

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: November 06, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: DRB18-0289 (aka DRB18-0244 DRB File No. 23165)  
**122 West DiLido Drive**

**DRB18-0289 (aka DRB18-0244, DRB File No. 23165), 122 West DiLido Drive.** The applicant, Travel Charter Business LTD, is requesting exterior design modifications to a previously issued Design Review Approval for a new two-story residence. Specifically, the applicant is adding an exterior stair and elevator and requesting one or more new waivers.

#### **RECOMMENDATION:**

Continue to a future meeting date

#### **HISTORY:**

On June 02, 2015, the Design Review Board (DRB), pursuant to DRB File No. 23165, reviewed and approved an application for the construction of a new two-story residence that included a variance to exceed the maximum elevation within required yards.

On June 06, 2018, pursuant to DRB File No. 18-0244, the DRB reviewed and granted a modified approval for a similar request to add an exterior stair to a proposed roof deck, the elevator portion of the application was not approved.

This item was continued at the September 04, 2018 DRB meeting at the request of the applicant. This item was continued again at the October 02, 2018 DRB meeting at the request of the applicant.

#### **LEGAL DESCRIPTION:**

Lot 5 of Block 2, of DiLido Island, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

|                  |                        |
|------------------|------------------------|
| Zoning:          | RS-3                   |
| Future Land Use: | RS                     |
| Lot Size:        | 10,500 SF (60x175)     |
| Lot Coverage     |                        |
| Approved:        | 2,880 SF / 27.4%       |
| Proposed:        | 2,922 ( <b>27.8%</b> ) |
| Maximum:         | 3,150 SF / <b>30%</b>  |
| Unit size:       |                        |
| Approved:        | 4,730 SF / 45%         |
| Proposed:        | 4,975 ( <b>47.4%</b> ) |
| Maximum:         | 5,250 SF / <b>50%</b>  |

|                      |                         |
|----------------------|-------------------------|
| Approved:            | <b>24'-0" flat roof</b> |
| Maximum:             | 24'-0" flat roof        |
| Elevator projection: | +10'-0"                 |

|                 |             |
|-----------------|-------------|
| Grade:          | +5.84' NGVD |
| Flood:          | +9.00' NGVD |
| Difference:     | 3.16'       |
| Adjusted Grade: | +7.42' NGVD |

#### **Surrounding Properties:**

|        |                          |
|--------|--------------------------|
| North: | Two-story 1939 residence |
| South: | Two-story 1937 residence |
| West:  | Biscayne Bay             |
| East:  | One-story 1946 residence |

Height:

**THE PROJECT:**

The applicant has submitted plans entitled "Request for Modification to DRB File #23165 DiLido Island Residence", as prepared by **Choeff + Levy + Fischman Architecture + Design**, dated October 08, 2018.

The applicant is proposing exterior changes to a previously approved, new contemporary two-story residence and rooftop deck access. Specifically, the applicant is adding an elevator and changing the approved exterior spiral staircase and one or more new design waivers.

The applicant is requesting to modify the following previously approved design waiver:

1. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2)(d).

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

1. Two-story side elevations located parallel to a side property line shall not exceed 50 percent of the lot depth, or 60'-0", whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from grade, and at least eight feet in depth, measured perpendicular from the minimum required side setback line. The square footage of the additional open space shall not be less than 1% of the lot area. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria.
2. Height exceptions: (f.) Elevator bulkheads shall be located as close to the center of the roof as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations.
3. The proposed spiral stair must count towards the unit size calculations at the first level and the second level.

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

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

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

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

**Not Satisfied; the proposed design requires a modification to a previously approved design waiver.**

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 design requires a modification to a previously approved design waiver.**

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 design requires a modification to a previously approved design waiver.**

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 proposed design requires a modification to a previously approved design waiver.**

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 design requires a modification to a previously approved design waiver.**

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.

**Not Satisfied; the proposed design requires a modification to a previously approved design waiver.**

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.

