

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: February 2, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB20-0590
1515 West 22nd Street

An application has been filed requesting Design Review Approval for the construction of a new two-story residence including one or more waivers and one or more variances from the setback requirements for the main structure, from the maximum fence height allowed, from the maximum elevation in required yards allowed, and from the maximum allowable projections in required yards to replace an existing two-story architecturally significant pre-1942 residence.

RECOMMENDATION:

Approval of the project with conditions

Approval of variances #3, #4, #6 and #7

Denial of variances #1, #2, #5, #8, #9, #10 and #11.

LEGAL DESCRIPTION:

East 30 Feet of Lot 30, and all of Lot 31, in Block 4-A, of Third Revised Plat of Sunset Islands, according to the Plat thereof, as recorded in Plat Book 40, at Page 8, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 25,650 SF
Lot Coverage:
Proposed: 6,523 SF / 25.43%
Maximum: 7,695 SF / 30%
Unit size:
Proposed: 9,543 SF / 34.4%
Maximum: 12,825 SF / 50%
Height:
Proposed: 28'-0" flat roof *
***DRB WAIVER**
Maximum: 24'-0" flat roof
Grade: +5.01' NGVD

Flood: +8.00' NGVD
Difference: +2.99' NGVD
Adjusted Grade: +6.50' NGVD
Finished Floor Elevation: 12.00' NGVD (BFE +4 FB)
Side Yard Elevations Min: 6.56' Max: 7.51'
Read Yard Elevations Min: 6.56' Max: 12'

SURROUNDING PROPERTIES:

North: Canal
South: One-story 1938 Residence |
Two-story 1948 Residence
West: Two-Story 2007 Residence
East: One -story 1937 Residence

PRIOR STRUCTURE:

Year: 1941
Architect: Russel Pancoast

THE PROJECT

The applicant has submitted plans entitled "Miller Residence" as designed by **Jennifer Briley + Associates**, signed, sealed, and dated, signed, sealed, and dated December 7, 2020.

The applicant is 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.

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. A two-story side elevation more than 60'-0" in length in accordance with Section 142-106(2)(d).

The applicant is requesting the following variance(s):

1. A variance to reduce by 8'-8" the minimum required 30'-0" front setback in order to construct a new two-story single family residence at 21'-4" from the front property line facing West 22nd Street.
2. A variance to reduce by 6'-3" the minimum required street side setback of 16'-3" for a structure in order to construct part of the pool deck structure elevated at 11.50' NGVD and setback 10'-0" from the street side property line facing Sunset Drive.
3. A variance to reduce by 6'-3" the minimum required interior side setback of 24'-4" for a two-story structure in order to construct a new two-story single family home at 18'-1" from the interior side property line.
4. A variance to reduce by 12'-6" the minimum required sum of the side setbacks of 40'-7" for a two-story structure in order to construct a new two-story single family home and provide a sum of the side setbacks of 28'-1".
 - Variances requested from:

Sec. 142-106. Setback requirements for a single-family detached dwelling.

(a) *The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:*

(1) Front yards: The minimum front yard setback requirement for these districts shall be as follows:

- a. *One-story structures: 20 feet, provided that any portion of a 2-story attached structure shall be setback a minimum of 40 feet.*
- b. *Two-story structures: 30 feet, provided (a)(1)(a) above does not apply.*

(2) Side yards:

- a. The sum of the required side yards shall be at least 25 percent of the lot width.
- b. Side, facing a street.
 1. Each required side yard facing a street shall be no less than ten percent of the lot width or 15 feet, whichever is greater.
- c. Interior sides.
 1. For lots greater than 65 feet in width each interior side yard shall have a minimum of ten percent of the lot width or ten feet, whichever is greater.

