

# MIAMI BEACH

## PLANNING DEPARTMENT Staff Report & Recommendation

## Design Review Board

TO: DRB Chairperson and Members

DATE: October 20, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB21-0699  
**228 and 302 West DiLido Drive**

An application has been filed requesting Design Review Approval for the construction of a new two-story residence, including one or more waivers and an understory, on a vacant site. 302 West DiLido Drive previously contained a pre-1942 architecturally significant home that was demolished as part of a former Design Review Board approval.

### **RECOMMENDATION:**

Approval of the design with conditions

### **LEGAL DESCRIPTION:**

See Exhibit "A"

### **BACKGROUND:**

At the October 5, 2021 meeting this application was continued to a date certain of October 20, 2021 due to the excess number of applications on the agenda.

### **SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 21,960 SF  
Lot Coverage:  
Proposed: 6,042 SF / 27.5%  
Maximum: 6,588 SF / 30%  
Unit size:  
Proposed: 10,801 / 49.2%  
Maximum: 10,980 SF / 50 %  
Height:  
Proposed: 26'-0" flat roof\*  
**\*DRB WAIVER**  
Maximum: 24'-0" flat roof

Adjusted Grade: +6.61 NGVD

First Floor Elevation: +15' NGVD (BFE+6' FB)

### **EXISTING PROPERTY:**

Year: 1947 | 1936  
Architect: Robert M. Little | Russel  
Pancoast  
Vacant: Yes | Yes

### **SURROUNDING PROPERTIES:**

East: One-Story 1939 residence  
North: One-Story 1952 residence  
South: Vacant  
West: Biscayne Bay

Grade: +4.21' NGVD

Base Flood Elevation: +9.00' NGVD

### **THE PROJECT:**

The applicant has submitted plans entitled "US MIA STAR 28", as designed by **SAOTA** and **Thamann Architecture + Design**, signed and sealed August 2, 2021.

The applicant is requesting review for an understory area:

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

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

1. The height of the proposed structure is 26'-0" in accordance with Section 142-105(b); 26' as measured from BFE +5, or 14' NGVD.
2. A two-story side (north) elevation in excess of 60'-0" in length in accordance with Section 142-106(a)(2)(d).

**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:

- Subject to the review and approval of the Design Review Board the following may apply to the understory area(s): Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage.
- 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.**
- 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.

- The design of the foremost screening on the front elevation at the second floor, specifically where the second-floor elevation is setback an additional five feet, shall be revised to be more open or removed in order to comply with Sec. 142-142-105(b)(4)c. As proposed, the screening negates the intent of the code.

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

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

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

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied. However, the applicant is requesting understory review and design waivers from the Board.**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Satisfied. However, the applicant is requesting understory review and design waivers from the Board.**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**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.  
**Satisfied. However, the applicant is requesting understory review and design waivers from the Board.**

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.  
**Satisfied. However, the applicant is requesting understory review and design waivers from the Board.**
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied. However, the applicant is requesting understory review and design waivers from the Board.**
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).  
**Satisfied. However, the applicant is requesting understory review and design waivers from the Board.**
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment

which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Satisfied**

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Satisfied**

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

**Not Applicable**

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

**Not Satisfied. Staff recommends that the screening proposed on the front elevation be broken up and more open.**

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Not Applicable**

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

**Not Applicable**

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

**Not Satisfied; see below**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

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

1. A recycling or salvage plan for partial or total demolition shall be provided.

**Not Satisfied**

**A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.**

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

**Satisfied**

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

**Satisfied**

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

**Satisfied**

5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

**Satisfied**

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

**Satisfied**

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

**Satisfied**

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

**Not Applicable**

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

**Not Applicable**

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

**Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

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

**Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

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

**Satisfied**

**STAFF ANALYSIS:**

The applicant is proposing to construct a new two-story residence on the western side of DiLido Island on two vacant parcels of land, one which once housed a pre-1942 architecturally significant residence. The applicant is requesting review of the understory and two design waivers from the Board.

The proposed home features an understory with the first fully-enclosed, habitable floor of the residence designed at an elevation of 15'-0" NGVD, or 5'-0" above the minimum building standard requirement of +10'-0" NGVD (BFE + 1' Fb). The design intention is to create a larger, non-air-conditioned space below the main slab that serves as a usable outdoor recreational amenity and program feature for the owner.

Since the understory ordinance was adopted in July of 2018, there has been a discernible increase in elevated homes that are being configured with finished first floor elevations at or above the maximum freeboard. This is due to several factors including sea level concerns, flooding and mitigation, the raising of City roads, and a renewed interest in elevated living with open-plan structures. In this design, the project architect has incorporated an understory for the primary use of parking, storage and access to the main level.

The first design waiver request is for 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 four (4) additional feet through the design review board process. 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. The applicant is seeking a two-foot (2') height waiver for the new two-story residence from BFE +5'-0", or 14' NGVD. The subject site has a lot area of 21,960 SF, which exceeds the minimum lot area for RS-3 lots by 11,960SF and RS-2 lots by 3,960 SF. New construction on RS-2 lots are allowed a height of 28' for flat roof structures. Staff finds that the 2' height request coupled with the large lot area alleviates any impact the requested height may have on its neighbors. As such, staff is supportive of the requested 2'-0" height waiver.

The second design waiver that the applicant is requesting relates to the open space requirement for two-story elevations that exceed 60'-0" in length; specifically, for the percentage of open space provided. The subject two-story elevation is appropriately broken with a recess that moderates the two-story massing exceeding 60'-0" in length. The proposed recess is fully landscaped but is only .08% of the lot area, where the code requires the open space to be 1% of the lot, or 219 SF, and fully open to sky. The subject two-story elevation is articulated with additional recesses along each floor that further breaks up the massing. As such, staff finds that the provided open space coupled with the planar articulation of the two-story elevation meets the intent of the code and is supportive of the waiver request.

The residence has been designed in a contemporary style. The design features layers of architectural and landscape elements, such as screens, plantings and trellises, that contrast with stone and stucco finished walls to render elevations with varying levels of transparency and movement. Staff is generally supportive of the design but recommends that the front elevation be further refined. Specifically, staff recommends that the screening along the second floor be broken up and more porous in order to address a code requirement for an additional setback along 35% of the second-floor elevation, as well as to soften the severe impression that the continuous and dense screening has on the street and pedestrian facing elevation.

**RECOMMENDATION:**

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



Exhibit "A"

Legal Description:

Lot 10, Block 2, of "DI LIDO", according to Plat thereof, recorded in Plat Book 8, at Page 36, Public Records of Miami-Dade County, Florida.

Together with:

An eight (8) foot strip of land contiguous to the Westerly boundary lines of Lot 9 and 10, in Block 2, DI LIDO ISLAND, according to Plat thereof, recorded in Plat Book 8, at Page 36, Public Records of Miami-Dade County, Florida, lying between the Westerly extension of the Northerly line of Lot 9 and the Westerly extension of the Northerly line of Lot 10, in Block 2.

Lot 11, Block 2, of "DI LIDO", according to Plat thereof, recorded in Plat Book 8, at Page 36, Public Records of Miami-Dade County, Florida.

Together with:

An eight (8) foot strip of land contiguous to the Westerly boundary lines of Lot 11, in Block 2, DI LIDO ISLAND, according to Plat thereof, recorded in Plat Book 8, at Page 36, Public Records of Miami-Dade County, Florida, lying between the Northerly and Southerly boundary lines of said Lot 11, in Block 2 extended Westerly.