

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 4, 2023

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB22-0841
8 Century Lane

An application has been filed requesting Design Review Approval for the construction of a new 5-story single-family home, including one or more waivers, and variances from the minimum required front setback for a garage, ~~from the minimum required side setback for pool equipment,~~ from the minimum required rear setback for a pool, and from the maximum elevation of a required yard, to replace an existing single-story home.

RECOMMENDATION:

Approval of the design with conditions.
Approval of the variances.

LEGAL DESCRIPTION:

Lot 8, of "Belle Isle Villas", according to the plat thereof filed for record and recorded in Plat Book 42 at Page 92 of the Public Records of Miami-Dade County, Florida.

BACKGROUND:

On October 4, 2022, this item was continued to the December 6, 2022 meeting, at the request of the applicant. On December 6, 2022, the application was heard by the Board and continued to a date certain of February 7, 2023. On February 7, 2023, the application was continued at the request of the applicant to a date certain of March 8, 2023. On March 8, 2023, the application was continued at the request of the applicant to a date certain of April 4, 2023, due to a short Board.

SITE DATA:

Zoning:	RM-1 (Residential, Multifamily Low Intensity)
Future Land Use:	RM-1 (Residential, Multifamily Low Intensity)
Lot Size:	4,599 SF
Proposed FAR:	5,260 4,717 SF / 1.02
Maximum FAR:	5,748 SF / 1.25
Proposed Height:	48'-10" 46'-2" from (BFE +5)
Maximum Height:	55'-0" from BFE + Freeboard
CMB Grade:	4.07' NGVD
Base Flood Elevation:	9' NGVD
Garage Elevation:	4.75' NGVD
Garage Clearance:	14'-4"
Finished First Floor:	14' NGVD (BFE +5')

*As indicated on submitted survey

Surrounding Properties:

East: One-story 1941 residence

North: Two-story hotel "Standard Hotel and Spa"
South: One-story 1941 residence
West: Biscayne Bay

THE PROJECT:

The applicant has submitted architectural plans, entitled "8 CENTURY LANE RESIDENCE", as prepared by **Pedro G. Suarez, RA**, dated, signed and sealed February 13, 2023; and landscaped plans, as prepared by HRFH CONSULTING, dated, signed and sealed February 13, 2023.

The applicant is proposing a new five-story single family home in the RM-1, Residential multifamily low intensity zoning district of Century Lane.

The applicant is requesting the following variance(s)

1. A variance to eliminate all of the required front setback of 20'-0" in order to construct enclosed parking and an access ramp with a setback of 0'-0" from the front property line, abutting lot 9.
2. A variance to increase by 1.8' the maximum allowable elevation of an interior side yard of +7.63' NGVD (future adjusted grade) in order to elevate the interior side yards up to an elevation of 9.42', associated with walkways and ramps.
3. A variance to reduce by ~~4'-6"~~ **3'-2"** the minimum required rear setback of 7'-6" for a pool water's edge in order to construct at pool with a setback of ~~3'-0"~~ **4'-4"** from the rear setback.

Although the original application indicated a requested variance for an access ramp on the east side of the property, walkways and ramps are allowable encroachments in required yards (up to 44" wide). Per Section 142-1132(o)(11), this width may be exceeded, subject to the review and approval of the Design Review Board.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, excluding requested variance(s). 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 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **residential** use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

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; however, the applicant is requesting several variances
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 several variances
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
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 several variances
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 several variances
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 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 several variances
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 revising the garage elevation that is visible from the street. See Staff Analysis.
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; the design incorporates green roofs and pervious paving.

STAFF ANALYSIS:

DESIGN REVIEW

The north side of Bell Isle, including Century Lane, is zoned RM-1, Residential Multifamily Low-Intensity, with a maximum F.A.R. of 1.25 and maximum height of 55 feet when parking and/or non-habitable spaces are provided at the ground level. The south side of Belle Isle is zoned RM-2, Residential Multifamily, Medium Intensity, with a maximum F.A.R. of 2.0 and maximum height of 60 feet to 140 feet, depending on the ground floor configuration and size of the lot.

