

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 02, 2019

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB18-0360
266-270 South Hibiscus Drive

DRB18-0360, 266-270 South Hibiscus Drive. An application has been filed requesting Design Review Approval for the construction of a new two-story residence including one or more waivers, to replace two existing architecturally significant pre-1942 two-story residences.

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

See 'Exhibit A'

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 21,000 SF
Lot Coverage:
Existing: 6,574.75 SF / 31.3%
Proposed: 5,447 SF / 25.93%
Maximum: 6,300 SF / **30%**
Unit size:
Existing: 6,575 SF / 31.3%
Proposed: 9,602.9 SF / 45.72%
Maximum: 10,500 SF / **50%**
2nd Floor Volume to 1st: **80%*** (4,029.21/ 5035.57)
***DRB WAIVER**

Height:

Permitted: 24'-0" flat roof
Proposed: 27'-0" flat roof*
Maximum: 28'-0" flat roof

***DRB WAIVER**

Grade: +5.86' NGVD

Base Flood Elevation: +10.00' NGVD

Difference: 4.14'

Adjusted Grade: +6.625' NGVD

30" (+2.5') Above Grade: +8.63' NGVD

First Floor Elevation: +11.00' NGVD

(BFE+1' FB)

EXISTING STRUCTURES:

266 South Hibiscus Drive (south lot)

Year Constructed: 1940
Architect: Arnold Southwell
Demolition Proposed: Full

270 South Hibiscus Drive (north lot)

Year Constructed: 1956
Architect: Howard Dutkin
Demolition Proposed: Full

SURROUNDING PROPERTIES:

East: Two-story 2014 residence
North: One-story 1953 residence
South: Biscayne Bay
West: Two-story 2010 residence

THE PROJECT:

The applicant has plans entitled "Hibiscus Residence 266 & 270 South Hibiscus Drive, Miami Beach", as prepared by **In-Site Design Group**, signed, sealed and dated February 04, 2019.

The applicant is proposing to construct a new two-story residence on a combined waterfront parcel to replace two existing residences.

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).
2. A two-story side elevation in excess of 60'-0" in length in accordance with Section 142-106(2) (d).
3. The height of the proposed structure is 27'-0" in accordance with Section 142-105(b) [Three foot (3'-0") waiver].

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. For two story homes with an overall lot coverage of 25% or greater, the physical volume of the second floor shall not exceed 70% of the first floor of the main home, exclusive of any enclosed required parking area and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicants are requesting a 2nd Floor Volume to 1st of 80% with a 25.93% lot coverage, which will require a waiver from the DRB.**

2. 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.
3. The maximum building height is 24'-0" for flat roofed structures and 27'-0" for sloped roofs. In the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a height of 27'-0" from BFE+1 for the roofline, which will require a waiver from the DRB.**
4. The lot coverage calculation shall be revised to include the portions of the accessory building that are enclosed on three sides and to exclude the rear, outdoor spiral staircase.
5. The ornamental features, referred to as "architectural walls", cannot extend into required side setbacks unless such elements are "non-structural" and do not return to the ground. These design elements are walls and must be redesigned or eliminated.
6. The stone veneer wall of the garage must comply with the required front yard setback requirements.
7. The column at the garage is not an ornamental feature and must comply with the required side yard and front yard setback requirements.

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 be found 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 three (3) design waivers 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 three (3) design waivers 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 three (3) design waivers 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 applicant is requesting three (3) design waivers 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).
Satisfied
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

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. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Satisfied
5. The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied
7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

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. In all new projects, water retention systems shall be provided.

Not Satisfied

11. Cool pavement materials or porous pavement materials shall be utilized.

Not Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied

STAFF ANALYSIS:

The applicant is proposing to construct a new two-story residence on two combined waterfront lots on Hibiscus Island that will replace two existing homes. Since one of the two sites, the southern parcel, at 266 South Hibiscus Drive, contains an architecturally significant pre-1942 home, DRB review and approval is required. Additionally, the design requires three (3) design waivers to be reviewed by the Board.

The architect is proposing a new two-story home and garage configured in a U-formation on a large waterfront lot. The residence is designed in a contemporary style and features flat roofs with deep overhangs and bands of clerestory windows that separate the stucco exterior walls from the roof line. The incorporation of vertical screen elements, engaged columns, and stone clad, buttress-like walls help break-up the overall horizontal emphasis of the home's design.