The applicant is requesting four (4) variances from the minimum setback requirements for the new home. Variance #1 pertains to a portion of the garage encroaching into the required 30'-0" front setback for two-story structures; specifically, for a 3-car garage. The property, at more than 25,000 sf, is one of the largest in the neighborhood with more than 300'-0" of street frontage. The garage entrance could be accommodated in a manner that would not encroach into the front 30'-0" of the property. It could be located on the street side yard with a required setback of 16'-3" and not as part of the primary façade, as presently designed. Although the property has an unusual shape, based on its large size and design configuration of the home, staff is unable to find practical difficulties for the front setback variance requested. The garage is not the typical 2-car garage and its size is not the minimum required for the home. There is also additional parking area proposed on the required front and both side yards. As such, staff finds that this variance request does not satisfy the practical difficulty or hardship criteria and does not recommend approval. Staff would also recommend that all driveways be no more than 10'-0" in width.

Variance #2 is for the proposed pool deck extension into the side yard at an elevation of 11.50' NGVD, which exceeds by more than 3'-0" the maximum allowable height of 7.51' NGVD in required yards. A variance from the primary home setbacks is being requested to accommodate this extension. The building walls along this side of the site comply with the required setback and the triangular portion of the pool could either be lowered or reconfigured to expand toward the interior lawn area or the rear yard. As such, staff does not find practical difficulties for the granting of this variance that is design related and could be easily modified. Accordingly staff recommends the redesign of the pool deck and denial of variance # 2.

Variance #3 relates to the reduction of the interior side setback and variance #4 to the reduction of the sum of the side setbacks. In this case, the existing conditions of the property create practical difficulties that satisfy the criteria for approval. The irregular shaped corner lot has a front property line of approximately 165' in length and a rear property line of approximately 72'-0". The required side setbacks are based upon the property width at the 20 foot front setback line. There are certain circumstances under which the average of the rear and front property lines can be used to determine the property width, however this property does not meet those requirements.

The typical platted lot on the north side of Sunset Island No. 4 has a lot width of 75 feet. The waterfront home lots to the west of the subject site range in lot width from 75 to 120 feet. The required minimum side setback for a 120 foot wide lot is 12 feet (10%), with a sum of the side yard requirement of 30 feet (25%).

This substantial difference and the curved corner create challenges for the design of the new home with traditional room shapes while complying with the setback requirements and accommodating a new home within the site configuration. The property has a lot width of 162'-2" measured at the required 20'-0" front setback, which requires a minimum side setback of 16'-3" and 24'-4" to comply with a sum of the side yards required of 25% the length of the lot width. In this case, based upon the extreme difference between the length of the front and rear property lines, staff believes that there is a hardship in complying with the required setbacks based upon the length of the property at the required front setback. As proposed, the variances requested result in similar setbacks to a lot that is around 120 feet in width, which is close to the average of the front and rear property lines.

These setbacks are also significantly larger than the minimum required for a typical lot in the RS-3 district that could be 7'-6" on both sides for a lot width of 60 feet. In fact, the adjacent surrounding properties on both sides of West 22nd Street appear to have lot widths that range from 75' to 120', based on the County's Property Appraiser information. The required side setbacks for these lots would be much less than the side and sum of the side setbacks required for the subject property.

In addition, the interior setback of 18'-1" occurs along approximately half (1/2) the length of the property and not for the entire developable length, and it would not have a significant negative impact on the surrounding properties as this proposed setback is much larger than the minimum required in the area. In summary, staff recommends approval of variances #3 and #4, including modifications of variance #4, as follows:

A variance to reduce by ~~12'-6"~~ 6'-3" the minimum required sum of the side setbacks of 40'-7" for a two-story structure in order to construct a new two-story single family home and provide a sum of the side setbacks of ~~28'-1"~~ 34'-4" with the elimination of the pool deck encroachment.

In summary, staff recommends denial of variance #1 and # 2 and approval of variances # 3 and # 4.

5. A variance to exceed by 3'-0' the maximum elevation allowed of +7.51' NGVD within the front yard in order to elevate portions of the front yard up to +10.50' NGVD.
6. A variance to exceed by 3'-0' the maximum elevation allowed of +7.51' NGVD within the required side yards in order to elevate portions of the east side yard up to +10.50' NGVD.
7. A variance to exceed by 3'-0' the maximum elevation allowed of +7.51' NGVD within the required side yards in order to elevate portions of the west side yard up to +10.50' NGVD.

- Variances requested from:

Sec. 142-105. - Development regulations and area requirements

(b) The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(8) Exterior building and lot standards.

c. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. Front Yard. The maximum elevation within a required front yard shall not exceed adjusted grade, 30 inches above grade, or future adjusted grade, whichever is greater.

