

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

MEETING DATE: July 03, 2018

FILE NO: DRB18-0252

PROPERTY: **2122 Bay Avenue**

APPLICANT: 2122 Bay Avenue, LLC C/O RHP Properties Inc.

LEGAL: See attached Exhibit 'A'

IN RE: The Application for Design Review Approval for the construction of a new two-story residence on a vacant site including one or more design waivers.

**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, 3, 4, 5, 6, 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 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. Revised elevation, site plan, and floor plan drawings for the proposed new home at 2122 Bay Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:



- a. The pool equipment shall be relocated from the current proposed location behind the gazebo to the slab adjacent to the pool bath.
- b. All of the proposed AC equipment, with the exception of permitting one AC compressor to remain, shall be relocated from the current proposed location adjacent to the pool bath to the AC compressor slab located behind the one-story garage.
- c. The final design and details of the aluminum "louver façade" element cladding along the façades of the residence 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. The required 70% limitation for the second floor volume shall be waived as proposed and shall not be increased at time of permitting, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The north and south side open space requirement shall be waived as proposed.
- f. The proposed increase in height for the main roofline of the two-story residence shall be permitted as proposed at 26'-0" when measured from BFE + 2'-0" freeboard.
- g. The maximum height of the stairwell element of the two-story residence shall be permitted as proposed at 27'-0" when measured from BFE + 2'-0" freeboard.
- h. Hardwired speakers shall not be permitted on the roof deck.
- i. All roof top lighting shall be located below the parapet level, with the exception of the elevator bulkhead, 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 stone cladding proposed along the façades of the residence shall consist of a natural limestone or other natural stone. A material sample shall be provided to Planning staff and shall be reviewed in regards to hue, texture and color, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. 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.



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- g. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- h. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- i. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- j. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- k. 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.
- l. 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-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. 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. 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.**



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- A. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
  - B. The Applicant shall ensure that parking for guests and service vehicles occurs on private property or in the right-of-way in a manner that does not block the roadway or cause guests and/or service vehicles to park in the right-of-way or in front of other residences.
  - C. During construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15' of the required front yard to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site, and with an 8' 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 off of Sunset Islands 3 & 4 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.
  - D. If applicable, a Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
  - E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
  - F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
  - G. 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.
  - H. 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.
  - I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
  - J. 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 "DRB Revised Final Submission", as prepared by **Choeff + Levy + Fischman Architecture + Design** dated 05/11/18, and supplement sheets entitled "DRB HEARING 07/02/18" distributed at the July 03, 2018 DRB meeting, 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.

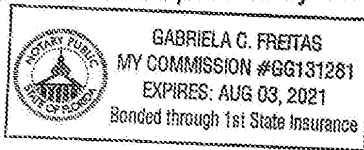
Dated this 06 day of July, 2018.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: James G. Murphy  
JAMES G. MURPHY

CHIEF OF URBAN DESIGN  
FOR THE CHAIRSTATE OF FLORIDA           )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of July 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.



[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 8-3-21

Approved As To Form:

City Attorney's Office: [Signature] (7/6/18)Filed with the Clerk of the Design Review Board on [Signature] (7/6/18)

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[Signature]

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**Exhibit 'A'**

**Property Address:** 2122 Bay Avenue Miami Beach, FL 33140

**Legal Description:**

All that part of Lot 19, lying North of the North line of Sec. 33, Township 53 South, Range 42 East, being in Block 4-A of ISLAND NO. 4 OF SUNSET ISLANDS, in accordance with the 3rd Revised Plat of SUNSET ISLANDS, recorded in Plat Book 40, Page 8 of the Public Records of Miami-Dade County, Florida. And also, a part of Lot 17, Block 5, of SUNSET LAKE EXTENSION a subdivision as shown by the map thereof, recorded in Plat Book 40, Page 23 of the Public Records of Miami-Dade County, Florida, and more particularly described as follows: Beginning at the intersection of the North line of Sec. 33, Township 53 South, Range 42 East, Miami-Dade County, Florida, with the westerly line of Bay Ave. as shown on a plat entitled SUNSET LAKE EXTENSION as recorded In Plat Book 40 at Page 23 of the Public Records of Miami-Dade County, Florida, run Westerly along the Northerly line of said Sec. 33, a distance of 170.89 feet to the point of beginning of the tract of land herein described. From said point of beginning continue in a Westerly direction along the North line of said Sec. 33, a distance of 57.63 feet to a point on the concrete bulkhead on the Easterly shore of Biscayne Bay; thence run in a Southeasterly direction deflecting to the left 130 degrees 01' 12" along the said concrete bulkhead a distance of 37.06 feet to a point; thence run along a line deflecting to the left 90 degrees 00" a distance of 44. 13 feet to the point of beginning of the tract of land herein described, the last mentioned line being a prolongation, in a Southwesterly direction of the Northerly line of Lot 18, Block 4-A, 3rd Revised Plat of SUNSET ISLANDS, as per plat recorded in Plat Book 40, Page 8, Public Records of Miami-Dade County, Florida.