MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation — Design Review Board

TO: DRB Chairperson and Members — DATE: May 7, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB24-1007
2701 North Bay Road

An application has been filed requesting Design Review Approval for the construction of a new 2-story addition to an existing 2-story home, including variances from the required side yard and rear yard setback requirements, and a variance from the required pervious landscape requirements.

RECOMMENDATION:
Approval of the design and variances.

LEGAL DESCRIPTION:
Lot 11, less the Northerly One-Fifth thereof, and all of lot 12, in Block 11, of "SUNSET LAKE SUBDIVISION", according to Plat thereof, as recorded in Plat Book 8, Page 52, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	RS-3
Future Land Use:	RS
Lot Size:	11,272 SF
Lot Coverage:	
Existing:	NA
Proposed:	NA
Maximum:	3,381.6 SF / **30%**
Unit size:	
Existing:	3,794 SF / 33.6%
Proposed:	4,501 SF / 40%
Maximum:	5,636 SF **/** 50**%**
Height:	
Proposed:	11'-6" Sloped Roof*
Maximum:	27'-0" Sloped Roof *

Grade: +3.33' NGVD
Base Flood Elevation: +8.00' NGVD
Adjusted Grade: 5.665; NGVD

EXISTING STRUCTURE:

Year Constructed:	1954
Architect:	Robert Law Weed
Vacant:	No
Demolition Proposed:	Partial

Surrounding Properties:
East: Two-story 1926 home
North: One-story 1968 home
South: One-story 1980 home
West: Two-story 1926/2019 home

*Heights measured from BFE + 1'. The existing finished floor level of the home is at 4.1' NGVD, which is 4.9' below the minimum required for a new home.

THE PROJECT:
The applicants have submitted plans entitled "Goldenholz Residence Proposed Additions" as prepared by **Goldenholz & Associates Architects & Planners P.A.,** dated March 11, 2024. The applicant is proposing a seperate two-story addition to an existing two-story residence in the rear side yard.

The applicant is requesting the following variances:

1. A variance to reduce 2'-10" of the minimum required rear setback of 10'-0" in order to construct a one and two-story additions within the rear yard of the property at 7'-2" from the rear property line.

2. A variance to reduce 14'-6" of the minimum required rear setback of 20'-0" in order to construct a one and two-story additions within the rear yard of the property at 5'-6" from the rear property line.

3. A variance from 7.2.2.3.b.1 to reduce the required rear yard to be pervious open space when 70% is required.

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 submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

i. 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;

ii. The special conditions and circumstances do not result from the action of the applicant;

iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

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

vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

vii. 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; and

viii. 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 7, article I, 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, excluding the requested variances:

- The lot coverage of the existing home with the proposed addition shall comply with the maximum allowed lot coverage of 30%, as per sec. 7.2.2.b.1. Compliance shall be demonstrated in the permit drawings.

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, the applicant is requesting variances associated with interior and rear setbacks, as well as for the required pervious space requirement within a rear yard.

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, the applicant is requesting variances associated with interior and rear setbacks, as well as for the required pervious space requirement within a rear yard.

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 article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.

Satisfied; However, the applicant is requesting variances associated with interior and rear setbacks, as well as for the required pervious space requirement within a rear yard.

f. The proposed structure, 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 variances associated with interior and rear setbacks, as well as for the required pervious space requirement within a rear yard.

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; However, the applicant is requesting variances associated with interior and rear setbacks, as well as for the required pervious space requirement within a rear yard.

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 safety 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.
Not Satisfied; a landscape plan has not been submitted.

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

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.
NA

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).
Satisfied; However, the applicant is requesting variances associated with interior and rear setbacks, as well as for the required pervious space requirement within a rear yard.

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.
NA

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.
NA

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 comply with the sea level rise and resiliency review criteria in chapter 7, article I, 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 Applicable

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

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.
Not Applicable

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Satisfied; It is not reasonably feasible and economically appropriate to raise the existing house.

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.

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is proposing to construct a new two-story addition to an existing two-story residence located on North Bay Road. Sited on an irregularly shaped corner lot, the existing 1954 single-family home has its formal front entrance along its street facing side of the property (West 27th Street).

