

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 5, 2021

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB21-0686
2464 Prairie Avenue

An application has been filed requesting Design Review Approval for the construction of a new two-story residence, including one or more waivers and variances from the maximum lot coverage, maximum unit size and maximum yard elevation, to replace an existing architecturally significant pre-1942 home.

RECOMMENDATION:

Continuance to a future date.

LEGAL DESCRIPTION:

Lot 16 of Block 2, of "Mid Golf Subdivision", according to Plat thereof as recorded in Plat Book 4, Page 200, of the Public Records of Miami-Dade County, Florida.

BACKGROUND:

At the September 10, 2021 meeting the application was continued to a date certain of October 5, 2021 due to the lack of a quorum.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 10,400 SF
Lot Coverage:
Proposed: 3,250 SF / 31%*
Maximum: 3,120 SF / 30%
Unit Size:
Proposed: 5,292 SF / 51%*
Maximum: 5,200 SF / 50%
*As represented by the applicant
Height:
Proposed: 24'-0" / Flat roof
Maximum: 24'-0" / Flat roof

Grade: +3.69' NGVD
Flood: +8.00' NGVD
Freeboard: +1.0'

Finish Floor Elevation: +9.0' NGVD
Adjusted Grade: +5.84' NGVD
30" Above grade: +6.19' NGVD
Garage Finished Floor Elevation: +7.25' NGVD

EXISTING PROPERTY:

Year: 1928
Architect: Lee Wade
Vacant: No
Demolition: Total

Surrounding Properties:

East: Golf Course
North: 2-story 1926 Single Family Home
South: 2-story 2018 Single Family Home
West: 2-story 1926 Single Family Home

THE PROJECT:

The applicant has submitted revised plans entitled "DRB Case File Number DRB21-0686", as prepared by **Neuvio Architects** dated, signed and sealed July 2, 2021. The applicant is proposing to construct a new two-story single family home on a site containing an architecturally significant pre-1942 home.

The applicant is requesting the following waiver(s):

1. A two-story side (north) elevation in excess of 60'-0" in length in accordance with Section 142-106 (a) (2)(d).
2. A two-story side (south) elevation in excess of 60'-0" in length in accordance with Section 142-106 (a) (2)(d).

The applicant is requesting the following variance(s):

1. A variance to exceed by 1% (130 s.f.) the maximum allowed lot coverage of 30% (3,120 s.f.) for a two-story single family home property in order to construct a new two-story residence with a lot coverage of 31 % (3,250 s.f.).
2. A variance to exceed by 1 % (92 s.f.) the maximum allowed unit size of 50% (5,200 s.f.) for a two-story home in order to construct a new two-story residence with a unit size of 51 % (5,292 s.f.).
3. A variance to exceed by 1.94' the maximum elevation allowed of 6.56' NGVD within the interior side and rear yards in order to construct the south side and rear yards up to 8.5' NGVD for a new single family home.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts, 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.

The applicant has submitted plans and documents with the application that **DO NOT** indicate the following, 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.

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, in addition to the requested variance(s):

- URBAN HEAT ISLAND ORDINANCE Sec. 142- 106(b) (6) d. 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. e. 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.
- 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:
 - 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.
 - The square footage of the additional open space shall not be less than one percent of the lot area.
 - The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
 - At least 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the applicant is requesting two design waivers and several variances, including variance to exceed the maximum allowed yard elevation.
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the applicant is requesting two design waivers and several variances, including a variance for unit size and lot coverage.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the applicant is requesting two design waivers and several variances, including a variance for unit size and lot coverage.
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; staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing, in an effort to mitigate any negative impact on the adjacent property.
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; s staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing in, an effort to mitigate any negative impact on the adjacent property.
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; staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing in, an effort to mitigate any negative impact on the adjacent property.

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.

Not Satisfied; the applicant is requesting two design waivers and several variances, including a variance for unit size and lot coverage. Furthermore, staff recommends the refinement of the north elevation, which is clad is in floor-to-ceiling glazing in, an effort to mitigate any negative impact on the adjacent property.

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 was not submitted.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Satisfied

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets

shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Not Satisfied; the applicant is requesting two design waivers and several variances, including a variance for unit size and lot coverage. Furthermore, staff recommends the refinement of the north elevation, which is clad in floor-to-ceiling glazing, in an effort to mitigate any negative impact on the adjacent property.

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

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is requesting Design Review Approval for the construction of a new two-story residence on Prairie Avenue that will replace an existing pre-1942 architecturally significant home. The design floor elevation of the new residence is proposed at base flood elevation (8' NGVD) plus a free board +1', or +9.00' NGVD. The application is also seeking two design waivers.

