

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 02, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB18-0295
114 4th San Marino Terrace

DRB18-0295, 114 4th San Marino Terrace. The applicant, O +O San Marino Development LLC, is requesting Design Review Approval for the construction of a new two-story residence to replace an existing one-story architecturally significant pre-1942 residence, including one or more waivers and a variance to reduce the required front setback in order to construct a porte-cochere in the front yard.

RECOMMENDATION:

Approval with conditions

Denial of the variance

LEGAL DESCRIPTION:

Lot 6 of Block 8 of "San Marino Island", according to Plat thereof as recorded in Plat Book 9, Page 22 of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RS-4
Future Land Use: RS
Lot Size: 7,200 SF
Lot Coverage:
Existing: 2,216 SF / 31%
Proposed: 2,152SF / 30%
Maximum: 2,160 SF / 30%
Unit size:
Existing: 2,216 SF / 31
Proposed: 3,600 SF / 50%
Maximum: 3,600 SF / 50%
2nd Floor to 1st: 2,037 / 1,636 | 80%*

***DRB WAIVER**

Grade: +4.38' NGVD
Flood: +9.00' NGVD
Difference: 4.62'
Adjusted Grade: +6.69' NGVD

30" (+2.5') Above Grade: +6.88' NGVD

First Floor Elevation: +10.00' NGVD
(BFE +1FB)

Height:

Permitted: 23'-8" flat roof
Proposed: 24'-0" flat roof

EXISTING PROPERTY:

Year: 1940

Architect: Russell Pancoast

Vacant: No

Demolition: Full

SURROUNDING PROPERTIES:

East: One-story 1956 residence

North: One-story 1936 residence

South: One-story 1934 residence

West: Two-story 1939 residence

THE PROJECT:

The applicant has submitted plans entitled "San Marino Residence" as designed by **ZD Zubillaga Design** and signed, sealed, and dated August 03, 2018.

The applicant is proposing to construct a new two-story residence on an interior parcel on the northern side of San Marino Island.

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

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c).

The applicant is requesting the following variance(s):

1. A variance to reduce by 10'-0" the minimum required front setback of 30'-0" for a two-story single-family home in order to construct a two-story residence with an attached porte cochere at 20'-0" from the front (north) property line.
 - Variance requested from:

Sec. 142-106. - Setback requirements for a single-family detached dwelling.

The setback requirements for a single-family detached dwelling in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows:

- (1) Front yards: The minimum front yard setback requirement for these districts shall be 20'0. (b) Two-story structures shall be setback a minimum of an additional 10'-0" from the required front yard setback line.*

In February of 2016, the setback requirements for single family homes were amended in order to increase the front setback for two-story single family homes. One-story detached structures have a minimum front setback requirement of 20'-0" but any portion of a two-story home must be setback an additional 10'-0". In this design, the architect has proposed a connected porte-cochere, a concrete carport that extends into the required front setback in order to provide a covered area for vehicles.

Carports are defined in the City Code as canopy or roof like structures, open on at least two sides, which may be attached or detached from the main building, for the purpose of providing shelter for one or more motor vehicles. These structures are allowable encroachments in front yards under Section 114-1142 of the Land Development Regulations, and may extend 20'-0" into the required yard up to 18" from the front property line and 4'-0" from the interior side property line; the dimensions of which are limited to no greater than 20'x20'. In this instance, the architect has designed a concrete porte-cochere with a thin slab, 12'-0" high from grade that contains an open lattice at the furthest edge and supported by a series of vertical bean poles. However, the Code further states that when located within required yards, carports shall be constructed of canvas and pipe. As such, the proposal does not meet the code requirements for allowable encroachments of a carport and therefore, as designed, needs a front setback variance.

Staff finds that there are no practical difficulties or hardships associated with this variance. Covered parking is not required and if open to the sky would not require a variance. Additionally, a cantilevered slab, with up to a 6'-0" projection within the front 30'-0", would be permitted to allow partial shading of cars. Alternatively the house could be re-designed to provide covered parking within the requirements of the City Code. Staff finds that the

variance request is triggered by the specific design of the home, and therefore, it does not satisfy the criteria for the granting of a variance. For this reason, staff recommends **denial** of the applicant's request

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application **DO NOT** comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- 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 variances:

1. The project does not comply with the minimum yard elevations and shall be verified at the time of the building permit to confirm conformance with minimum yard of elevation of 6.56' NGVD.

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.
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 applicant is requesting a front setback variance and 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 a front setback variance and 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 a front setback variance and 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 a front setback variance and 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.
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.

Satisfied

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

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; as part of the civil engineering design to be provided at time of permit.

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing to construct a new two-story residence on an interior parcel on the northern side of San Marino Island that will replace an existing pre-1942 architecturally significant one-story residence. The home has been designed under the maximum zoning thresholds for lot coverage and unit size but requires one design waiver and one variance to be approved by the Board as part of this application.