The addition is proposed within the rear of the lot, where currently a covered summer kitchen exists. The proposed structure is designed in a transitional style of architecture, finished in stucco on the second floor and clad in a stone-like material on the ground floor. Contemporary railings and window configuarations, combined with sloped, tile roofs, compliment the style of the existing residence. The new structure includes a pool restroom and summer kitchen on the ground floor, and a gym with a sauna and restroom on the second floor. Seperated from the main house by 6'-6", the 2nd floor of the new building is accessed by an exterior staircase and breezeway that are open-to-sky. The proposed addition is designed in harmony with the existing home and staff is supportive of the design.

VARIANCE REVIEW:

The project includes the following variance requests:

1. A variance to reduce 2'-10" of the minimum required rear setback of 10'-0" in order to construct a one and two-story additions within the rear yard of the property at 7'-2" from the rear property line.

2. A variance to reduce 14'-6" of the minimum required rear setback of 20'-0" in order to construct a one and two-story additions within the rear yard of the property at 5'-6" from the rear property line.

    - Variance requested from:

7.2.2.3 Development Regulations (RS):

b. The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:
The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

BUILDING SETBACKS	RS-1	RS-2	RS-3	RS-4
Front Setback Ⓐ	20 feet -1 Story Structure (5)(6) - provided that any future addition of a two-story attached structure shall be setback a minimum of 40 feet 30 feet - 2 Story Structures - (5)(6)			
Side, facing a street Setback Ⓑ	10% of the lot width or 15 feet, whichever is greater (5)(6) and the sum of the required side yards shall be at least 25% of the lot width			
Side, Interior Setback Ⓒ Lots 65 feet in width or less	7.5 feet and the sum of the required side yards shall be at least 25% of the lot width			
Side, Interior Setback Ⓒ Lots greater than 65 feet in width	10% of the lot width or 10 feet, whichever is greater and the sum of the required side yards shall be at least 25% of the lot width			
Rear Setback Ⓓ	15 % of the lot depth (7) 20 feet minimum 50 feet maximum			

The applicant is requesting a rear and side setback variance for a two-story addition at the rear of the property. The addition consists of storage and bathroom located at the ground level with an open breezeway that connects to the existing two-story residence. The second floor will feature a sauna and restroom that will compliment the proposed gym. With respect to the variances, the new structure is situated at a setback of 7'-2" from the rear lot line and 6'-6" from the interior side property line.

It is important to note that there are no exterior modifications to the main residence as it is being retained on site with a nonconforming setback of 5.37' from the rear lot line. The proposed variances will allow for the retention and preservation of the existing home, should the applicant seek a formal determination of architectural significance.

The retention of the existing home presents a practical difficulty, due to its siting and non-conforming setbacks. Staff has no objection to the requested variances, as the addition is substantially setback at the front property line with approximately 93'-5 ½" from North Bay Road and the extension does not impact the architectural integrity of the home.

3. A variance from 7.2.2.3.b.1 to reduce the required rear yard to be pervious open space when 70% is required.

7.2.2.3 Development Regulations (RS):

b. The development regulations for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

The FAR, density, lot area, lot width, lot coverage, unit size, setbacks, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

(6) If an Understory is provided, at least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space. For purposes of this section, the required front yard shall be the same as the required front setback of the principal structure. All allowable exterior walkways and driveways within the front and street side yards shall consist of pavers set in sand or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited.

(7). At least 70 percent (70%) of the required rear yard shall be sodded or landscaped pervious open space; the water portion of a swimming pool may count toward this requirement, when located above adjusted grade, the water portion of a swimming pool may count towards 50 *percent* of this requirement, provided adequate infrastructure is incorporated into the design of the pool to fully accommodate on-site stormwater retention.

(8). The Design Review Board (DRB) or Historic Preservation Board (HPB), as applicable, may approve Understory areas. If an Understory is provided, then the maximum height is increased to 31 feet for flat roofs and 34 feet for sloped roofs.

