

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 03, 2018

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB18-0239
756 84th Street

The applicant, Diva Estate LLC, is requesting Design Review Approval for the construction of a new five-story multifamily building on a vacant lot including mechanical parking and a variance to reduce the required width for driveway entrance and a variance to exempt the lobby stair from the requirement to be substantially transparent at the ground level.

RECOMMENDATION:

Continue to a future meeting date

Denial of variance request #2

LEGAL DESCRIPTION:

Lot 7 of Block 7, of "Biscayne Beach Subdivision", according to Plat thereof as recorded in Plat Book 44, Page 67, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RM-1
Future Land Use: RM-1
Lot Size: 5,625 SF
Proposed FAR: 7,029 SF/ 1.25*
Permitted FAR: 7,031 SF/ 1.25

*As represented by the applicant

Height:
Proposed: 55'-0" / 5-Story
Maximum: 55'-0" / 5-Story
Highest Projection: 58'-6"

Existing Use: Vacant Parcel
Proposed Use: Residential
Residential Units: 4 Units
Required Parking: 8 Spaces
Provided Parking: 8 Spaces (lifts)

Grade: +4.25' NGVD
Flood: +8.00' NGVD
Difference: 3.75' NGVD
Adjusted Grade: +6.12 NGVD
30" Above: +8.62' NGVD
Proposed Garage Elev. Clearance: **11'-2"**
Required Garage Elev. Clearance: **12'-0"**
Finished Floor Elevation: +9.00' NGVD

Surrounding Properties:

East: 1-story, 4-unit 1950 Residential Building
North: 2-story 1948 Residential Building
South: 1-story 1949 Duplex Building
West: Vacant

THE PROJECT:

The applicant has submitted plans entitled "The Eighty 4", as prepared by **CDS Architecture and Planning** dated, 05/04/18.

The applicant is proposing to construct a new four-unit residential development on a vacant site including variances from the required width for driveway entrance and a variance to exempt the lobby stair from the requirement to be substantially transparent at the ground level.

The applicant is requesting the following waiver(s):

1. A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable. **The applicant is providing a clearance of 11'-2" from BFE+ 1'-0" freeboard.**

The applicant is requesting to utilize mechanical parking lifts. Apartment buildings with 20 apartment units or less may utilize mechanical lifts, in accordance with the review criteria of section 138-38(5).

The applicant is requesting the following variance(s):

1. A variance to reduce 2'-0" from the minimum required width of 12'-0" for driveway entrance in order to provide eight (8) parking spaces with a driveway entrance of 10'-0" in width.
 - Variance requested from:

Sec. 130-64. - Drives.

Drives shall have a minimum width of 22 feet for two-way traffic and 11 feet for one-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those parking areas underneath a building or structure, the curb-cut and driveway entrance shall have a minimum width of 12 feet.

The applicant is requesting to reduce the minimum width for a driveway. This variance request is very common for many new developments on 50-foot wide lots with a low unit count. Most of the surrounding properties in this historically platted subdivision were developed without on-site parking. Those properties that were constructed, either originally or later added, with parking on-site, do not comply with the current setback requirements or parking design standards. The spaces are dimensioned in accordance with code requirements and meet the required back-out distance. The reduced driveway width will not have an adverse effect on the surrounding properties and will be accommodated by the low trip count generated by the proposed development. Based on the width of the 50'-0" wide lot and the low (8 spaces) number of proposed parking spaces, coupled with the modest unit count (4 units), staff finds that the applicant's request meets the practical difficulties criteria in order to make a reasonable use of the property. Staff recommends approval of the variance, as no negative impact is expected on the neighboring properties.

2. A variance to eliminate the requirement that the stair in the building's main lobby be substantially transparent at the ground level.
 - Variance requested from:

Sec. 142-155. Development regulations and area requirements.

(a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

(3) *Exterior building and lot standards:*

f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:

5. At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

This variance request is directly related to the chosen design configuration and selected materials for the lobby stair element. The central lobby stair serves as an architectural accent feature to the front façade and is designed with three solid walls detached from the main façade at the ground level. The architect has designed the primary lobby stair as a structural and sculptural dominant feature of the front façade that is solid, not transparent, at the first floor level in order to enhance the stairwell's upper levels transparency. Staff finds that there are no practical difficulties or hardship that justifies the granting of this variance. Staff recommends that the applicant redesign the envelope of the stair to comply with this requirement, in a manner to be approved by staff and that the Board denies the variance request.