This unique home is designed in a modern style and is based on full and convenient accessibility of the home and site, relying on ramps as the primary means of access into the site and within the habitable space. Staff finds the design to be inventive and original, but does recommend further development of the north, side elevation, which features a double height space entirely clad in glass and near the adjacent property. The function of this two-story volume is dedicated to circulation and vertical access, specifically for ramps between the first and second floors. Staff recommends that the architect incorporate architectural treatments that can reduce transparency of this volume, either through the incorporation of screening devices or spandrel glass. Furthermore, staff recommends the architect consider pushing this volume further away from the interior property line and increasing the landscape plantings, by shifting the entire home southward.

The first design waiver relates to the open space requirement for two-story elevations that exceed 60'-0" in length; specifically, for the requirement of such open space be substantially (50%) sodded or landscaped. The north, interior side elevation features an irregular shaped recess with a reflecting pool. The shape of the open space and its infill with water lends to meeting the intent of the code. While staff has reservations as to the transparency of this elevation, the program within the space is dedicated to circulation within the home. Staff finds that this elevation does meet the intent of the code and is supportive of the waiver.

The second design waiver relates to the open space requirement for two-story elevations that exceed 60'-0" in length on the south elevation. The ground floor of this elevation spans 60' while the second floor spans 69'-2", with its easternmost portion cantilevering over a large garden area. As proposed, the expanse of this elevation is broken up with voids that lend to movement and breaks in massing. Furthermore, this elevation is setback an additional 4' from the required setback line, softening any impact it may have due to its length. As such, staff is supportive of this waiver.

VARIANCE ANALYSIS

The project includes the following variance requests:

1. A variance to exceed by 1% (130 s.f.) the maximum allowed lot coverage of 30% (3,120 s.f.) for a two-story single family home property in order to construct a new two-story residence with a lot coverage of 31% (3,250 s.f.).

2. A variance to exceed by 1% (92 s.f.) the maximum allowed unit size of 50% (5,200 s.f.) for a two-story home in order to construct a new two-story residence with a unit size of 51% (5,292 s.f.).
 - 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:

(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:

**Zoning District: RS-3, Maximum Lot Coverage for a 2-story Home (% of lot area): 30%.
Maximum Unit Size (% of lot area): 50%.**

The applicant is proposing a new two-story single-family home that exceeds the maximum lot coverage and unit size allowed. The property is an interior lot containing 10,400 sf of area with a lot width of 65'-0". The subject lot exceeds the minimum size of 10,000 sf and minimum lot width of 60'-0" required for the RS-3 district. This property size is consistent and similar to all surrounding properties within Block 2 of the Mid Golf Subdivision, as noted in the original plat map below. The applicant's letter of intent indicates that the "narrow lot and the proximity to adjacent neighbors" present challenges for the design of the home.

However, based on the size and location of the property and the fact that this is new construction, staff finds that there are no special conditions on this property for the variances requested and the approval of these variances would confer a benefit to the applicant denied to other surrounding properties. The variances requested are not the minimum variances required to make a reasonable use of the property.

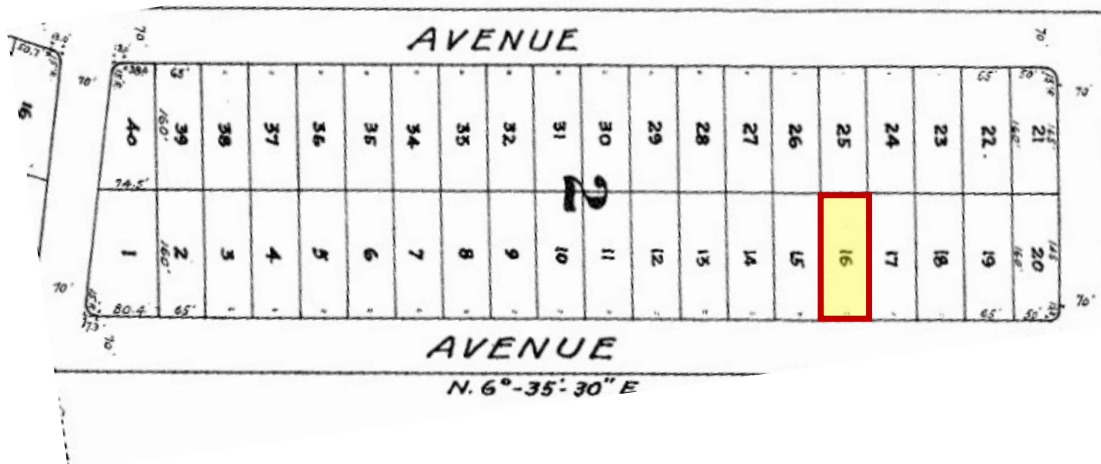
Staff would note that as part of the latest amendments to the single-family regulations last year, the lot coverage and unit size section was modified to remove courtyards enclosed on three (3) sides among other requirements. Terraces and covered areas also changed in the way they are counted and now all covered areas, eyebrows and roof overhangs exceeding 5'-0" from the building walls or columns shall count as part of the lot coverage. In this regard, staff believes that with minor modifications to the design, the lot coverage could be reduced to comply with the Code requirements. Specifically, at the rear terrace, the portion exceeding 5'-0" could be replaced with an open trellis, which removes this area from the total lot coverage. The excess in lot coverage proposed is 130 sf and this area exceeding 5'-0" is approximately 168 sf. With this change the lot coverage would be below the maximum 30% allowed.