The properties along Century Lane were originally developed with one-story single-family homes, all constructed as part of a residential development in 1941. The original bungalows remained largely intact until the mid-1990's, when a permit was issued for the construction of the 6-story 'Vistas' condominium, with 48 residential units and 71 parking spaces. The building was designed to the maximum FAR allowed at that time (~87,000 SF, 2.0 with bonuses). Six (6) homes on Century Lane were previously demolished to accommodate the construction of the Vistas project and six (6) individual properties remain on the northeast side of Century Lane.

The applicant is proposing to construct a new multi-story residence on a site containing a one-story home. The irregularly shaped, scalene trapezoidal property sits at the end of Century Lane, with minimal street frontage, and widens towards the Bay.

The proposed residence is designed in a contemporary style and the main interior levels of the residence measure a total of five-stories in height. The ground floor of the proposed residence consists of an enclosed garage with stairs leading to the entry vestibule, elevator, and storage spaces. The ground floor also features a roofed outdoor lounge area with a pool and a dock overlooking Biscayne Bay. The first enclosed habitable floor, the 'mezzanine', is

designed at a finished floor elevation of 19.83' NGVD and contains a bathroom, a small bedroom and laundry. The second floor of the home is reserved for the common areas of the family and consists of a powder room, living room, dining area and kitchen. The subsequent floors, three and four, house the sleeping quarters for the family. Additionally, the home features an accessible rooftop with an outdoor kitchen and a covered communal area.

The residence is designed in a contemporary style, with Brutalist influences. Predominately finished in board-formed concrete, the bands of glazing and vertical wood-like louvers break up the stoic wall planes. In addition to materiality, the design integrates into its architecture draping plants, green roofs and voided spaces that soften the architecture and provide planar movement and interest.

April 4, 2023 update

The overall articulation of the architecture of the proposed residence has been modified in a manner to reduce the impact of the structure's massing. Specifically, the architect has reduced the height by 2'-8" and decreased the intensity of the project by 543 square feet.

These modifications include an emphasis on the horizontality of the residence, with banded windows replacing double height windows, less transparency on the waterside (northwest) elevation, a shorted garage structure, and a lowered ground floor that now recedes below the upper floors and is finished vertical louvers. Furthermore, the proposed design incorporates landscape at each level, including a green roof above the garage. As such, staff finds that the revisions have successfully minimized the actual and perceived scale of the proposed residence.

VARIANCE(S) REVIEW

The applicant is requesting the following variance(s):

1. A variance to eliminate all of the required front setback of 20'-0" in order to construct enclosed parking and an access ramp with a setback of 0'-0" from the front property line, abutting lot 9.
 - 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"

The subject trapezoidal shaped site is irregular, with a property width that narrows from less than 56 feet along the water to approximately 26 feet near the dead end of Century Lane. The size and irregular shape of the lot presents practical difficulties in constructing a residence with an enclosed garage area. The requested variance is limited to the garage portion of the project, and the remainder of the home complies with the required front, side, and rear setbacks. In order to mitigate the request, a green roof is proposed for the garage, which will allow more landscaping on the site than if the area was limited to a surface parking area.

2. A variance to increase by 1.8' the maximum allowable elevation of an interior sideyard of +7.63' NGVD (future adjusted grade) in order to elevate the interior sideyards up to an elevation of 9.42', associated with walkways and ramps.
 - Variance requested from:

Sec. 142-155. – Development Regulations and area requirements.

(a)(3)b1. Front yard, side yard facing a street, and interior side yard. The maximum elevation within a required front yard, side yard facing a street, and interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.

