

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: October 03, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: DRB17-0175 (aka DRB17-0148)  
**160 South Hibiscus Drive – Single Family Residence**

The applicant, Edmundo Tamayo, is requesting design modifications to a previously issued Design Review Approval dated July 07 2017, the construction of a new two-story single family home to replace an existing one-story home, including variances and waivers. Specifically, the applicant is requesting one waiver (for height limitation).

#### **RECOMMENDATION:**

Approval with conditions.

#### **LEGAL DESCRIPTION:**

Lot 24 of Block 3 and 20 foot wide strip contiguous to same in Bay of Hibiscus Island, according to Plat thereof as recorded in Plat Book 8, Page 75 of the Public Records of Miami-Dade County, Florida.

#### **HISTORY:**

An application was approved by the Design Review Board on July 07, 2017, subject to the conditions set forth in the Final Order (DRB17-0148) for a two-story residence on the subject site with multiple variances and design waivers sought and approved. At that time, the Board did not grant approval for one of the design waivers (for increased height for RS-3 zoned properties).

#### **SITE DATA:**

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 10,719 SF  
Lot Coverage:  
Existing: 2,324 / 21.6%  
Proposed: 2,966 SF / 27.7%  
Maximum: 3,215.7 SF / 30%  
Unit size:  
Existing: 2,324 / 21.6%  
Proposed: 5,347 SF / **49.8%**  
Maximum: 5,359.5 SF / **50%**  
2<sup>nd</sup> Floor Volume to 1<sup>st</sup>: 77% 2668/1867\*  
\*DRB APPROVAL

Flood: +10.00' NGVD  
Difference: 4.35'  
Adjusted Grade: +7.825' NGVD  
30" (+2.5') Above Grade: +8.15' NGVD  
First Floor Elevation: +12.00' NGVD  
(BFE +2' FB)

Height:  
Permitted: 24'-0" flat roof  
Proposed: **27'-0" flat roof\***  
Maximum: 28'-0" flat roof  
**\*DRB WAIVER**

Grade: +5.65' NGVD

#### **EXISTING PROPERTY:**

Year: 1953  
Architect: Leroy Albert + H. Baxter

Vacant: No  
Demolition: Full

North: One-story 1941 residence  
South: Biscayne Bay  
West: One-story 1941 residence

**SURROUNDING PROPERTIES:**

East: Two-story 1940 residence

**THE PROJECT:**

The applicant has submitted plans entitled "160 S. Hibiscus Drive Residence Design Review Board Submittal with Height Waiver" as designed by **Borges Architects + Associates** signed, sealed, and dated August 14, 2017.

The applicant is proposing to construct a new two-story residence on a waterfront parcel on the southern side of Hibiscus Island.

The applicant is requesting the following design waiver(s):

1. The height of the proposed structure is **27'-0"** at the highest portion in accordance with Section 142-105(b).

On July 07, 2017, the following design waivers were approved by the Board:

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c). **The second floor volume is 77%.**
2. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d). The northerly elevation is 77'-4" in length.

On July 07, 2017, the following variances were approved by the Board:

1. A variance to reduce by 9'-2" the minimum required front setback of 30'-0" for a two-story structure in order to construct a one story garage structure connected to the main two-story home at 20'-10" from the front property line.
2. A variance to reduce by 2'-6" the minimum required 10'-0" interior side setback in order to construct a new single family residence at 7'-6" from the east side property line.
3. A variance to reduce by 2'-6" the minimum required 10'-0" interior side setback in order to construct a new single family residence at 7'-6" from the west side property line.
4. A variance to reduce by 5'-0" the minimum required sum of the side yards of 20'-0" in order to construct a new single family home and provide a sum of the side yards of 15'-0".
6. A variance to exceed by 1'-10" (23.8%) the maximum allowed projection of 1'-10" (25%) within the proposed side yard of 7'-6" in order to construct steps projecting 3'-8" (48.8%) up to 12.0' NGVD into the east side yard.
7. A. A variance to exceed by 1.85' the maximum elevation allowed of 8.15' NGVD within the interior side yards in order to raise portions of the east side

yard up to 10.0' NGVD.

B. A variance to exceed by 1.85' the maximum elevation allowed of 8.15' NGVD within the interior side yards in order to raise portions of the west side yard up to 10.0' NGVD.

