426 West San Marino Drive that utilized an understory design and sought a 4'-0" height waiver (DRB19-0395). This residence was designed in a contemporary elevated manner and featured a covered ground level outdoor space with the first habitable floor elevation proposed at +14' NGVD (BFE+5'). While the DRB did not support the full 4'-0" of height requested, the Board did grant an additional 2'-0" of height. Staff would note that all of these examples contain the exact same lot area (12,906 SF) as the subject property.

Staff would further recommend that the applicant eliminate the thirty-six inch high masonry parapets walls on the perimeter of the house entirely as there is no active roof deck area in this location and the solid parapet walls continue to add height and enhance perceived mass. The air conditioning units on the roof can be separately and discreetly screened. Staff would also recommend the architect explore alternate structural and mechanical systems for the home, in order to determine if it is feasible to further reduce the overall height and request a more modest height waiver.

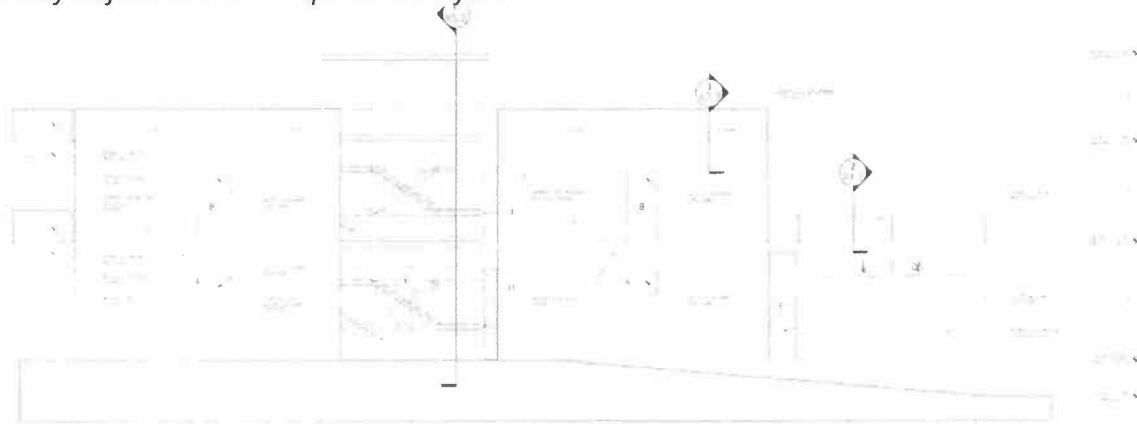
Staff may be amenable to a height waiver if the massing is modified to offset the higher portion of the rear waterfront residence from the front portion of the site that fronts West San Marino Drive in order to minimize the impact from the street, or if greater side setbacks than the minimum requirement were proposed to provide greater relief within the side elevations. The applicant is setting the first floor at 10'-0" NGVD, which is BFE plus a minimum freeboard of 1'-0" and which is commensurate with the abutting properties. However, for all of the reasons identified, the applicant's height increase request is not compatible with its immediate neighbor's heights and the added 3'-0' to the design would further exacerbate the massing.



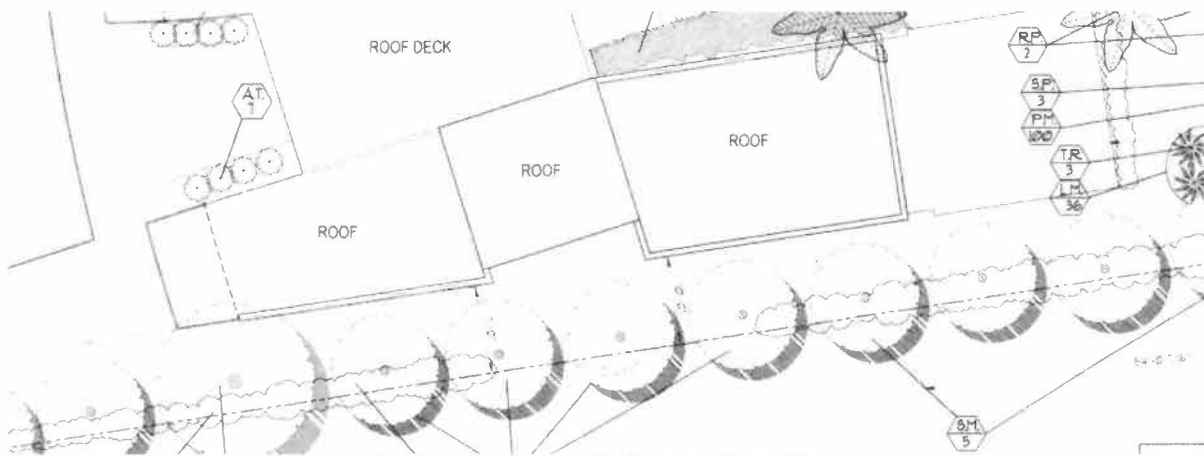
Additionally, the applicant is requesting two design waivers of the open space requirement for two-story elevations that exceed 60'-0" in length (north and south). As it pertains to the north side of the residence, the proposed north two-story elevation measures an uninterrupted 64'-0" in length along the minimum side setback line (10'-0") with a one-story portion extending an additional 35'-0". This elevation features slanted end walls and adequate fenestration at both levels along the smooth travertine coated surface.