**Not satisfied; a lighting plan has not been provided to staff**

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 proposed design requires a modification to a previously approved design waiver.**

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.  
**Not Satisfied**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.  
**Not Satisfied**  
**Sea Level Rise projections were not taken into account.**
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.  
**Satisfied**

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

**Satisfied**

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

**Not Applicable**

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

**Satisfied**

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

**Not Satisfied; as part of the civil engineering design to be provided at time of permit.**

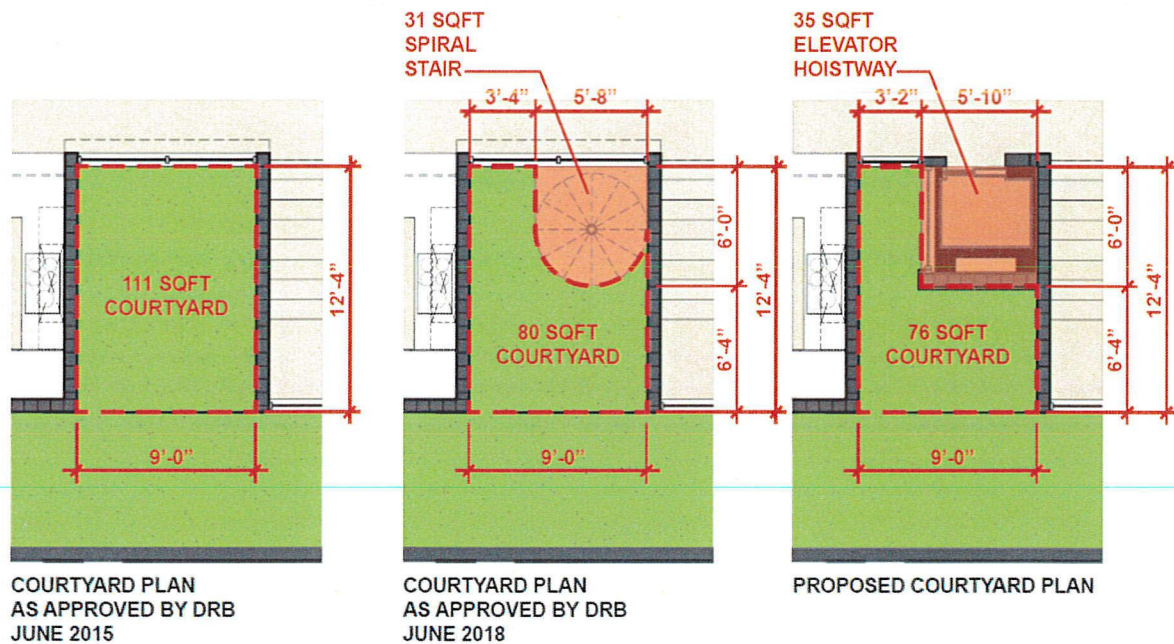
**STAFF ANALYSIS:**  
**DESIGN REVIEW**

On June 02, 2015, the Design Review Board reviewed and approved an application for the construction of a new single family two-story residence on a waterfront site. A building permit was issued, pursuant to Permit No. B1600732, and construction began per the plans approved by the DRB, which did not include a habitable roof deck or an elevator. The proposed rooftop activation obtained DRB approval on June 06, 2018, pursuant to DRB18-0244, along with an exterior stair to the roof deck; the proposed exterior elevator portion of the application was not approved. Since the prior approval meeting, the applicant has met with the abutting property owner to the south to discuss alternatives and design considerations to configure an elevator within the same required south side open space. It is staff's understanding that the abutting neighbor is not supportive of the elevator location within the side courtyard and opposes the modification to reduce the open space waiver previously granted by the Board.

Given that the construction for the new residence is well under way with the major structural work and foundations already installed, there are limited areas in which to place the vertical means of circulation to access the roofdeck, without major alterations. The applicant maintains that the addition of the proposed elevator to the side open space courtyard was found to be the most logical placement at this stage of development.