The first design waiver pertains to the second floor to first floor ratio. In instances where lot coverages for two-story homes are greater than 25%, the Code restricts the second-floor massing to 70% of the first floor, unless a waiver is sought by the DRB. With a lot coverage of 25.93%, the second floor is 80% of the ground floor. In reviewing the second-story volume rule, staff finds that the waiver request is commensurate with the design. The lot coverage is just over the threshold and includes in its calculation an internalized outdoor court and an exterior spiral staircase. Additionally, the two-story massing of the home is sited at an increased setback of approximately 50', minimizing its impact on the street and surrounding neighborhood. The architect has embellished the elevations with multiple horizontal and vertical elements in an effort to offset the massing of the second floor. As such, staff is supportive of this requested waiver.

The applicant is also requesting a waiver of the open space requirement for two-story elevations that exceed 60'-0" in length along the **southeast** side elevation. The side elevation is comprised of a two-story stucco wall volume with protruding terraces facing the rear yard that spans a total length of 62'-2". The extended 10'-0" wide terraces surround an exterior spiral staircase, which leads to the roof deck, and are framed by a stone clad wall. While the solid wall frames the side elevation, it acts as a solid wall facing the rear yard. This detail, coupled with the staircase, renders the terraces at the end of the southeast elevation substantially enclosed and adds to the expanse of the southeast elevation; and triggers the needs for the waiver request. Staff does not support this request and believes that the extra "expanse" of 2'-2" can be resolved through design modifications to the terrace, such as removing the rear wall element and/or staircase that are substantially enclosing the terrace along this side elevation.

The third and last waiver that the applicant is requesting pertains to the height of the residence. The maximum building height in the RS-3 zoning district is 24'-0" for flat roofed structures. However, in the RS-3 zoning district the DRB may approve a building height of up to 28'-0" for flat roofs. The architect is seeking a height of 27'-0" for the new two-story residence, as measured from BFE +1'-0". The subject site contains a lot area of 21,000 SF, which is 100% above the minimum lot area required for RS-3 lots (10,000 SF). The waiver is intended for larger lots in the RS-3 districts that closely resemble lot sizes in the RS-1 (30,000 SF) and RS-2 (18,000 SF) zoning districts. The subject property meets these larger lot area thresholds. Moreover, the design of the home is significantly setback from the front yard, minimizing its impact on the street. Further, the two-story residence is 25'-0" high, requiring only a 1'-0" height waiver to be granted by the Board for the two-story massing. Architectural projecting elements extend past the main roofline an additional 2'-0", for the full requested 3'-0" height waiver. As such, staff is supportive of the 3'-0" in height due to the size of the lot and since the actual design height of the structure is set at 25'-0" with sporadic vertical elements architectural projecting walls at 27'-0".

Staff has design concerns pertaining to the driveway(s) configurations on the site. As proposed, the design calls for two vehicular drives, one sited at the eastern edge of the lot to access the garage and another at the center of the site leading to parallel on-site parking. Staff recommends that the applicant either remove the hard-paved parallel parking in the front yard and redesign the central pathway as strictly pedestrian or reconfigure the driveway at a central location on the site, which would require the mirroring of the garage to allow for internal site access, as well as the elimination of the side driveway. In either instance, staff recommends a separate pedestrian pathway leading to the entrance of the property. Furthermore, there are architectural elements, such as walls, screens and columns, that are not allowed within the required yards. These elements need to be redesigned within the developable lot area. Otherwise, staff is supportive of the proposed design, including the two of the three requested design waivers.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design, subject to the following conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria, and Practical Difficulty and Hardship criteria, as applicable.

EXHIBIT A

LEGAL DESCRIPTION:

266 South Hibiscus Drive:

Lot 5, Block 1, of HIBISCUS ISLAND, according to the Plat thereof recorded in Plat Book 8, Page 75, of the Public Records of County, Florida. Also, a strip of land (part of which is submerged) lying southerly of and contiguous to the Southerly boundary line of Lot 5, in Block 1, of HIBISCUS ISLAND, said Hibiscus Island being shown on Plat recorded in Plat Book 8, at Page 75, of the Public Records of Miami-Dade County, Florida. Said strip of land being more particularly described as follows:

