

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: January 4, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB21-0721
7300 Trouville Esplanade

An application has been filed requesting Design Review Approval for the construction of a new 4-story residential townhouse development including one or more waivers and variances from the required front yard setback and from the minimum height clearance required at the ground level below the first habitable floor.

RECOMMENDATION:

Approval of the design.

Approval of variance #1.

Denial of variance #2.

LEGAL DESCRIPTION:

Lot 10 of Block 33, of "NORMANDY WATERWAY SUBDIVISION", according to Plat thereof as recorded in Plat Book 40, Page 60, of the Public Records of Miami-Dade County, Florida.

BACKGROUND:

At the November 2, 2021 meeting, this item was continued to January 4, 2022, to address the concerns expressed by the Board.

SITE DATA:

Zoning: RM-1
Future Land Use: RM-1
Lot Size: 10,524 SF
Proposed FAR: 13,154.5 SF/ 1.249*
Permitted FAR: 13,155 SF/ 1.25

*As represented by the applicant

Height:
Proposed: 46'-7" / 4-Story
Maximum: 50'-0" / 5-Story
Existing Use: Single Family Residence
Proposed Use: Townhomes
Residential Units: 5 Units
Required Parking: 1 Spaces
Provided Parking: 10 Spaces

Lot Coverage: 44.02% (4,632.73 SF)*

Max Lot coverage: 45% (4,735 SF)

Grade: +3.39' NGVD

Flood: +8.00' NGVD

Adjusted Grade: +5.69' NGVD

Garage Elevation Clearance: 7'-7" from
BFE+1

Required Garage Elev. Clearance: **12'-0"**

Finished Floor Elevation: +17'-3" NGVD

Surrounding Properties:

East: 1-story 1955 residence

North: Normandy Waterway

South: 1-story 1952 residence

West: 1-story 1950 residence

THE PROJECT:

The applicant has submitted revised plans entitled "7300 Trouville Esplanade Townhouses", as prepared by **Gaviria Architects**, dated, signed and sealed November 6, 2021.

The applicant is proposing to construct a new 4-story residential townhouse development.

The applicant is requesting the following variance(s):

1. A variance to reduce by 10'-0" the minimum required front pedestal setback of 10'-0" in order to construct a residential building at 10'-0" from the front property line facing Calais Drive.
2. A variance to reduce by 4'-5" the minimum required ceiling clearance height of 12'-0" from base flood elevation plus minimum freeboard to the underside of the first-floor slab, in order to provide parking ceiling clearance of 7'-7" from 9.0' NGVD.

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 variance #1 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 #1, 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, in addition to the requested variance(s):

- Sec. 130-69. URBAN HEAT ISLAND ORDINANCE. - Commercial and noncommercial parking lots. 3) Open- air parking lots, open to the sky, shall be constructed with (i) a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or ii) porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.
- Removal of on-street parking shall be approved by the Parking Department.

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.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **multi-family residential** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

ACCESSIBILITY COMPLIANCE

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to

the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

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

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the proposed project requests variance(s) from the Board, specifically from the required height clearance within a garage.
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; However, the proposed project requests variance(s) 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 proposed project requests variance(s) 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 proposed project requests variance(s) 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.

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; However, the proposed project requests variance(s) 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 Applicable (for the current requested design modifications)

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; applicant will provide a recycle/salvage plan for demolition at time of permitting.
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.

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; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS: **DESIGN REVIEW**

The subject site is a vacant corner parcel at the northern terminus of Trouville Esplanade and Calais Drive. The applicant is proposing to construct a contemporary four-story building with a roof terrace. This application was presented at the November 2, 2021 meeting where the Board continued it to allow the architect to address concerns with the building's design.

The application includes five (5) residential townhouse type units with private active roof decks and parking garages. The vehicular access is from Trouville Esplanade. Each unit has been

designed with individual entrances and associated parking areas. All units consist of three floors of living area with a private roof top terrace.

The ground floor contains entrance foyers and the parking area. The first habitable floor provides a living space and two bedrooms, and the second habitable floor is dedicated to one bedroom and the master bedroom. The third habitable floor, level 3, contains the common areas that include a kitchen, dining and another living space. Each unit has access to a private roof deck terrace. The five units have been designed ranging from 2,555 SF to 2,644 SF.

The applicant has made the following modifications to the project in order to address the Board's comments:

- The request for a lot coverage waiver has been withdrawn. The driveways have been reduced in width and the hardscape design incorporates pervious pavers.
- The front (south) and back (north) facades have been redesigned with the rearrangement of windows on the ground level.
- The Trouville (side) façade has incorporated wood clad columns, a slight wood eyebrow over the windows and a base wrapped in grey stucco with ½ reveals.
- The side (west) façade has been revised with enlarged window and landscape planters.
- Lateral gate columns have been added at each of the 3 entries proposed and set back 5' beyond the edge of the entry driveway to allow for an unobstructed visibility triangle.

Staff finds that the revised design is much improved and addresses both staff's and the Board's concerns. The ground floor elevations facing the street and canal are proportional and cohesive, and the overall building mass steps back at the Calais Drive elevation, lessening its impact on the street. As such, staff recommends the approval of the design.

VARIANCE ANALYSIS

The applicant is requesting the following variance(s):

1. A variance to reduce by 10'-0" the minimum required front pedestal setback of 10'-0" in order to construct a residential building at 10'-0" from the front property line facing Calais Drive.