As proposed, the elevation of the ground floor steps from the garage entrance of 4.07' NGVD (crown of road), to a transition entranceway at 7.14' NGVD, to the main elevator / stair hall elevation of 10.0' NGVD. On the waterside of this entry, an understory area is provided at an elevation ranging from 9.42' NGVD to 10.0' NGVD. The requested variance is limited to the areas of walkways and ramps that have been provided along the east and west side yards to access the understory level, including transition areas. Walkways and ramps up to 44" wide (which may be exceeded, subject to the review of the DRB) are allowable encroachments within required yards; however they may not exceed the maximum elevation of the required yard. Due to the practical difficulties involved in transitioning from a low street elevation to the minimum flood elevation on the irregular shaped lot, staff is supportive of the requested variance.

3. A variance to reduce by ~~4'-6"~~ **3'-2"** the minimum required rear setback of 7'-6" for a pool water's edge in order to construct a pool with a setback of ~~3'-0"~~ **4'-4"** from the rear setback.
 - Variance requested from:

Sec. 142-1133. Swimming pools.

This section applies to swimming pools in all districts, except where specified. Accessory swimming pools, open and enclosed, or covered by a screen enclosure, or screen enclosure not covering a swimming pool, may only occupy a required rear or side yard, provided:

- (1) *Rear yard setback. There shall be a minimum seven and one-half-foot setback from the rear property line to the water's edge of the swimming pool or to the waterline of the catch basin of an infinity edge pool.*

As noted previously, the subject site is highly irregular in shape, which presents practical difficulties in designing any structure for the site, including typical amenities such as a swimming pool. The City code allows decks to be constructed up to a waterside property line with a dock but has a minimum setback of 7'-6" to the water's edge of a pool. To mitigate the request, the applicant has provided a landscape strip between the water's edge of the pool and the dock, in place of more decking. Without the variance, most of the pool would have to be located under the building, limiting any sun exposure, due to the setback requirements of this unique site. Due to the practical difficulties identified, staff has no objection to the requested variance.

RECOMMENDATION:

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

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: April 4, 2023

PROPERTY/FOLIO: **8 Century Lane** **02-3233-002-0080**

FILE NO: DRB22-0841

IN RE: An application for Design Review Approval for the construction of a new 5-story single-family home, including one or more waivers, and variances from the minimum required front setback for a garage, from the minimum required rear setback for a pool, and from the maximum elevation of a required yard, to replace an existing single-story home.

LEGAL: Lot 8, of "Belle Isle Villas", according to the plat thereof filed for record and recorded in Plat Book 42 at Page 92 of the Public Records of Miami-Dade County, Florida.

APPLICANT: Michael Saiger

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 6, 9, 12 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 in Section 133-50(a) of the Miami Beach Code
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 1. Revised elevation, site plan, and floor plan drawings for the proposed new residence at 8 Century Lane shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. The southwest elevation of the garage shall be further refined to break up its massing and scale, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The final details of the wood-like slatted louvers that accents the elevations 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.
 - c. The final details of the board-formed concrete on the elevations 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.
 - d. The final details of the aluminum cladding proposed on the elevations 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 details of all exterior surface materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. 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.
 - g. 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. The driveway shall be constructed of an erosion resistant material and the paved area shall be kept to the minimum required for a driveway, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required 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.
- d. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- e. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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 eliminate all of the required front setback of 20'-0" in order to construct enclosed parking and an access ramp with a setback of 0'-0" from the front property line, abutting lot 9.
 - 2. A variance to increase by 1.8' the maximum allowable elevation of an interior side yard of +7.63' NGVD (future adjusted grade) in order to elevate the interior side yards up to an elevation of 9.42', associated with walkways and ramps.

3. A variance to reduce by **3'-2"** the minimum required rear setback of 7'-6" for a pool water's edge in order to construct a pool with a setback of **4'-4"** from the rear setback.

- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

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.

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. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- B. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- C. If applicable, a Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- D. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 revised plans entitled "8 CENTURY LANE RESIDENCE", as prepared by **Pedro G. Suarez, RA** dated, signed and sealed 2/13/2023, 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 _____.