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, with the exception of variance no. 2, as noted above, allowing the granting of a variance if the Board of Adjustment finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code with the exception of variance no. 2, as noted above:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

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, in addition to the requested variance(s):

1. Section 142-155(3)(f)(A): A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable. **The design requires Design Review Board approval to waive 1'-6" of the clearance height.** Apartment buildings with 20 apartment units or less may utilize mechanical lifts, in accordance with the review criteria of Section 138-38(5).
2. Section 142-155(a)(1): The maximum FAR for the property is 1.25. Area of stair at the fourth level might count toward the FAR calculations if the area is not open to the sky. Section details thru the stair shall be provided at the time of the building permit.

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

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **multi-family residential** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

ACCESSIBILITY COMPLIANCE

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management

Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

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

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
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 proposed project requires two variances and a 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 proposed project requires two variances and a 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.
Not Satisfied; the material finish of exterior can be enhanced.
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 proposed project requires two variances and a 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.
Not Satisfied; the proposed project requires two variances and a design waiver from the Board.

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 building massing can be further reduced for better compatibility with surrounding neighborhood
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.
Not Satisfied

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Not Satisfied; the proposed project requires two variances and a design waiver from the Board; specifically a variance to eliminate the requirement that the stair in the building's main lobby be substantially transparent at the ground level
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied; A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied

4. 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.

Not Applicable

10. Where feasible and appropriate, water retention systems shall be provided.

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The subject site is a vacant interior parcel located within the Biscayne Beach Subdivision. The applicant is proposing to construct the subject property with a new (5) five-story, (4) four-unit residential multi-family building with ground floor parking. The immediate surrounding area consists of predominantly one-story MiMo buildings constructed in the 1940's and 1950s, with some two-story multi-family residential buildings at the eastern end of the block and across the street from the subject property. The proposed project does require a design waiver and two variances to be granted from the Design Review Board.

The ground floor is occupied with an entrance lobby containing a stairwell and elevator, the parking area, and outdoor bike storage at the rear of the site. Each floor is composed of two (2) duplex units – units 'A' and 'B' are proposed on floors two and three and units 'C' and 'D' on floors four and five. The four units have been designed with approximately 1,515 SF of enclosed area. The communal elevator and stairwell provide access to the first residential level of each unit, which is comprised of communal spaces. An open stairwell within the unit provides access to a second floor where the private spaces, an 'en suite' master bedroom, a den, a second bedroom and a bathroom, are housed. Each unit has associated balconies, two front balconies on each floor and a singular rear private balcony on the primary floor of

the duplex. The rear balcony provides access to an uncovered stairwell and common outdoor hall areas that serves as the building's second means of egress.

The rear stairwell has been configured with complicated returns in an effort to consider the stairs as "uncovered" areas, and thus exempting those stair areas from the overall Floor Area Ratio (FAR) of the structure. Commencing on the ground floor at the south end of the rear yard, the stairwell rises as a traditional switchback stair to the second floor where it perpendicularly connects with a catwalk that spans nearly 26 feet to reach the entrance of the units' private balcony. From here, another set of stairs is proposed to the north of the catwalk. The initial flight of this set, about 20' long, travels to a landing at the third-and-a-half floor that spans across and over the catwalk below and then turns back to the building as the final flight of stairs to the fourth floor. While the stairwell is internal to the site and not visible from the right-of-way, the above mentioned architectural solution results in an awkward appendage to the building that, with long and circuitous stair flights and walkways, is inefficient. The design of the proposed stairwell is random and incompatible with the building it services.

The proposed residential building is sited on a standard RM-1 zoned 5,600 SF lot. With a basic overall rectangular massing, the front façade rises five-stories to a height approximately twice its width. The design of the front façade is dominated by the stairwell tower that scales from the ground floor up to the beginning of the fifth, and last, floor. The tower is finished in gold acrylic paint and punctured with large geometric openings at the second through fourth level, terminating at the balcony railing height of the fifth floor. This element offsets itself from the rest of the building, rendered in smooth white stucco. Centered within the façade, the tower is flanked by the garage and lobby entrance at the ground floor, and by balconies and shifting planes of fenestration that project and recess at alternating floors at the residential floors. The architect has designed the side elevations without movement that results in planes that appear one-dimensional and flat. The ground floor metallic screening panels attempt to replay the front tower with the same gold finish. Scattered fenestration and angled cuts and projections of walls at the front and rear also attempt to provide movement. The rear elevation has jutting balconies at various levels that provide movement, and incorporates gold metallic panels at the ground level as screening.

