

# MIAMI BEACH

## PLANNING DEPARTMENT Staff Report & Recommendation

## Design Review Board

TO: DRB Chairperson and Members

DATE: January 2, 2024

FROM: Thomas R. Mooney, AICP  
Planning Director

<sup>DS</sup>  


for TRM

SUBJECT: DRB23-0931  
**24 Palm Avenue**

An application has been filed requesting Design Review Approval for the construction of a new 2-story home, including one or more waivers.

### **RECOMMENDATION:**

Approval.

### **LEGAL DESCRIPTION:**

Lot 28, in Block 1, of PALM ISLAND, according to the Plat thereof, as recorded in Plat Book 6, at Page 54, of the Public Records of Miami-Dade County, Florida; AND a Tract of Land 20 feet wide adjoining and abutting on the seaward side of Lot 28, Block 1, of PALM ISLAND; according to the Plat thereof, as recorded in Plat Book 6, Page 54, of the Public Records of Miami-Dade County, Florida.

### **SITE DATA:**

Zoning: RS-1  
Future Land Use: RS  
Lot Size: 27,529 SF  
Lot Coverage:  
Proposed: 7,452 SF / 27.1%  
Maximum: 8,258 SF / 30%  
Unit size:  
Proposed: 12,089 SF / 44%  
Maximum: 13,740 SF / 50%  
Height:  
Proposed: 28'-0" Flat Roof  
Maximum: 28'-0" Flat roof\*  
From 1<sup>st</sup>  
habitable level: 28'-0"  
\*as measured from BFE+5'

Grade: +5.18' NGVD\*  
Base Flood Elevation: +9.00' NGVD  
Adjusted Grade: 7.09' NGVD  
First Floor Elevation: +10.00' NGVD (BFE+ 1'-0" FB)  
\*As per the Survey

### **EXISTING PROPERTY:**

Vacant: Yes

### **SURROUNDING PROPERTIES:**

East: Two-Story 1930 | 2010 residence  
North: One-Story 1968 residence  
South: Biscayne Bay  
West: Two-Story 2013 residence

### **THE PROJECT:**

The applicant has submitted plans entitled "24 Palm Ave Residence" as designed by **Portuondo Perotti Architects, Inc.**, signed, sealed and dated November 05, 2023. The applicant is proposing a new, two-story single-family residence. The plans for this new residence were submitted and issued a building permit. However, due to modifications of the design that include a request for a waiver, this application is before the DRB for review.

The applicant is requesting a waiver of the open space requirement for two-story side elevations:

1. A two-story side (south) elevation in excess of 60'-0" in length in accordance with Section 7.2.2.3(b)(ii).

**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:

- Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard:
  - a. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line.
  - b. The square footage of the additional open space shall not be less than one percent of the lot area.
  - c. The elevation (height) of the open space provided shall not exceed the maximum permitted elevation height of the required side yard, and
  - d. At least 50 percent of the required interior open space area shall be sodded or landscaped with pervious open space.

The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from the minimum requirements of this provision may be granted only through design review board approval in accordance with the applicable design review criteria.

- The required yard shall comply with the maximum yard elevation of Section 7.2.2.3(b)(x).

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, SECTION 2.5.3.1:**

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

**Satisfied**

- b. 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, one design waiver has been requested. See Staff Analysis**
- c. 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, one design waiver has been requested. See Staff Analysis**
- d. 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 2.5.3.2.  
**Satisfied**
- e. 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**
- f. 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**
- g. 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**
- h. 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**
- i. 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.**

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.  
**Satisfied**
- k. 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**
- l. 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, one design waiver has been requested. See Staff Analysis**
- m. 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**
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
- o. 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**
- p. 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**
- q. 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**
- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances 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**
- s. 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 7.1.2.4(a)(i) of the Land Development Regulations 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 4 of the Land Development Regulations.  
**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.  
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**Satisfied**

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**STAFF ANALYSIS:**  
**DESIGN REVIEW**

The applicant is proposing to construct a new, two-story residence on a 27,529 square foot waterfront property on Palm Island. The plans for this home were issued a building permit, but due to modifications in the design that include a design waiver, this application is before the Design Review Board for review.

The proposed home is designed in a contemporary style with dominant second-story volumes that float beyond a recessed first floor. Thick stucco frames inset with floor-to-ceiling louvers and windows articulate the design of the main elevations of the second floor, in a manner that contrasts the more stoic first floor. The residence features a u-shaped, two-story massing with an internal courtyard open to sky, as well as an attached, one-story wing that projects toward the front property line along the western edge of the property. The pedestrian and vehicular entrance at the front of the property is defined by landscaping and porous pavement.

This application is requesting one design waiver that is related to the open space requirements for two-story elevations that exceed 60'-0" in length. The west side façade has a two-story elevation that is 109'-8" long and the city code includes open space requirements to break up long expanses of side elevations. In this instance, the design does not provide a regular-shaped space, open to sky from grade, that is at least 8-feet in depth from the required setback. The subject two-story elevation is setback from the required yard setback 3'-5" and features an "notch" of an additional 5'-2" in depth along its second-floor elevation, endeavoring

to break up the massing as required by the code. Initially, this (west) side elevation featured blank walls, but with the recommendation of staff, the final design features window openings that assist in further breaking up the massing. As such, staff is supportive of the requested waiver and recommends approval of the application.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application 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.