

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: July 07, 2017

FILE NO: DRB16-0082

PROPERTY: **2120 Lucerne Avenue**

APPLICANTS: Patrick and Marisa Dwyer

LEGAL: Lot 9, Block 4B, 3rd Revised Plat of Sunset Islands, according to the map thereof, as recorded in Plat Book 40, Page 8 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family home to replace an existing pre-1942 architecturally significant one-story home, including a variance to exceed the maximum allowed floor to ceiling clearance for non-air conditioned space located under a main structure.

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 3, 5, 6, and 12 in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 2120 Lucerne Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The maximum floor to ceiling clearance under the main structure shall not exceed 7'-6" from the lowest level slab provided.



- b. The height of the main structure shall not exceed **23'-0"** when measured from BFE + 5'-0" (maximum freeboard).
 - c. The proposed entrance walkway width perpendicular to Lucerne Avenue shall be not permitted as proposed. The walkway shall be reduced to a maximum of five feet.
 - d. 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.
 - e. 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.
 - f. 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, and corresponding site plan, shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. The subject property is located within the Sunset Island #3 & 4 CIP ROW Streetscape Neighborhood Project, which is currently underway and installation of any required street trees shall not be permitted until after the completion of the City project. Shortly after the completion of the City's ROW project, the property owner shall be responsible for obtaining a separate Public Works ROW permit for the installation of the required street trees, which may occur after the issuance of a FINAL CO.
 - b. The installation of sod and street trees in the public ROW is subject to the review and approval of the Public Work Greenspace Division. All understory landscape material in the public ROW should be removed and replaced with sod.
 - c. In order to protect the root system of existing trees #5 and 6, as identified on sheet L1-20, the architect shall remove the section of the coral rock wall proposed at the property line, and low walls outlining the driveway/parking edge located within the dripline of the trees. A less intrusive fence, such as picket / wire mesh shall be provided in these sections in order to secure the property. Also, the hardscape area in the public ROW and within the dripline of tree #6 shall be removed. A 3' wide walkway may be provided for pedestrian access subject to the review and approval of the Public Works Department and CMB Urban Forester.
 - d. The proposed landscape buffer within the west interior side yard shall be



further enhanced in order to provide a continuous landscape buffer and specified to be 25'-0" minimum in height at the time of installation and subject to the review and approval of staff. The finish material of the walkways shall consist of an ornamental landscape gravel in order to enhance rooting space for trees/ palms and/or bamboo specified to provide screening.

- e. 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.
- f. 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, subject to the review and approval of staff.
- g. 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. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- h. 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.
- i. The architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- k. 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.
- l. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.



- m. 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.
- n. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- o. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material 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.
- p. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- q. 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 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 applicants filed an application with the Planning Department for the following variance(s), which were either approved by the Board with modifications, or denied:

The following variance was withdrawn by the applicants:

1. A variance to exceed by 2'-0" the maximum floor to ceiling clearance of 7'-6" allowed under the main structure in order to construct a new two-story single family home including area under the main structure with a height clearance up to 9'-6", as measured from the lowest level slab provided (4'-7" NGVD). **(Variance withdrawn by applicants)**

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. During construction of the new home, the Applicants will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and within 10' of the street side yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8'-0" high fence with a wind resistant green mesh material along the front property line. 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.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Dwyer Residence", as prepared by **Arquitectonica**, dated, signed and sealed June 12, 2017, and as approved by the Design Review Board, as determined by staff.



No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review 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 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 set forth in this Order. No building permit may be issued unless and until all 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 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 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 should 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 this 13th day of July, 2017.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

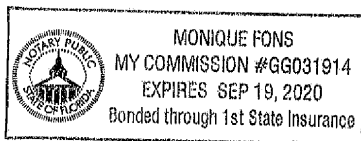
BY: 


JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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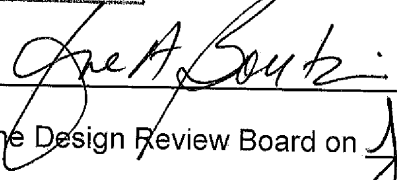
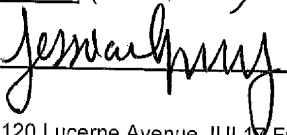
STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13th day of July 2017 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.




NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 9/19/20

Approved As To Form:
City Attorney's Office:

 (7/12/17)
Filed with the Clerk of the Design Review Board on  (7/12/17)

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