The undulating balcony and windows walls of the front façade provide essential articulation and movement to a massing that is robust on the small, narrow lot. Staff does note that the rectilinear volume of the building is set back an additional 8'-0" from the required 20'-0" front property line. Notwithstanding, staff finds that the rectilinear nature of the building volume, especially at the front, to be disproportionate to the site and the surrounding neighborhood. With overly generous floor to floor slab heights – the height from the first level of a unit to its second level slab is 12'-10" and from its second level to the next unit's floor slab is 10'-6" – the front elevation has an elongated proportion that comes off as massive and domineering in relation to its predominately one-story surroundings. Staff recommends that the massing and height of the project be reduced by decreasing the floor to floor heights of its stories, as well as by further recessing the architectural projections at its upper levels. Additionally, the side elevations need further refinement as they lack changes of plane and movement.

Further, staff recommends that the architect revisit the front stair tower design, specifically related to its transparency and materiality. The code requires that the primary stairwell be substantially transparent at the ground floor (see variance below). As designed, the

transparency of the tower has been dedicated to the upper levels, leaving the ground floor solid. Staff would strongly recommend that the design of the tower include transparency on the ground floor and incorporate a higher quality material to the tower's finish, instead of gold paint along with the painted stucco.

The applicant has incorporated a mechanical parking system of four lifts in order to provide two parking spaces for each of the four units. The interior garage utilizes mechanical lifts with a 11'-2" ceiling clearance from the base flood elevation plus minimum freeboard to the underside of the first floor slab, where the code requires a minimum of 12'-0" clearance. The Design Review Board may waive this height requirement by up to 2'-0". Staff is supportive of the waiver for 10" of clearance.

The interior side yards landscape buffer should be further developed to include plant species that are more suitable for the available rooting space and canopy spread. Staff recommends a minimum staggered height ranging from 12 feet to 18 feet at time of installation for the plant material intended to act as a continuous buffer along the sides of the building. Canopy tree species, such as green buttonwoods or similar, should be considered for the front and rear yards where there is more space available for canopy spread, as well as to provide shade along public sidewalks and walkways. Lastly, at a minimum 50% of the roof level, balconies and deck surfaces that are open to the sky should consist of a green roof system and large planters.

VARIANCE REVIEW

It is not uncommon for new residential multifamily projects on similar sized lots with a lot width of 50'-0" to seek variances related to conflicts between the lot width and requirements for setbacks and clearance associated with parking. In this case, the applicant is requesting one variance associated with the parking design. Variance #1 seeks to reduce the driveway entrance width from 12'-0' to 10'-0" to which staff has no objections due to the existing narrow lot width of the property. In the surrounding context many properties do not have parking on site and rely on street parking on both sides of 84th Street. Staff would note that the property does not have a curb cut and that the reduction of the driveway entrance proposed would minimize the number of parking spaces that would have to be removed from the street for the new residential building. Staff finds that practical difficulties exist based on the lot width of the property and the limited on-site parking on the surrounding properties. In summary, staff recommends approval of variance # 1.

The applicant is also requesting a variance associated with a design requirement for a stair located at the front of the building, as part of variance #2. In 2017, modifications to the RM1 zoning regulations were adopted which included the incorporation of 'active design guidelines'. Many of the new components included building design strategies for promoting active living through the placement and design of stairs, elevators, and indoor and outdoor spaces. The architect has designed the primary lobby stair as a structural and sculptural dominant feature of the front façade that is solid, not transparent, at the first floor level in order to enhance the stairwell's upper levels transparency. Staff finds that the variance request to be a design decision that has a lack of practical difficulties or hardship associated with it, nor is it the minimum variance needed to make a reasonable use of the property. Staff recommends that the Board denies variance #2.

In light of the concerns raised herein, staff recommends that the design of the replacement home be further studied and substantially refined and that the application be continued to a future meeting date.

RECOMMENDATION:

In view of the foregoing analysis, and the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria, staff recommends the application be **continued** to a future meeting date. However, should the Board grant approval of the project, staff recommends that the approval be subject to the conditions enumerated in the attached draft Final Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, as applicable, and that variance requests #2 be **denied**.

TRM/JGM/IV

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: July 03, 2018

FILE NO: DRB18-0239

PROPERTY: **756 84th Street**

APPLICANT: Diva Estate LLC.