2. Interior Side Yards (located between the front setback line and rear property line). The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater.

3. Side Yard Facing a Street. The maximum elevation within a required side yard facing a street shall not exceed adjusted grade, 30 inches above grade, or future adjusted grade, whichever is greater.

The maximum elevation allowed within required yards varies from property to property and it is subject to the site location and other project elevations such as base flood elevation, existing grade elevation and proposed finish floor elevation for the new home. For this corner waterfront property, the maximum elevation within the front and side yards is 7.51' NGVD based on the grade elevation of 5.01' NGVD, flood elevation of 8.0' NGVD and proposed finish floor elevation of 12.0' NGVD. Also, because the site is a waterfront property, the rear yard can be elevated to match the elevation of the finish floor of the home. The project, as proposed, is requesting three (3) variances to exceed, by 3'-0", the maximum elevation of 7.51' NGVD in the required front and both side yards.

The finished floor of the home is proposed at 12.0' NGVD, which is 4'-0" above flood elevation of 8.0' NGVD. In the past, variances were granted due to the high difference between the finished floor elevation and the maximum elevation within required side yards, which was due to a much lower grade elevation. In these instances, a variance was the only mechanism for providing access to the home within the front and side yards. However, the Code has been modified to now allow access from a lower grade up to the finished floor of a home elevated up to 5'-0" above flood elevation. In this case variance # 5 applies to a portion of the front yard adjacent to an elevated deck, which is the subject of two other variance request (#8 and # 9) to exceed the maximum allowable encroachment into the front yard and to exceed the maximum elevation allowed for a deck encroaching into the front yard. Staff is not supportive of variance # 5 as practical difficulties have not been demonstrated. An outdoor deck in the front yard is not a necessary element and the property contains ample open space in the rear for outdoor activities. The project also includes a principal and side access that complies with the City Code.

Variance # 6 is related to an access to the elevated pool deck and portions of the rear of the site along the street side. Staff would note that the minimum yard elevation required is 6.56' NGVD and the minimum yard elevation proposed is approximately 7.0' NGVD. The raising of the yard to a higher elevation increases the non compliance of this requirement. As designed, the location of the pool deck encroaching into the side yard exacerbates the variation on the side yard elevations. Nonetheless, the rear yard of the property has a trapezoidal shape that could be raised up to 12.0' NGVD while the side yards cannot be raised above 7.51' NGVD.

This difference creates practical difficulties in accommodating a reasonable slope from the rear yard toward the street side yard and along the seawall. Although the street side yard of 16'-3" is larger than the rest of the surrounding properties and may facilitate a smoother transition, staff would not be opposed to the raising of the street side yard applicable to the portion substantially adjacent to the rear yard conditioned to the removal of the triangular portion of the pool from the side yard. The access to the pool could also be relocated more internal to the rear yard that is allowed to be up to the finish floor of the home.

Variance # 7 is for a portion of the side yard to create a transition to the rear yard elevated to 11.50', slightly below the finished floor of the home. It also includes a raised portion surrounding an existing tree, which would not otherwise be allowed, as it would harm the tree. However, there are no details substantiating the need to raise the yard around the existing tree. Based on the shape of the rear yard, as noted on variance # 6 and the difference between the required elevations, staff would be supportive of this variance conditioned to the raising of portions of the side yard substantially adjacent to the rear yard only and to retain the yard elevation around the existing tree.

In summary, staff recommends denial of variance #5 and approval of variances #6 and #7 with the modifications noted.

8. A variance to exceed by 2'-2" the maximum of 6'-0" for allowable encroachments in the front yard in order to construct a deck encroaching up to 8'-2" into the front 30'-0" facing West 22nd Street.
9. A variance to exceed by 2.5' the maximum 9.0' NGVD elevation for allowable encroachments in required yards in order to construct a deck in the front yard up to 11.50' NGVD facing West 22nd Street.

- Variances requested from:

Sec. 142-106. Setback requirements for a single-family detached dwelling.

(b) Allowable encroachments within required yards.