Beginning at a point where the dividing line of Lots 5 and 6, of Block 1, Intersects the Southerly line of Block 1 of Hibiscus Island, thence Southwesterly along the Extension of the Westerly boundary line of Lot 5, in Block 1, extending Southwesterly for a distance of 20 feet more or less to the Southerly boundary line of that certain strip of land as shown in Deed recorded in Deed Book 1501, page 479, in the Public Records of Miami—Dade County, Florida, thence Southeasterly along the Southerly boundary of that certain strip of land as shown in Deed Book 1501, at page 479, a distance of 60 feet more or less to a point where the easterly boundary line of Lot 5, in Block 1. extended Southwesterly intersects the said last mentioned line, thence Northeasterly along the sold easterly extended boundary line of Lot 5, in Block 1, for a distance of 50 feet more or less to the Point of Beginning. Said strip of land being a part of the 20 feet strip of land conveyed by "Trustees of the Internal Improvement Fund" to Biscayne Bay Islands company, by deed dated September 14, 1932, and recorded in Deed Book 1501, page 479, of the Public Records of Miami—Dade County, Florida.

270 South Hibiscus Drive:

Lot 8, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plot Book 8, Page 75, of the Public Records of Miami-Dade County, Florida. BEGINNING at a point where the dividing line of Lots 6 and 7, Block 1, of said HIBISCUS ISLAND (said dividing line being the Westerly boundary line of said Lot 6) intersects the Southerly line of said Block 1 of said HIBISCUS ISLAND, which point of intersection being the POINT OF BEGINNING; thence Southwesterly, along the extension of the said Westerly boundary line of said Lot 6, extending Southwesterly for a distance of 20 feet, more or less, to the Southerly boundary line of a certain strip of land, as shown in that Deed recorded In Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida; thence Southeasterly along the Southerly boundary line of that certain strip of land as shown in Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida, a distance of 60 feet more or less to a point where the Easterly boundary line of said Lot 6, Block 1, of HIBISCUS ISLAND, according to the Plat thereof as recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida (said Easterly boundary line of said Lot 6, being the dividing line of said Lot 6 and Lot 5, Block 1, of HIBISCUS ISLAND, according to the Plat thereof as recorded in Plat Book B, Page 75, of the Public Records of Miami-Dade County, Florida), extended Southwesterly intersects the said Southerly boundary line of said strip described in said Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida; thence Northeasterly along the Easterly extended boundary line of said Lot 6, Block 1, of HIBISCUS ISLAND, for a distance of 20 feet, more or less to a point of the Southeasterly corner of said Lot 6. thence Northerly along the Southerly line of said Lot 6, Block 1, of HIBISCUS ISLAND, for a distance of 60 feet to the POINT OF BEGINNING.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: April 02, 2019

FILE NO: DRB18-0360

PROPERTY: **266-270 South Hibiscus Drive**

APPLICANT: Maicar Realty LLC

LEGAL: See 'Exhibit A'

IN RE: An application has been filed requesting Design Review Approval for the construction of a new two-story residence including one or more waivers, to replace two existing residences, one of which is a pre-1942 architecturally significant two-story residence.

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, 6, 9, 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, 10, 11, and 12 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 266-270 South Hibiscus Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The proposed increase in height **shall** be permitted as proposed; the maximum height of the two story structure shall be 25'-0" when measured from BFE + 1'-0" freeboard and the maximum height of the vertical

architectural walls over the main roof line shall be 27'-0" when measured from BFE + 1'-0" freeboard . Should the architect increase the amount of freeboard utilized for the finished first floor elevation of the residence, the height allowance identified herein shall be subject to the review of the Board.

- b. The 70% limitation for the second-floor volume **shall be** waived as proposed.
- c. The (southeast) side open space requirement **shall not** be waived as proposed.
- d. The architect shall further revise the design of the terraces at the rear end of the southeast side elevation to ensure that the two-story side elevation does not exceed 60'-0", or relocate the exterior spiral staircase away from the side elevation to allow for the terraces to be substantially open, 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 lot coverage calculation shall be revised to include the portions of the accessory building that are enclosed on three sides and to exclude the rear, outdoor spiral staircase.
- f. The ornamental features, referred to as "architectural walls", cannot extend into required yards and must comply with the setback requirements for side yards.
- g. The stone veneer wall of the garage cannot extend into required yards and must comply with the setback requirements for front yards.
- h. The column at the garage cannot extend into required yards and must comply with the setback requirements for front yards.
- i. The final design details and color selection of Resysta vertical slat screen, shall be submitted in a manner to be reviewed and approved by staff. The color of the elements shall match as noted in the submitted sheets on 'Front Cover' 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 final design details and color selection of the stone veneer shall be submitted in a manner to be reviewed and approved by staff. The color of the elements shall match as noted in the submitted sheets on 'Front Cover' 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 driveway and on-site parking shall be reconfigured to one vehicular drive and one strictly pedestrian walkway.