LEGAL: Lot 7 of Block 7, of "Biscayne Beach Subdivision", according to Plat thereof as recorded in Plat Book 44, Page 67, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new five-story multifamily building on a vacant lot including mechanical parking and a variance to reduce the required width for driveway entrance and a variance to exempt the lobby stair from the requirement to be substantially transparent at the ground level.

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 2—6, 9, 12, 16 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, 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. The use of mechanical parking lifts shall be approved as proposed. The following shall apply to the construction and operation of the proposed mechanical parking system:
 - a. The noise or vibration from the operation of mechanical parking lifts, or car elevators, shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage. The details of sound attenuating materials shall be included at the time of the building permit and shall be approved by staff.
 - b. For mechanical lifts, the parking lift platform must be fully load bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below;
 - c. All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; vehicle elevators must have backup generators sufficient to power the system;
 - d. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;
 - e. The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;
 - f. All parking lifts shall be maintained and kept in good working order;
 - g. All mechanical parking systems, including lifts and elevators, must be inspected and certified as safe and in good working order by a licensed mechanical engineer at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed mechanical engineer or firm. Such report shall be furnished to the Planning Director and the Building Official;
 - h. The parking operation may be self-parking or valet. A restrictive covenant limiting the use of each lift to the same unit owner shall be submitted to the City Attorney for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.
 - i. The internal garage lighting shall be shielded to inhibit direct views of all internal light sources from either the street or adjacent properties, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - j. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall

shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- k. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff.
2. Revised elevation, site plan and floor plan drawings for the proposed residential building at 756 84th Street shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
- a. The minimum clearance height of the parking garage shall be waived as proposed.
 - b. The parking area shall be completely enclosed with solid walls.
 - c. In order to confirm the proposed FAR for the property, additional details and calculations shall be submitted at the time of the building permit, in a manner to be reviewed and approved by staff.
 - d. The architect shall further refine the front elevation (north) to reduce the overall height and impact of the massing by reducing the height floor to floor heights of the units and recess the architectural elements at the upper stories, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
 - e. The architect shall further refine the side elevations (east and west) to incorporate changes in plane and movement, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
 - f. The architect shall refine and revise the design of the stairwell tower on the north elevation to be substantially transparent on the ground floor, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
 - g. The architect shall revise the exterior staircase on the south elevation to be more compact and repetitive design, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
 - a. The architect shall incorporate exterior surface materials to the stairwell tower, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.

- b. 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.
 - c. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. All window frames shall be composed of silver, white or natural color anodized aluminum frames. All windows shall consist of clear glass and incorporate the minimum tint required by the energy code, 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 properly architecturally designed automatic overhead garage gate shall be required for the parking garage. The final design details and material sample of the roll down/security door/gate located at the entrance of the garage of the property shall be submitted. the property shall be further studied and refined in design, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. The final color selection of the exterior stucco elements shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
 - h. 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.
 - i. 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.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- b. 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.
- c. 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.
- d. 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.
- e. The amount of paving within the required front yard shall not be greater than 50% of the required front yard.
- f. The proposed landscape within the interior side yards (east and west) shall be further developed in order to provide a continuous landscape buffer with a minimum staggered height ranging from 12 feet to 18 feet at time of installation, that will adequately screen the massing of the proposed structure in order to mitigate the impact of the proposed structure on the neighboring property in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. The architect shall substantially increase the amount of native canopy shade trees within the site in the front (north) and south (rear) yards, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. 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.
- i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.

- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, 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.
- k. 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.
- l. 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 applicant filed an application with the Planning Department for the following variance(s):

The following variance was **approved** by the Board:

- 1. A variance to reduce 2'-0" from the minimum required width of 12'-0" for driveway entrance in order to provide eight (8) parking spaces with a driveway entrance of 10'-0" in width.

The following variance was **denied** by the Board:

- 2. A variance to eliminate the requirement that the stair in the building's main lobby be substantially transparent at the ground level.

- B. The applicant has submitted plans and documents with the application that satisfies Article 1, Section 2 of the Related Special Acts, with the exception of variance no. 2, 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.

The applicant has submitted plans and documents with the application that the Board has concluded comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, with the exception of

variance no. 2, as noted above.

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

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

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

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

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

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

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

C. The Board hereby **Approves** the Variance request(s) no.1, and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. The removal of parking spaces in front of the property shall be subject to review and approval of the Parking Department and Public Works Department.
- B. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification,

properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

- C. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit
- D. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 "The Eighty 4", as prepared by **CDS Architecture and Planning** dated, 05/04/18, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ 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:_____

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

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

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