(13) Projections. Every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet, unless otherwise noted

f. Porches, platforms and terraces up to 30 inches above the grade elevation of the lot, as defined in chapter 114.

The applicant is proposing an elevated outdoor deck that extends beyond the maximum projection of 6'-0" within the front yard and exceeds the maximum elevation allowed for projections. Based on the lot area of the property, which is larger than most RS-3 properties in the area, and the proposed configuration of the home, these variances are design related and not associated with practical difficulties. Staff is not supportive of the 2'-2" portion that extends into the front yard, and the elevation proposed as there is no hardship or practical difficulty associated with the design decision to incorporate the deck on the front yard. There is reasonable outdoor area at the rear and the front deck could be setback to comply with the

Code requirements. As such, staff recommends denial of variances # 8 and #9.

10. A variance to exceed by 3'-0" the maximum allowed height of 7'-0" for a fence in order to construct a fence along the interior side yard up to 10.0' above grade elevation of 5.01' NGVD.
11. A variance to exceed by 3'-0" the maximum allowed height of 7'-0" for a fence in order to construct a fence along the interior side yard up to 10.0' above grade elevation of 5.01' NGVD.
 - Variance requested from:

Sec. 142-106. Setback requirements for a single-family detached dwelling.

(b) Allowable encroachments within required yards.

(7) Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:

b. Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, as measured from grade, except when such yard abuts a public right-of-way, waterway, or golf course, the maximum height shall not exceed five feet. In the event that a property has approval to be improved at adjusted grade, the overall height of fences, walls and gates may be measured from adjusted grade, provided that the portion of such fences, walls or gates above four feet in height consists of open pickets with a minimum spacing of three inches, unless otherwise approved by the design review board or historic preservation board, as applicable.

Variance #10 is related to a fence along the interior side yard (not including the rear yard of 27'-8") proposed at 10'-0" from grade elevation of 5.01' NGVD where the maximum height allowed is 7'-0". In the past, the height of the fence, measured from grade elevation has been associated with variances when the grade of the property is very low. The Code has been modified to allow the interior side fence to be measured from adjusted grade, which is a higher elevation than grade, conditioned to the property being in compliance with the minimum and maximum yard elevations, as noted in the Code section above. As proposed, the fence cannot be measured from adjusted grade of 6.5' NGVD because the yards are raised beyond the maximum elevation and multiple variances are requested. Therefore, any fence on the required yards would have to be measured from grade elevation, a much lower value. This is a decision made by the applicant and not related to practical difficulties. The applicant has noted concerns for privacy regarding the height of the fence proposed. However, staff has previously noted that landscape could also provide enough security and privacy. Based on this analysis, staff recommends denial of variance #10.

Variance #11 is related to the portion of the fence along the interior side and street side yards adjacent to the rear yard of the property. For waterfront properties, a fence cannot exceed 5'-0" measured from grade elevation along the rear yard. The applicant is proposing 7'-0" along the property lines. However, the Code allows a 7'-0" high fence when setback 4'-0" from the street side property line. As such, staff would recommend that the fence on the street side be setback 4'-0" for which a variance is not required. On the interior side, staff recommends that the fence be reduced in height to comply with the Code as this request does not satisfy the

practical difficulties criteria for approval. Based on this analysis, staff recommends denial of variance #11.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variances #3, #4, #6 and #7 allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, only as it relates to variances #3, #4, #6 and #7, as noted, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

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:

- 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 and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria. The applicant is requesting 28'-0" flat roof from BFE+4, or 12' NGVD.

- 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.
 - 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 50 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.

- 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.
- Proposed dock and expected location of any vessel or marine equipment must comply with maximum projection into the waterway. There are limitations based on the width of the canal. See section of the City Code 66-113.

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 proposed project seeks two waivers and variances 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 proposed project seeks two waivers and variances 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 proposed project seeks two waivers and variances 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.

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 proposed project seeks two waivers and variances 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 proposed project seeks two waivers and variances 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.
Not Satisfied; the proposed project seeks two waivers and variances from the Board.
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 proposed project seeks two waivers and variances 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.