As previously noted, the applicant is also seeking an additional 3'-0" of height to the top of the main roofline of the residence with an additional 3'-0" high parapet proposed that outlines the perimeter of the residence bringing the total height to 30'-0" from BFE+1'. The abutting property to the north, 420 West San Marino Drive, was reviewed and approved by the DRB in 2007, DRB File No. 20173 and constructed in accordance with building permit plans B0902428 (B0706227). Designed under prior zoning regulations, the residence is 28'-0" high from CMB Grade and has a lot coverage of 24.9%. The side elevation measures 78'-0" in

length and also does not comply with the current side open space requirements as it features a minimal break in its side elevation that is accented by the glass circulation core. Staff would note that the Code, at that time, regulated two elevations in a less restrictive manner... *Two-story side elevations located in proximity to a side property line shall not exceed 50 percent of the lot depth, or 80 feet, whichever is less, without incorporating additional open space directly adjacent to the required side yard*

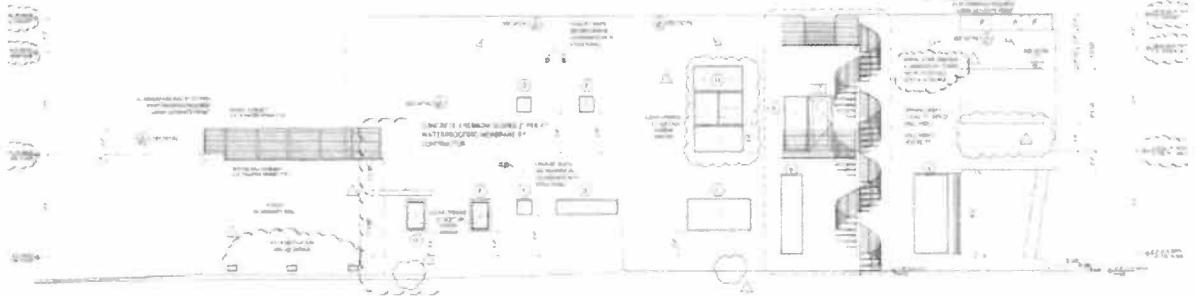


South elevation 420 West San Marino Drive

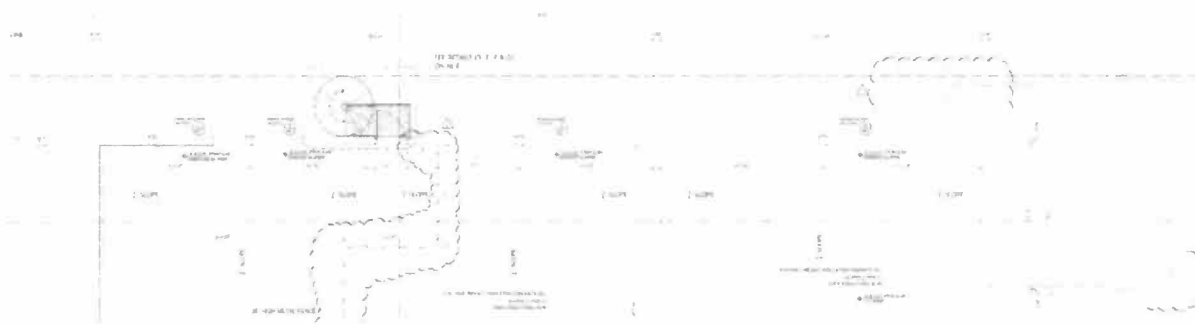


Detail of roof plan for 420 West San Marino Drive

As it pertains to the south side of the proposed residence, the two-story elevation measures an uninterrupted 67'-0" in length along the minimum side setback line. This elevation again features slanted end walls and adequate fenestration at both levels along the smooth travertine coated surface—there is a central glass fenestration that extends double height midpoint in the elevation that highlights the stair and elevator circulation of the residence. The abutting property to the south, 410 West San Marino Drive, was constructed in accordance with building permit plans B11002090 without the review of the Design Review Board. Also designed under prior zoning regulations, this neighboring residence is 29'-0" high from CMB Grade and has a lot coverage of 28%. The side elevation measures 89'-0" in length and also does not comply with the current side open features a minimal break in its side elevation accented by the glass circulation core.



South elevation 410 West San Marino Drive



Detail of roof plan for 410 West San Marino Drive

While the approval of the side open space would be in alignment with the neighboring context, staff has concerns about the perceived massing of the house under the umbrella of the three other requested waivers—70% limitation, height, and open space. This trifecta of design waivers collectively and significantly increases both the real and perceived massing of the structure and lessens its compatibility with the built context of the immediate area. As such, staff is not supportive of the two design waivers for the open space requirement.

The next requested design waiver pertains to the second floor to first floor ratio. Per the City's Code, when the lot coverage exceeds 25%, the second floor is restricted in massing to 70% of the first floor, unless a waiver is granted by the Design Review Board. As proposed, the home has a second floor to first floor ratio that is slightly under 76%. When reviewing the second-floor volume rule, staff believes that the request is commensurate with the design that features a smaller second floor massing of structure proposed towards the front of the property, yet still setback nearly 60'-0" from the front property line, which greatly lessens its impact on the street. Finally, the architect has provided the required open recesses along both east and west side elevations to break up the massing and does not request a waiver of any of the open space required components thereof. Additionally, the inherent floating quality of the elevated home with active understory areas, greatly lightens the appearance of the design. As such, staff is supportive of this requested waiver.