The design features and finishes have resulted in clean, simple forms within a successful modern design. The two prominent features of the architecture, when viewed from the street, are the two, open floating overhangs that flank the residence to the east and west. The carefully designed forms distinguish the front pedestrian entrance into the structure and the covered parking area—two distinct covered areas for two distinct uses. The cantilevered slabs are not in balance with the vehicular covering being lower in elevation. The material selections consist of natural exposed concrete, stucco, and “red cedar” metal vertical and horizontal cladding.

The applicant is seeking a design waiver for the second floor to first floor ratio. Since the proposed home has a lot coverage of 30%, any second floor is restricted in massing to 70% of the first floor unless a waiver is sought by the Design Review Board. The home has a second floor to first floor ratio of 80% where the Code limits the ratio to 70%. When reviewing the second floor volume rule, Staff believes that the 10% greater 2nd to 1st floor ratio request is commensurate with the design. The architect has incorporated a great amount of stepping and configuration of massing along the front of the property, coupled with the deep overhangs at the ground level, successfully break up the massing. The

approval of the design waiver should not have any impact on neighboring properties in the immediate area and as such, staff is supportive of the requested waiver.

Staff recommends that the design of the replacement home be approved including the requested design waiver.

VARIANCE ANALYSIS:

As noted in the 'Project' section of the staff report, the variance request is not the minimum necessary to make a reasonable use of the property. The applicant is requesting a front setback variance for the residence. The proposed home can be redesigned to comply with the setback requirements since this is new construction on a vacant lot. As such, the request does not satisfy the Practical Difficulty and Hardship Criteria.

Typically, a carport is a temporary type of construction, consisting of pipe and canvas, and attached to a home for the purpose of shading a vehicle. It is allowed with a side setback of 4'-0" feet and can be constructed as close as 18" to a front property line. The applicant is proposing a permanent carport, constructed of masonry units with a solid roof that is open at the tip. Because of the materiality, it is treated the same as any permanent construction for zoning purposes. However, should the Board find merit in the design, the Code does allow for certain projections into the required yards, such as "Carports". In this case, the design features a canopy that is attached from the exterior wall of the residence which is setback 35'-0" and roof extends 20'-0". The structural columns of the porte-cochere are setback 20'-0" from the front property line and the roof overhang encroaches an additional 5'-0" into the front setback. The closest distance from the edge of the trellised porte-cochere to the front property line is 15'-0", which would leave a 21'-6" setback distance to the rear property line. The property abuts a waterway; therefore, the reduced rear setback would not directly impact any abutting property. Critically, the applicant's request is less impactful to the built environment and the surrounding neighboring properties than the allowable "carports" that the Code permits within such and in this instance has been designed to uniformly blend into the main residence. However, staff would strongly recommend that as a condition of approval that the structure remains open and unenclosed as designed, and shall not be built upon, or expanded in the future, without a return to the Design Review Board for review.

Staff finds that there are no practical difficulties or hardships associated with this variance since this is a design-driven element. As designed, the element does not adhere to the definition of the allowable encroachments, and as such, cannot benefit from the allowable encroachment projections that "carports" are offered. Staff finds that the variance request is triggered by the specific design of the home, and therefore, it does not satisfy the criteria for the granting of a variance.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **denied** as it pertains to the variance request, and the design, including the waiver, be **approved** subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria, as applicable.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 02, 2018

FILE NO: DRB18-0295

PROPERTY: **114 4th San Marino Terrace**

APPLICANT: O +O San Marino Development LLC

LEGAL: Lot 6 of Block8 of "San Marino Island", according to Plat thereof as recorded in Plat Book 9, Page 22 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story residence to replace an existing one-story architecturally significant pre-1942 residence, including one or more waivers and a variance to reduce the required front setback in order to construct a porte-cochere in the front yard..

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, 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 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. Revised elevation, site plan, and floor plan drawings for the proposed new home at 114 4th San Marino Terrace shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. The 70% limitation for the second floor volume shall be waived as proposed.
 - b. All required yards shall comply with the minimum yard elevations.
 - c. The final design details and color selection of the vertical and horizontal “ornamental aluminum” cladding proposed finish 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 final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
 - e. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
 - f. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 26-Landscape Requirements of the Miami Beach Code and 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. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.
 - d. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2” or greater shall be approved by the City Urban Forester prior to any tree work.

- e. 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.
- f. 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.
- g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- h. 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.
- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. 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.
- k. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. 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.
- m. 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.

- n. 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):
 - 1. A variance to reduce by 10'-0" the minimum required front setback of 30'-0" for a two-story single-family home in order to construct a two-story residence with an attached porte cochere at 20'-0" from the front (north) property line.
- B. The applicant has submitted plans and documents with the application that **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts, 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 also **DO NOT** indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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 **Denies the requested variance(s)**, 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.
2. The structure shall be redesigned to comport with all of the required setbacks.

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. 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. During construction work, the applicant will maintain gravel at the front of the construction site within the first 15'-0" 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'-0" high fence with a wind resistant green mesh material along the front property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- C. 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.
- D. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.

- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 "San Marino Residence" as designed by **ZD Zubillaga Design**, signed, sealed, and dated August 03, 2018, and dated August 03, 2018, 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