- Variance requested from:

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

Subterranean and pedestal, Front: 20'-0"

A new residential 3-story building with roof top access is proposed on this waterfront property. The new development must comply with the RM-1 zoning regulations, of which a structure is required to be at a setback of 20'-0" from the front property line. The new structure is proposed with a front setback of 10'-0" at the ground and second floors and most of the building front façade is setback an additional 2'-0" to 5'-0" within the upper floors. The surrounding

residential area contains one and two-story structures with reduced front setbacks, similar to the front setback proposed. Although not opposed to a reduction of the front setback to be consistent with the established front setbacks in the immediate area, staff recommends increasing the front setback on the 3rd floor and roof top structures to mitigate the visual impact of the building on the surrounding low-scale neighborhood.

2. A variance to reduce by 4'-5" the minimum required ceiling clearance height of 12'-0" from base flood elevation plus minimum freeboard to the underside of the first-floor slab, in order to provide parking ceiling clearance of 7'-7" from 9.0' NGVD.

- Variance requested from:

Sec. 142-155. - Development regulations and area requirements.

(a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:
1. A minimum height of 12 feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable, may waive this height requirement by up to two feet, in accordance with the design review of certificate of appropriateness criteria, as applicable.

The ground floor of the building contains access stairs, elevators and covered garage area. As part of the requirements to mitigate sea level rise impact on new buildings, the City Code requires that when parking is provided at the ground level, a minimum height of 12'-0" from base flood elevation plus 1 foot to the underneath the second-floor slab be provided to allow future raising of the streets and building first floor including continued operation of the parking area, as required. The ceiling height proposed for the ground floor is 7'-7" for which a variance is requested.

Staff would note that the property is approximately 10,500 sf, almost double in size compared to the minimum area of 5,600 sf required in the RM-1 district. The lot width of 72'-0" also exceeds the minimum 50'-0" lot width required for the district. The size of the property combined with the size of the residential units proposed, requires two-parking spaces per residential unit. In the future, if the streets are raised, the required parking for the units may not be functional and create a non-conforming issue in the property. Based on the size of the property and the need to satisfy the parking requirements for the new residential building, as well as the lack of justification regarding the practical difficulty and hardship criteria, staff recommends denial of the variance requested.

However, the Board may grant a waiver of the clearance height by up to two (2) feet, resulting in a height of 10'-0" from B.F.E. plus one foot. Such waiver has typically been granted for similar developments, which will allow the continued use of the garage when roadways are elevated in the future. As such, staff recommends the Board grant a two (2') foot height waiver for the garage clearance.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, and that variance request #1 be **approved** and that variances #2 **denied**, subject to the conditions enumerated in the attached Draft Order which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: January 4, 2022

PROPERTY: **7300 Trouville Esplanade 02-3210-010-0340**

FILE NO: DRB21-0721

IN RE: An application has been filed requesting Design Review Approval for the construction of a new 4-story residential townhouse development including one or more waivers and variances from the required front yard setback and from the minimum height clearance required at the ground level below the first habitable floor.

LEGAL: Lot 10 of Block 33, of "NORMANDY WATERWAY SUBDIVISION", according to Plat thereof as recorded in Plat Book 40, Page 60, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Pampa Sunbelt 1 LLC

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 2, 3, 9 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, 3, 5, and 10 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:

2. Revised elevation, site plan and floor plan drawings for the proposed residential building shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The minimum height requirement of (12) feet, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab, **shall be** waived by two (2) feet.
 - b. URBAN HEAT ISLAND ORDINANCE. - Commercial and noncommercial parking lots. 3) Open- air parking lots, open to the sky, shall be constructed with (i) a high albedo surface consisting of a durable material or sealant in order to minimize the urban heat island effect, or ii) porous pavement. The provisions of this paragraph shall apply to all parking areas, and all drive lanes and ramps.
 - c. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
 - d. The final details and color of the proposed wood composite wall cladding, including samples, 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.
 - e. The final design, color and details of the proposed roof trellis 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.
 - f. Removal of on-street parking shall be reviewed and approved by the Parking Department.
 - g. The final details of all exterior surface finishes and materials, including samples, 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. Post Indicator Valves (PIV) and Fire Department Connections (FDC) that are proposed visible from the right-of-way shall be finished in chrome.
 - i. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
 - j. The final color selection of the exterior stucco elements shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.

- k. 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.
 - l. 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 site plan, 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 plan shall incorporate the following:
- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. 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.
 - d. 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.
 - e. The amount of paving within the required front yard shall not be greater than 50% of the required front yard.
 - f. The proposed landscape buffer within the (south) interior side yard shall be further enhanced in order to provide a continuous landscape buffer in the form of bamboo or fish tail palms or similar planting materials that will adequately screen the massing of the proposed structure in order to

mitigate the impact of the proposed structure on the neighboring property 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 architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- i. 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.
- j. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- k. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- l. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- m. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- n. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- o. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage

Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
1. A variance to reduce by 10'-0" the minimum required front pedestal setback of 10'-0" in order to construct a residential building at 10'-0" from the front property line facing Calais Drive.
 2. A variance to reduce by 4'-5" the minimum required ceiling clearance height of 12'-0" from base flood elevation plus minimum freeboard to the underside of the first-floor slab, in order to provide parking ceiling clearance of 7'-7" from 9.0' NGVD.
- B. The applicant has submitted plans and documents with the application that satisfies 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 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.

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.

C. The Board hereby **Approves** the Variance request(s), 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. Removal of the on-street parking shall be approved by the Parking Department.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both ‘I. Design Review Approval and ‘II. Variances’ noted above.

- A. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- B. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- C. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit
- D. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.

- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 "7300 Trouville Esplanade Townhouses", as prepared by **Gaviria Architects**, dated, signed and sealed November 6, 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 commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated _____

