

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: September 10, 2021

PROPERTY: **40 Island Avenue – The Standard Hotel 02-3233-004-0090**

FILE NO: DRB21-0689

IN RE: An application for Design Review Approval for modifications to a previously approved application for exterior design modifications to the existing building, including variances to reduce the required side and sum of the side yard setbacks for the construction of an FPL vault and to exceed the maximum height allowed for fences and gates. Specifically, the applicant is requesting after-the-fact approval to extend the previously approved setback variances by expanding the limits of the FPL enclosure along the east side property line, in order to accommodate additional FPL equipment.

LEGAL: Lots 39, 40, 41 and 42 of "Amended Plat of Belle Isle", according to Plat thereof as recorded in Plat Book 5, Page 11 of the Public Records of Miami-Dade County, Florida.

APPLICANT: Ferrado Lido, LLC

SUPPLEMENTAL 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 consistent with the Design Review Criteria 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 consistent with the Sea Level Rise Criteria 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. The property shall comply with all of the conditions enumerated in the Final Order and Supplemental Order for DRB19-0369, dated May 7, 2019 and June 4, 2019, except as modified herein.
2. Revised elevation, site plan and floor plan drawings for the proposed addition at 40 Island Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. Condition D.1.c. of the June 4, 2019 Supplemental Order shall be revised as follows;

The architect applicant shall install a stone cladding along portions of the exterior eastern wall facing the neighboring property at lots 6 and along Farrey Lane, clad aluminum fence, as depicted on sheet L-2.5 of the submitted plans, along the eastern property line abutting 7 Farrey Lane, between the north (waterside) property line and the northern wall of the expanded FPL enclosure, and returning to the eastern wall of the FPL enclosure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. The materials and color selection shall be ~~subject to the review and approval of staff~~ as indicated on the plans provided with this application, with the overall stone dimensions subject to the review and approval of staff.

The eastern wall of the FPL enclosure shall be clad in the same stone finish as noted for the fence above, in a manner to be reviewed and approved by staff.

- b. Condition I.D.2.a. of the May 7, 2019 Order shall be revised as follows:

The applicant shall apply and pay the associated fee to FPL to initiate the process to underground the FPL overhead utility lines and utility poles identified as numbers 6-8 on the graphic exhibit entitled "Belle Isle FPL Overhead Lines Location graphic" (attached), in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or directions from the Board. For the purpose of clarity, FPL, not the applicant, designs, permits and constructs the undergrounding project.

- c. Except when associated with a Special Events permit, loading and unloading operations servicing the hotel shall not be permitted from the FPL access drive.
- d. 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.

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- e. 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. The proposed planting of heliconias between the FPL enclosure and eastern property line shall be approved as proposed.
 - b. The "GrassPaver" pervious pavement, or equal product, located within the eastern yard, south of the FPL vault, shall be approved as proposed.
 - c. The final design and details, including materials, of the pervious pavement shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

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 modifications to the following variance(s) which were initially approved by the Board on May 7, 2019:

The following modifications were **approved** by the Board:

1. A variance to reduce by 10'-0" the minimum required interior side setback of 16'-0" in order to construct an FPL transformer pad and terminal cabinet pad at 6'-0" setback from the east side property line.
 2. A variance to reduce by 14'-5" the required sum of the side setbacks of 32'-0" in order to construct an FPL transformer pad and terminal cabinet pad on the east side yard and provide a sum of the side setbacks of 17'-7".
- B. The applicant has submitted plans and documents with the application that the Board has concluded satisfy Article 1, Section 2 of the Related Special Acts as it relates to variance(s) II.A.1 and II.A.2 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 only as it relates to variance(s) II.A.1 and II.A.2, as noted:

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.

A. The Board hereby **Approves** the medications to Variances #1 and #2 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.

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.

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

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 "The Standard Hotel", as prepared by **A.C. Atherton, P.A., and Peter Anselmo, R.L.A.**, dated June 14, 2021 and as approved by the Design Review Board, as determined by staff.

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

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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.

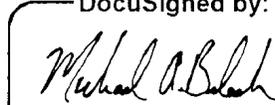
In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City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

12/20/2021 | 9:05 AM EST

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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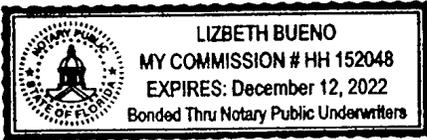


BY: _____ DEC3ECF2EB68404...

Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 20th day of December 2021 by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Notary: 
Print Name: LIZBETH BUENO
Notary Public, State of Florida
My Commission Expires: 12/12/22
Commission Number: HH 152048

{NOTARIAL SEAL}

Approved As To Form: _____
City Attorney's Office: _____ (12/17/2021 | 3:13 PM EST)

Filed with the Clerk of the Design Review Board on _____
_____ (12/20/2021 | 3:06 PM EST)

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