In regard to the unit size, staff recommends that the proposed size of the home be reduced to comply with the Code. Although the intent of the program with an interior ramp is to facilitate access to the second-floor space without using a stair, staff believes that exploring other alternatives could reduce the unit size of the home. For example, some of the living area can be located below the ramp to take advantage of the double height space, or the footprint of

the ramp could be reduced to a more concentrated space and reduce the area of the double height space. The foyer appears rather large and could also be reduced in size.

Other options could be to have different levels at ground floor with smaller ramps to help mitigate the overall height of 11'-0" to the second floor and therefore, reduce the footprint of the ramp. The project also includes an elevator as a secondary element that helps with accessibility. The addition of an office and maids' room with private bathroom are also extra rooms more typically found in homes with a larger lot size. Further, a waiver to exceed the maximum length allowed for two-story side elevations is being requested, which in this case is also an indicator of the larger massing of the home.

Although the project proposes a side setback of 13'-2", where 7'-6" is required, and a front setback of 30'-0" where 20'-0" could be proposed, the configuration of the home, as designed, exceeds the maximum area required. Staff finds that the variances requested are related to the design of the home and its size and therefore, they do not satisfy the criteria for approval. Staff does not support the variances for lot coverage and unit size and would recommend continuance of the application to a future date to allow the architect to consider other design options.



Mid-Golf Subdivision of Miami Beach Bay Shore Company. February 1920

3. A variance to exceed by 1.94' the maximum elevation allowed of 6.56' NGVD within the interior side and rear yards in order to construct the south side and rear yards up to 8.5' NGVD for a new single family home.

- Variance 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. The following shall apply to all buildings and properties in the RS-1, RS-2, RS-3, RS-4 single family residential districts:*

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:*

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, except:

(A) When the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.

(B) When abutting a vacant property, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade.

(C) Notwithstanding the above, when abutting property owners have jointly agreed to a higher elevation, both side yards may be elevated to the same higher elevation through the submission of concurrent building permits, not to exceed the minimum required flood elevation. In this instance the maximum height of any fences or walls along the adjoining property lines, constructed in accordance with subsection 142-1132(h). Allowable encroachments within required yards shall be measured from the new average grade of the required side yards.

4. Rear yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:

(B) Non-waterfront. The maximum elevation shall not exceed adjusted grade, or 30 inches above grade, whichever is greater.

As this property is an interior lot, the maximum elevation allowed on the side and rear yards is 6.56' NGVD. This requirement limits the finished yard elevations in order to maximize water retention within the site and mitigate any negative impact on adjacent properties that have older structures with lower yard elevations. In fact, the rear yard abuts a property with a structure constructed in 1926. The yard elevation requirements apply to all interior surrounding properties in Block 2 where the site is located. The applicant is requesting a variance to exceed the maximum yard elevation on the side and rear yards. Specifically, the side yard is proposed to be elevated from 3.60' NGVD to 8.50' NGVD. Staff would note that the city code allows access stairs and ramps with up to 44" in width to encroach into the required yards from the finished yard elevation to the proposed finished floor of the home. As such, access to the home from multiple outside points could be achieved without the need for a variance or to exceed the yard elevation in the entire width of the side yard.

Staff would also note that the code allows a higher side yard elevation when the average grade of an adjacent lot along the abutting side yard is equal or greater than adjusted grade, as noted in variance section above. In this case, the maximum elevation within the required side yard shall not exceed 30 inches above adjusted grade or 8.34' NGVD, which is slightly

below the 8.50' proposed in the side yard. Since the adjacent property to the south was constructed in 2018, it is possible that the abutting side yard is also elevated and this allowance would allow the subject property to raise the yard up to 8.34' NGVD and eliminate the variance request for the side yard. Based on this, staff cannot find practical difficulties or special conditions to raise the side yard above 6.56' NGVD to 8.50' NGVD.