The following variances were denied by the Board:

8. A variance to reduce by 3.7% (59.8 sf) the minimum required open space of 70% (1,129.8 sf) within the required rear yard in order to construct a new single family home with 66.3% (1,070.5 sf) open space within the required rear yard. **(variance denied)**

The following variances were withdrawn by the applicant:

5. A variance to exceed by 2'-5" (30%) the maximum allowed projection of 1'-10" (25%) within the proposed side yard of 7'-6" in order to construct a single family home with roof overhang and decorative vertical element projecting 4'-3" (56.6%) into the west side yard. **(variance withdrawn by applicant)**

#### **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:

1. The maximum building height is 24'-0" for flat roofed structures and 27'-0" for sloped roofs. In the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs, and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a height of 27'-0" for portions of the second floor main roofline which will require a waiver from the DRB.**

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

#### **COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Not Satisfied; the applicant is requesting one design waiver from the Board.**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

**Not Satisfied; the applicant is requesting one design waiver from the Board.**

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.

**Not Satisfied; the applicant is requesting one design waiver from the Board.**

4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.

**Satisfied**

5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.

**Not Satisfied; the applicant is requesting one design waiver from the Board.**

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**

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).

**Not Satisfied; the applicant is requesting one design waiver from the Board.**

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

**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.

**Satisfied**

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.

**Partially 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.  
**Not Satisfied**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**
- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.  
**Not Satisfied**  
**Sea Level Rise projections were not taken into account.**
- (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.  
**Satisfied**
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.  
**Satisfied**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**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.  
**Satisfied**
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Not Satisfied**

**STAFF ANALYSIS:**

The applicant is proposing design modifications to a previously approved Design Review Approval dated July 07 2017, for the construction of a two-story home on a waterfront parcel that will replace an existing one-story home, originally constructed in 1953. Six variances and two design waivers were also included at that prior approval, pursuant to DRB17-0148. Now, the applicant is seeking design review approval for one design waiver (for increased height) that was previously not granted by the Board.

The maximum building height in the RS-3 zoning district is 24'-0" for flat roofs. However, in the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs. Previously, the architect was seeking 28'-0" for the entirety of the new two-story residence's main roofline, with no identifiable change in roof height. As such, staff was not supportive of this requested height waiver. The architect has since reexamined the heights of the second floor areas. Now, the architect is seeking 27'-0" for a portion of the new two-story residence, or a height waiver of 3'-0".

Another area of the second floor has been designed at 25'-0" in height and the balance of the home has been designed at 24'-0" in height. Finally, the one story garage located at the 20'-0" front setback has been designed at 20'-0". All of these different elements create a residence with a variety of roof heights complimented by interesting architectural forms and rich materials. Further, the architect has respected the street scale through an increased setback of over 96'-0" from the front property line for the exterior wall of the highest portion of the second floor volume. Additionally, the architect has provided great movement along the highly articulated side elevations that stagger and with varying setback. Staff recommends that the design of the replacement home be approved as proposed including the additional requested waiver. Staff would recommend that the increased height be strictly limited to those portions depicted herein.

**RECOMMENDATION:**

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

TRM/JGM

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**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: October 03, 2017

FILE NO: DRB17-0175 (a.k.a. DRB17-0148)

PROPERTY: **160 South Hibiscus Drive**

APPLICANT: Edmundo Tamayo

LEGAL: Lot 24 of Block 3 and 20 foot wide strip contiguous to same in Bay of Hibiscus Island, according to Plat thereof as recorded in Plat Book 8, Page 75 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application design modifications to a previously issued Design Review Approval dated July 07 2017, the construction of a new two-story single family home to replace an existing one-story home, including variances and waivers. Specifically, the applicant is requesting one waiver (for height limitation).

**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 1, 2, 3, 5, 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, 3, 5, and 10 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. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.

2. All of the original conditions of approval by this Board, as reflected in the Final Order dated July 07, 2017, pursuant to DRB16-0148, shall remain in effect except as modified and approved herein.
3. Revised elevation, site plan, and floor plan drawings for the proposed new home at 160 South Hibiscus Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
  - a. The proposed increase in height **shall be** permitted as proposed; the maximum height of the back waterfront portion of the two-story structure shall be 27'-0" when measured from BFE + freeboard (2'-0") while the front portion of the two-story structure shall be 25'-0" when measured from BFE + freeboard (2'-0"). The portion of the two-story structure identified as "bedroom #4" on the second level shall be 24'-0" when measured from BFE + freeboard (2'-0").
  - b. 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.
  - c. 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.

**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. No variance(s) were filed as part of this application.

**III. General Terms and Conditions applying to both 'I. Design Review Approval and II. Variances' noted above.**

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.

- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. Nothing in this order authorizes a violation of 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 "160 S. Hibiscus Drive Residence Design Review Board Submittal with Height Waiver" as designed by **Borges Architects + Associates** signed, sealed, and dated August 14, 2017, 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.