- l. 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.
 - m. 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. 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 architect shall substantially increase the amount of native canopy shade trees within the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- f. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- 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 preventers and all other related devices and fixtures. The location of backflow preventers, 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.

- A. Where one or more parcels are unified for a single development, the applicant shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. 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.
- C. 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.
- 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. 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.
- F. 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.
- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.

- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 "Hibiscus Residence 266 & 270 South Hibiscus Drive, Miami Beach" as designed by **In-Site Design Group**, signed, sealed, and dated February 04, 2019, 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.

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

EXHIBIT A

LEGAL DESCRIPTION:

266 South Hibiscus Drive:

Lot 5, Block 1, of HIBISCUS ISLAND, according to the Plat thereof recorded in Plat Book 8, Page 75, of the Public Records of County, Florida. Also, a strip of land (part of which is submerged) lying southerly of and contiguous to the Southerly boundary line of Lot 5, in Block 1, of HIBISCUS ISLAND, said Hibiscus Island being shown on Plat recorded in Plat Book 8, at Page 75, of the Public Records of Miami-Dade County, Florida. Said strip of land being more particularly described as follows:

Beginning at a point where the dividing line of Lots 5 and 6, of Block 1, Intersects the Southerly line of Block 1 of Hibiscus Island, thence Southwesterly along the Extension of the Westerly boundary line of Lot 5, in Block 1, extending Southwesterly for a distance of 20 feet more or less to the Southerly boundary line of that certain strip of land as shown in Deed recorded in Deed Book 1501, page 479, in the Public Records of Miami—Dade County, Florida, thence Southeasterly along the Southerly boundary of that certain strip of land as shown in Deed Book 1501, at page 479, a distance of 60 feet more or less to a point where the easterly boundary line of Lot 5, in Block 1. extended Southwesterly intersects the said last mentioned line, thence Northeasterly along the sold easterly extended boundary line of Lot 5, in Block 1, for a distance of 50 feet more or less to the Point of Beginning. Said strip of land being a part of the 20 feet strip of land conveyed by "Trustees of the Internal Improvement Fund" to Biscayne Bay Islands company, by deed dated September 14, 1932, and recorded in Deed Book 1501, page 479, of the Public Records of Miami—Dade County, Florida.

270 South Hibiscus Drive:

Lot 8, Block 1, of HIBISCUS ISLAND, according to the Plat thereof, as recorded in Plot Book 8, Page 75, of the Public Records of Miami-Dade County, Florida. BEGINNING at a point where the dividing line of Lots 6 and 7, Block 1, of said HIBISCUS ISLAND (said dividing line being the Westerly boundary line of said Lot 6) intersects the Southerly line of said Block 1 of said HIBISCUS ISLAND, which point of intersection being the POINT OF BEGINNING; thence Southwesterly, along the extension of the said Westerly boundary line of said Lot 6, extending Southwesterly for a distance of 20 feet, more or less, to the Southerly boundary line of a certain strip of land, as shown in that Deed recorded In Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida; thence Southeasterly along the Southerly boundary line of that certain strip of land as shown in Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida, a distance of 60 feet more or less to a point where the Easterly boundary line of said Lot 6, Block 1, of HIBISCUS ISLAND, according to the Plat thereof as recorded in Plat Book 8, Page 75, of the Public Records of Miami-Dade County, Florida (said Easterly boundary line of said Lot 6, being the dividing line of said Lot 6 and Lot 5, Block 1, of HIBISCUS ISLAND, according to the Plat thereof as recorded in Plat Book B, Page 75, of the Public Records of Miami-Dade County, Florida), extended Southwesterly intersects the said Southerly boundary line of said strip described in said Deed Book 1501, Page 479, of the Public Records of Miami-Dade County, Florida; thence Northeasterly along the Easterly extended boundary line of said Lot 6, Block 1, of HIBISCUS ISLAND, for a distance of 20 feet, more or less to a point of the Southeasterly corner of said Lot 6. thence Northerly along the Southerly line of said Lot 6, Block 1, of HIBISCUS ISLAND, for a distance of 60 feet to the POINT OF BEGINNING.