Regarding the rear yard, staff recommends that home and garage be shifted closer towards the front property line in order to allow more space in the rear and allow the desired elevation of the deck and access to the pool within the buildable area allowed for the home, and not entirely in the rear yard or to have portions of the pool at a lower elevation. The location of the home with a 30'-0" front setback when 20'-0" is the minimum required and having the pool and deck at a higher elevation in the rear yard is the applicant's choice, which results in a variance request that lacks practical difficulties or hardship. With the home located at 20'-0" from the front property line, the pool can be located at the desired elevation with minimum or no encroachment in the rear yard and more room provided to compensate for the difference in yard elevations. As proposed, staff finds that the variance requested does not satisfy the criteria for approval. In summary, staff would recommend that the architect explore other options and eliminate the requested variance.

In summary, while supportive of the overall design concept for the proposed new home, including the requested design waivers, staff believes that significant changes are needed in order to address the yard elevation, lots size and unit size shortcomings, all of which are driving the variance requests. As such, staff recommends that the application be continued to a future date and that the project be modified and the proposed variances eliminated.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the requested variances be eliminated and that the application be **continued to a future date**. In the event that the Board moves to approve the project, it is recommended that such approval be subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review, Sea Level Rise criteria and Hardship and Practical Difficulties criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 5, 2021

PROPERTY/FOLIO: **2464 Prairie Avenue** **02-3227-006-0410**

FILE NO: DRB21-0686

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 and variances from the maximum lot coverage, maximum unit size and maximum yard elevation, to replace an existing architecturally significant pre-1942 home.

LEGAL: Lot 16 of Block 2, of "Mid Golf Subdivision", according to Plat thereof as recorded in Plat Book 4, Page 200, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Stephanie Oka Freed, Trustee.

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, 7, 9, 13 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 2464 Prairie Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. The proposed (north) interior side open space requirement **shall be** waived as proposed.
 - b. The proposed (south) interior side open space requirement **shall be** waived as proposed.
 - c. URBAN HEAT ISLAND ORDINANCE Sec. 142- 106(b) (6) d. 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. e. 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.
 - d. The side, north elevation shall be refined to include architectural treatment that provides screening/transparency to some portions of the two-story glazed volume.
 - e. The building shall be shifted southward to allow for additional landscape in north yard and further buffer the two-story glazed massing from adjacent property.
 - f. The final design details and finish of the “raw concrete finish” exterior material shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - h. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
 - i. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
 - a. 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. The landscape architect shall increase the landscaping with buffering plantings between 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. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- d. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.
- e. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- f. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- g. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- h. 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. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP
- j. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
- k. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

- l. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- m. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- n. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- o. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- p. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied:

The following variances were denied by the Board:

- 1. A variance to exceed by 1% (130 s.f.) the maximum allowed lot coverage of 30% (3,120 s.f.) for a two-story single family home property in order to construct a new two-story residence with a lot coverage of 31 % (3,250 s.f.).
- 2. A variance to exceed by 1 % (92 s.f.) the maximum allowed unit size of 50% (5,200 s.f.) for a two-story home in order to construct a new two-story residence with a unit size of 51 % (5,292 s.f.).

3. A variance to exceed by 1.94' the maximum elevation allowed of 6.56' NGVD within the interior side and rear yards in order to construct the south side and rear yards up to 8.5' NGVD for a new single family home.

- B. The applicant has submitted plans and documents with the application that **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts 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.

The applicant has submitted plans and documents with the application that the Board has concluded **DO NOT** comply with the following hardship criteria, 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.

- C. The Board hereby **Denies** the variances requested and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. Revised lot coverage and unit size calculations and diagrams shall be

submitted at the time of the building permit to ensure the project complies with the maximum allowed.

3. The project shall comply with the maximum yard elevations allowed.

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 shall 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. 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. Prior to the issuance of a demolition permit for the existing home, a construction fence shall be installed along all property lines, in accordance with Section 142-876 of the City Code, "Vacant and abandoned properties and construction sites." However, along the front property line, such fence shall consist of an opaque screening, a minimum of eight (8') feet tall, which may include plywood or aluminum panels, or the equivalent solid construction on a wood or metal frame, with a continuous color finish, and concrete foundations. Only rolling gates or rigid folding panels shall be permitted. Swinging gates shall not be permitted.
- 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 "DRB Case File Number DRB21-0686", as prepared by **Neuvio Architects** dated, signed and sealed July 2, 2021, 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