The proposed elevator, in conjunction with the new exterior spiral stair that lands on the ground, will greatly reduce the south side courtyard's open space. The approval of the exterior spiral stair at the June 2018 DRB meeting, permitted the reduced courtyard's depth from 12'-4" to 7'-0", with no overall change in lot coverage. In 2015, the south side elevation had been originally designed with the large opening recess in order to break up the façade, as outlined under Section 142-106(2)(d) of the City Code, this "open space" courtyard measured 9'-0" x 12'-4", and was fully landscaped and no waiver was needed. In June of 2018, this open space was modified to allow a spiral stair to be placed within the open space at the second level to allow access to a new roof deck; this required a new waiver to be granted by the DRB. It is important to note that the June 2018 modifications made no

changes to the ground elevation of the “open space” courtyard measured, it remained fully landscaped. Now, with the added exterior elevator and modification to the previously approved spiral stair, a modification of the previous design waiver is needed. The applicant is proposing an elevator hoist way in the same position as the previously approved spiral. The approval of the exterior elevator will further reduce the courtyard’s depth will be reduced from 7’-0” (12’-4”) to 6’-4” (12’-4”), with an overall increase in lot coverage of 54 SF, or .5%.



In order to satisfy the abutting neighbor’s initial concerns and the discussion by Board members at the June DRB meeting, the new revised design features an elevator with a south wall that is solid in nature, clad with wood. Landscape in the form of blue bamboo has also been added in order to better blend the new structure into the surrounding green space and creeping fig has been incorporated to grow up and along the vertical circulation element. Staff finds that the modified design—the proposed elevator—has addressed the intent of the regulation since the designated open space continues to successfully break up the massing of the two-story elevation, in more or less the same manner as the DRB modified in June of 2018. However, elevator bulkheads generally should be located as close to the center of the roof as possible in order to be visually recessive. This is not the case in this modified design. Further, the applicant is proposing a new exterior spiral stair proposed towards the one-story garage of the house which will rise from grade. In addition to creating an awkward rooftop area through a lengthy access path, the proposal needs to be modified further in its unit size calculations.

Staff has no objection to the requested modification of the open space courtyard to include an elevator. The abutting property is the sole impacted property, due to the proposed location of the elevator shaft. As such, staff recommends a relocation of the elevator to a more central location within the site plan to provide rooftop access to wheelchair bound individuals. However, if the affected property owner to the south is supportive of the current design modification, staff will withdraw the redesign recommendation.

Based on this analysis, staff recommends continuance of the application to a future date in order to address neighbor concerns.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **continued** to address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

TRM/JGM

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

MEETING DATE: November 06, 2018

FILE NO: DRB18-0289

PROPERTY: **122 West DiLido Drive**

APPLICANT: Travel Charter Business LTD

LEGAL: Lot 5 of Block 2, of Dilido Island, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for exterior design modifications to a previously issued Design Review Approval for a new two-story residence. Specifically, the applicant is adding an exterior stair and elevator and requesting one or more new 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 1, 2, 3, 4, 5, 6, 9, 11, 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 consistent with Sea Level Rise Criteria 1, 5, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
  - 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 122 West DiLido Drive shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. The (south) side open space requirement **shall not** be waived as proposed; an alternative location of the proposed elevator shall be found within the site plan.
- b. The location of the elevator **shall not** be permitted as proposed.
- c. The final design and details and color section of the “IPE” elevator cladding along the south open space façade elements 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 architect shall increase the amount of landscaping along the modified south facing open space area, in order to visually mitigate the introduction of a new exterior spiral stair, in the form of creeping bleeding heart vine along the new access spiral stair frame, 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.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.**

**II. Variance(s)**

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

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

- A. During Construction of the new home, 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 existing and entering the site and with an eight foot (8'-0") high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.

- B. 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.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 "Request for Modification to DRB File #23165 DiLido Island Residence", as prepared by **Choeff + Levy + Fischman Architecture + Design**, dated October 08, 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 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.

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