Satisfied

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable

19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied: A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Satisfied
5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide

sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Satisfied

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

10. In all new projects, water retention systems shall be provided.

Not Satisfied

11. Cool pavement materials or porous pavement materials shall be utilized.

Not Satisfied

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

Satisfied

ANALYSIS:

DESIGN REVIEW

The applicant is proposing to construct a new two-story residence on a waterfront parcel on Sunset Island 4. The unusual pie-shaped property is located at the intersection of W 22nd Street and Sunset Drive, east of the historically designated bridge connecting to Sunset Island 3. The existing structure will replace a 1941 Russel Pancoast residence. The first floor of the proposed home is located at base flood elevation (8' NGVD) plus a freeboard of 4 feet (12' NGVD). The applicant is seeking two design waivers.

The proposed residence has been designed in a contemporary style that contrasts stone and metal wall cladding with glazed wall planes, with wood accents throughout. The layout of the home has been designed to hug the property line along the streets in order to amplify outdoor living and landscape areas within the site. The prominent rooms of the home are sited facing the front of the property toward W 22nd Street, while the service areas and secondary living quarters are located along the side facing Sunset Drive. The project proposes a three-car garage at the corner of the property, which is the most prominent portion of the corner of the site as it is facing both streets. A variance is being sought for the portion of the proposed garage that encroaches into the required front yard. Staff does not support the location of this

element as it is directly linked to a variance and also since the code only requires two parking spaces on site. In addition to the proposed 3-car garage, an overly extensive exterior parking area is proposed in this prominent corner location. Staff would recommend that the applicant re-orient the garage for access from 22nd Street only, eliminate the driveway access to Sunset Drive, and reduce the exterior parking at the corner. The plans also show a secondary parking area and curb-cut on the western end of the site on 22nd Street.

The first design waiver pertains to the height of the residence. For RS-3 zoned single-family properties, the City code allows an overall height of 24'-0" for flat roof structures; such height may be increased up to four (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 4'-0" of height for the new two-story residence from BFE + 4'-0", or 12' NGVD. The subject site contains a lot area of 25,650 SF, which is well in excess of 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. With a lot size of 25,650 square feet, the subject lot is more in line with the larger lot sizes of RS-2 where the maximum allowed height is 28'-0". Furthermore, the design features varying roof heights, with the highest roof delegated to the central volume of the home. For these reasons, staff is supportive of the waiver as proposed.

The applicant is also requesting a waiver of the open space requirement for two-story elevations that exceed 60'-0" in length for the east, street side elevation. In addition to the required side facing a street setback, this elevation has a swale nearly 12' in width. Along this elevation, the ground floor has been designed to follow the angle of the lot, while the second floor is setback with a large terrace and perpendicularly aligned with the front elevation. The second story volume on this elevation is setback approximately 15'-10" and never meets the vertical wall plane of the floor below. As designed, staff finds that this elevation does break up the two-story massing, meeting the intent of the code, and supports the waiver.

Overall, the applicant has proposed an elegant architectural design with rich finishes and complex elements. Staff recommends the approval of the design, including the two design waivers with the noted modifications, including the recommended changes to the garage, exterior parking, and vehicular access as noted.

VARIANCE REVIEW

The applicant is requesting eleven (11) variances for the construction of the new two-story single-family home. Staff is supportive of some of the variances related to the shape of the property that requires larger setbacks than most of the surrounding properties and creates practical difficulties for the design of the new home. Specifically these include variances #3 and #4 related to the interior side and sum of the side setbacks, as well as variances #6 and #7, which are also related to the shape of the property. In this regard, the required elevation of the side yards and rear yard are of significant difference and the trapezoidal shape of the rear yard creates an odd condition regarding reasonable slope in this area and along the seawall. Staff finds that variances #3, #4, # 6 and #7 satisfy the criteria for approval, with modifications noted on the project portion of the staff recommendation.

Staff is not supportive of the remainder of the variance requests since practical difficulties or hardship have not been demonstrated for variances #1, #2, #5, # 8, #9, #10 and #11, as previously detailed. In summary, staff would recommend approval of variances #3, #4, #6 and #7 with modifications and denial of variances #1, #2, #5, # 8, #9, #10 and #11.

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 criteria and Sea Level Rise criteria.