

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: October 4, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB22-0853  
**1015 Stillwater Drive**

An application has been filed requesting Design Review Approval for the construction of a new two-story single-family home, including review of an understory area, and a variance for the height of the home, on a vacant lot.

#### **RECOMMENDATION:**

Approval of design

Approval of the variance

#### **LEGAL DESCRIPTION:**

LOT 51, BLOCK 15, "BISCAYNE BEACH SECOND ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 46, AT PAGE 39, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.

#### **HISTORY:**

On September 6, 2022, the application was continued to a date certain of October 4, 2022, due to the length of the agenda.

#### **SITE DATA:**

Zoning:	RS-4
Future Land Use:	RS
Lot Size:	8,472 SF
Lot Coverage:	
Proposed:	2,399 SF / 28.3%
Maximum:	2,541.6 SF / 30%
Unit size:	
Proposed:	4,228 SF / 49.9%
Maximum:	4,236 SF / 50%
Height:	
Proposed:	<b>25'-0"</b> flat roof *
Maximum:	24'-0" flat roof

#### **\*VARIANCE REQUIRED**

Grade:	+5.15 NGVD
Base Flood Elevation:	+8.00' NGVD
Adjusted Grade:	6.57' NGVD
First Floor Elevation:	+14.76' NGVD

#### **EXISTING PROPERTY:**

Year:	1947
Architect:	J. Richard Ogden
Vacant:	Yes

#### **SURROUNDING PROPERTIES:**

East:	One-story 1947 residence
North:	Biscayne Bay
South:	One-Story 1948 residence
West:	Two-story 1947 residence

#### **THE PROJECT:**

The applicant has submitted plans entitled "1015 Stillwater Residence" as designed by **Preschel + Bassan Studio**, dated July 11<sup>th</sup>, 2022.

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 variance:

1. A variance to exceed by 1'-0" the maximum height of 24'-0" for a two-story structure with a flat roof.

**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.

Additionally, staff has concluded that the plans and documents with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, as related to variance #1:

- 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:

- Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, as measured from grade, except when such yard abuts a public right-of-way, waterway, or golf course, the maximum height shall not exceed five feet. Please indicate height of fence within the rear yard.
- The maximum width of all driveways at the property line shall not exceed 30 percent of the lot width, and in no instance shall be less than nine feet in width and greater than 18 feet in width.
- The required yard shall comply with the minimum and maximum yard elevation of sec. 142-105(b)(8).

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.  
**Not Applicable; Vacant Lot**
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 one variance 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 one variance from the Board.**

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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 one variance 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 one variance 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 one variance 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.

**Not Applicable**

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

**Not Applicable**

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 Applicable**

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.

**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:**

The applicant is proposing to construct a new two-story residence on a vacant waterfront lot on Stillwater Drive. Additionally, the application includes the review of the understory and one height variance.

The proposed home features an understory with the first fully enclosed, habitable floor of the residence designed at an elevation of 14.76' NGVD, or BFE plus 6.76' of freeboard. The design intention is to develop a Tropical Modern two-story residence of approximately 4,228 S.F. of living area. In this design, the project architect has incorporated an understory for the

parking, outdoor recreational spaces, and access to the main level. The understory is intended to circulate the flow of air and light with the use of wood composition, lush landscaping, and the ornamental lattice walls. The majority of the first floor consists of the common living areas that are surrounded by floor to ceiling windows and overlook Biscayne Bay along an elevated terrace. Furthermore, the design makes a good use of both indoor and outdoor spaces.

The residence has been designed to break the massing of each level by producing clean lines and the use of warm materials. In essence, the material finishes that have been integrated in the exterior elevations provide natural landscape and wood textures that enhance the temperate color palette. The architect has proposed a textured cement breezeblock within the front (south) elevation that contributes to an aesthetically pleasing design along the smooth stucco architectural element and windowpane. Along the rear (north) elevation, the aluminum horizontal railings have been introduced to create varying forms and recesses of the ample glazing. In contrast, the west elevation is composed mainly of stucco and an interior courtyard that breaks the surface plane of the home. The east elevation features an extensive green courtyard that is open to the sky and serves as the main pedestrian entrance. The main corridor access leads towards the deck and pool area and the understory is designed to allow most of the social spaces towards the waterfront views.

While the architect has incorporated a contrast in material finish between the smooth and textured stucco along the west elevation, staff finds that additional fenestration should be introduced in the second floor to create visual interest in the arrangement of openings. Overall, staff is supportive of the design, including the height waiver, and recommends approval of the application.

#### **VARIANCE REVIEW**

The project includes the following variance request:

1. A variance to exceed by 1'-0" the maximum height for 24'-0" for a two-story structure with a flat roof.
  - 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:*

*(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:*

<i>Zoning District</i>	<i>Minimum Lot Area (square feet)</i>	<i>Minimum Lot Width (feet)*</i>	<i>Maximum Lot Coverage for a 2-story Home (% of lot area)**</i>	<i>Maximum Unit Size (% of Lot Area)</i>	<i>Maximum Building Height, which shall not exceed two stories above the base flood elevation, plus freeboard in all districts***</i>
<i>RS-4</i>	<i>6,000</i>	<i>50</i>	<i>30%</i>	<i>50%</i>	<b><u>24 feet - flat roofs.</u></b> <b><u>27 feet - sloped roofs.</u></b>

The applicant is proposing to construct a home with an understory, and the request for the variance is to have a higher clearance within the understory area, which as a result, increases the entire height of the house.

The applicant is proposing an understory clearance of about 8'-6", that with the addition of structure measures approximately 9'-6" from ground floor to finished first habitable floor. As a result of the understory design, the entire height of the home has been raised by 1', where the applicant is proposing an overall height of 12'-6" from the first habitable level to the top of the second floor, and an overall height of 11'-6" from the top of the second floor to the roof.

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 measurable 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 understory the proposed ceiling height ranging from 8- to 9-feet modestly exceeds the Building Code standards and screening of any building services – lighting, electrical conduits, plumbing pipes, etc. - from view. Furthermore, the proposed clear heights for the two habitable floors are in line with today's residential standards.

The incorporation of an understory into a residential project can impact the overall height of the building as measured from the required BFE plus freeboard. In this instance, the clear ceiling heights of the habitable spaces would need to be compromised to meet the required height requirement as well as provide a useable and pleasant understory space. Staff finds that the inclusion the understory does result in a practical difficulty in complying with the requirements of the code.

**RECOMMENDATION:**

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