The next requested design waiver pertains to an elevator located in the south portion of the site plan, proximate to the south side interior elevation. 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 side elevations. As proposed, the elevator does not project above the main roof line of the residence as the design does not include a habitable accessible roof deck. Therefore, the element does not become part of the side (south) elevation or a vertical architectural projection that expands its height. While an elevator override or bulkhead is an allowable height exception, since the elevator does not access the rooftop, the area necessary to accommodate the mechanical equipment projection over the main roofline should be minimal. As such staff is supportive of the proposed elevator location.

In light of the number of concerns identified herein, staff recommends that the design of the replacement home be continued with the design direction provided herein, and/or directions from the Board. Staff recommends a removal of the height and second floor ratio waiver request and an adjustment to both side elevations in order to foster a more contextual relationship with the existing homes currently within the immediate area.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **continued** to a future date in order to address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 06, 2020

PROPERTY/FOLIO: **416 West San Marino Drive** **02-3232-003-0260**

FILE NO: DRB20-0562

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 on a vacant site.

LEGAL: Lot 13 Block 2 of San Marino Island according to the Plat thereof, as recorded in Plat Book 9, at Page 22, 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 416 West San Marino Drive 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 not be** waived as proposed, both side elevations shall be designed to fully comply with the side open space requirements of Section 142-106(2)(d).
- c. The proposed 3'-0" increase in height **shall not be** permitted as proposed; the maximum height of the two story structure shall be 24'-0" when measured from BFE + 5'-0" freeboard.
- d. The required 70% limitation for the second floor volume **shall not 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.
- e. The width of all of the walkways **shall** be permitted as proposed.
- f. The location of the elevator **shall** be permitted as proposed.
- g. The final design and material selection of the garage door shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The 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).
- i. The size and extent of the "travertine cladding" proposed at all façades shall not be reduced at time of building permit, without a return to the Design Review Board for approval.
- j. The final design details and color selection of the "travertine cladding" proposed at both portions of all 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.
- k. 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.
- l. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.

- m. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
- 2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
 - a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. 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.

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 "416 W San Marino Design Review Board Final Submittal", as designed by **DOMO Architecture + Design** signed, sealed, and dated 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