The applicant is proposing a reduction of the rear yard pervious open space where 70% is required. The existing two-story residence was constructed in 1925 and a later bedroom addition was constructed in 1930. Subsequently, an extension of the second bedroom was built in 1947, as well as outdoor amenities, including the sun deck. Those elements create nonconformances with regard to pervious open space.

Additionally, the proposed location of the addition at the northeast corner of the site minimizes the visual impact from North Bay Road and West 27th Street. This also results in significant open spaces being maintained fronting North Bay Road and West 27th Street, thereby mitigating the loss in open space in the rear yard. Staff finds that the existing non-conforming open space within the property creates a practical difficulty unique to the site. The granting of this variance will be in harmony with the general intent and purpose of these land development regulations and would not negatively impact the surrounding community.

In summary, the location of the original 1926 home presents practical difficulties with regards to the placement of new construction. The proposed variances allow for reasonable additions to the existing home, while maintaining the architectural integrity of the original home. As such, saff is supportive of the application and recommends approval of the design and variances as proposed.

RECOMMENDATION:

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

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 7, 2024

PROPERTY/FOLIO: **2701 North Bay Road 02-3227-008-0661**

FILE NO: DRB24-1007

IN RE: An application has been filed requesting Design Review Approval for the construction of a new 2-story addition to an existing 2-story home, including variances from the required side yard and rear yard setback requirements, and a variance from the required pervious landscape requirements.

LEGAL: Lot 11, less the Northerly One-Fifth thereof, and all of lot 12, in Block 11, of "SUNSET LAKE SUBDIVISION", according to Plat thereof, as recorded in Plat Book 8, Page 52, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Gilad Goldenholz and Rebekah Stevens

O R D E R

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 2.1.3.1 of the Land Development Regulations. 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 c, i, l, and s in Section 2.5.3.1 of the Land Development Regulations.

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 and 12 in Section 7.1.2.4(a)(i) of the Land Development Regulations.

D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 2701 North Bay Road shall be submitted, at a minimum, such drawings shall incorporate the following:

a. The final design details of the exterior 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.

b. 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 plans 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 plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:

a. The plans shall be revised to comply with the line-of-sight visibility triangle requirements, subject to the review and approval of staff.

b. 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.

c. 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.

d. 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.

e. 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.

f. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.

g. 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. Any new street trees shall be of a consistent canopy tree species as similar to the neighboring trees along the street.

h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.

i. 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.

j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

k. 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to 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 2'-10" of the minimum required rear setback of 10'-0" in order to construct a one and two-story additions within the rear yard of the property at 7'-2" from the rear property line.

2. A variance to reduce 14'-6" of the minimum required rear setback of 20'-0" in order to construct a one and two-story additions within the rear yard of the property at 5'-6" from the rear property line.

3. A variance from 7.2.2.3.b.1 to reduce the required rear yard to be pervious open space when 70% is required.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above 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, the Board has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

i. 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;

ii. The special conditions and circumstances do not result from the action of the applicant;

iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

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

vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

vii. 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; and

viii. 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 7, article I, as applicable.

B. The Board hereby **Approves** the Variance request(s), and imposes the following conditions based on its authority in Section 2.8.4 of the Land Development Regulations:

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. All new construction over 7,000 square feet or ground floor additions to existing buildigns of 10,000 square feet shall comply with the "Green Building" requirements in section 7.1.3.2 of the Resiliency Code.

B. 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.

C. 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 and including the swale (subject to the review and approval of Public Works), 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.

D. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.

E. All allowable construction signage shall be attached to or situated behind the construction fence and shall be limited to one (1) sign, not to exceed four (4) square feet, in accordance with Section 6.3.2 of the Land Development Regulations.

F. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.

G. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

H. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.

I. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.

J. 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.

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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

M. 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.

N. 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.

O. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

P. 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 "Goldenholz Residence Proposed Additions", as prepared by **Goldenholz & Associates Architect & Planners P.A.,** dated March 11, 2024, 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For the Chair

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Rogelio A. Madan, Development & Resiliency Officer 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
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL]

Approved As To Form:
City Attorney's Office: _____ ( )

Filed with the Clerk of the
Design Review Board on: _____ ( )