

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 6, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB0616-0037

1904 Marseille Drive, 7100 Rue Granville and 1915 Normandy Drive – Adult Congregate Living Facility.

The applicant, Normandy Living LLC, is requesting Design Review Approval for the construction of new second floor addition to an existing one-story ACLF structure including variances to reduce the required front, interior side, and a side facing street setback requirements and to exceed the maximum projection allowed within the side yard. Additionally, the applicant is requesting Design Review Approval to incorporate the adjacent parcel located at 1915 Normandy Drive as required parking for the facility which will replace an existing one-story single-family home, including variances to reduce the required front, side and rear setback requirements for at-grade parking. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

RECOMMENDATION:

Continue to the October 10, 2016 meeting

HISTORY:

On August 2, 2016, the item was continued to the September 6, 2016, Design Review Board meeting at the request of the applicant.

LEGAL DESCRIPTION:

Lot 14, Block 35, of ISLE OF NORMANDY MIAMI, according to the plat thereof, recorded in Plat Book 40 Page 33, of the public records of Miami Dade-County, Florida; and Lots 12 and 13 Block 35, of ISLE OF NORMANDY MIAMI VIEW SECTION PART 3, according to the plat thereof, recorded in Plat Book 40 Page 33, of the public records of Miami Dade-County, Florida.

SITE DATA:

Zoning:	RM-1
Future Land Use:	RM-1
Lot Size:	Lot 12: 7,500 SF
	Lot 13: 7,500 SF
	Lot 14: 6,250 SF
	Total: 21,250 SF
Existing FAR:	8,315 SF [0.4]*
Proposed FAR:	11,440 SF [0.54]*
Permitted FAR:	26,562.5 SF/ 1.25

*As represented by the applicant

Height:

Proposed: **26'-6" / 4-Story**

Maximum: 50'-0" / 5-Story
Highest Projection: 30'-6"

Proposed Uses: 56 beds ACLF (44 in 1904 Marseille Drive | 12 in 7100 Rue Granville)
Provided Parking: 11 spaces

Grade: +2.44' NGVD
Base Flood Elevation (BFE): +8.00' NGVD
Difference: 5.56'
Adjusted Grade: +5.22' NGVD
Finished Floor Elevation: +9.0' NGVD

Surrounding Properties:

East: 1- and 2- story multifamily buildings (4 units)
North: 1-story multifamily buildings (4 units)
South: 4-story 1987 Multifamily Building
West: 1-story multifamily buildings (4 units)

BACKGROUND

On November 19, 2013, the Planning Board approved a Conditional Use Permit for the expansion of the existing Assisted Living Facility located at 7100 Rue Granville to the existing building to the north on the lot located at 1904 Marseille Drive. The applicant was not able to obtain a building permit within the allotted one-year time limitation and the applicant had to reapply for a Conditional Use Permit in order to expand the facility.

On October 7, 2015, the Planning Board reapproved a Conditional Use Permit for the expansion of the facility to 19 beds.

A modification to the Conditional Use Permit for the expansion of the facility was originally scheduled for the July 26, 2016 Planning Board meeting, requesting modifications to the Conditional Use Permit for an Adult Congregate Living Facility in order to increase the number of beds, modify the operational program and expand the project site. At that time, the item was continued to the August 23, 2016 Planning Board meeting. On August 23, 2016, the item was continued to the September 27, 2016 Planning Board meeting.

EXISTING STRUCTURE/USES:

1904 Marseille—1953 Manfred Ungarro | 1-story multifamily buildings (4 units)
7100 Rue Granville—1948 W.A. Baxter | 1-story, 12 bed licensed ACLF
1915 Normandy Drive—1940 Manfred Ungarro | 1-story single-family residence

THE PROJECT:

The applicant has submitted plans entitled "Normandy Living Adult Congregate Living Facility", as prepared by **Beilinson Gomez PA** dated, signed, and sealed May 14, 2016.

The applicant is proposing to construct a second floor addition to an existing one-story building in order to expand an existing ACLF. Additionally, the applicant is requesting to incorporate the adjacent parcel located at 1915 Normandy Drive as required parking for the facility which will replace an existing one-story single-family home. Several variances are being requested.

The applicant is requesting the following variance(s):

PARKING LOT: 1915 Normandy Drive

1. A variance to reduce by 3'-8" the minimum required front setback of 20'-0", in order to construct a parking space at 16'-4" from the front property line, facing Normandy Drive.

- *Variance requested from:*

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density districts are as follows: At-grade parking lot on the same lot except where (c) below is applicable, Front: 20'-0".

2. A variance to reduce by 3'-0" the minimum required rear setback of 5'-0" for a parking space in order to construct one parking space at 2'-0" from the north property line.

- *Variance requested from:*

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density districts are as follows: At-grade parking lot on the same lot except where (c) below is applicable: Rear: 5'-0".

3. A variance to reduce by 0'-6" the minimum required interior side setback of 5'-6" for a parking space in order to construct one parking space at 5'-0" from the side (west) property line.

- *Variance requested from:*

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density districts are as follows: At-grade parking lot on the same lot except where (c) below is applicable, Side Interior: 5'-0", or 5% of lot width, whichever is greater. In this instance, the required side setback is 5'-6".

Staff believes that the granting of the variances for the parking lot would confer on the applicant special privileges that are not allowed on similarly sized vacant RM-1 zoned sites within the immediate area. Additionally, the granting of the parking lot variances would allow vehicles to be parked closer to neighboring properties than what otherwise is allowed which may negatively impact the neighboring properties quality of life due to noise and headlight spillage. Further, a surface lot, especially with the reduced setbacks as proposed by the applicant, could be disruptive to neighboring residential uses. Staff recommends denial of the variances #1 through #3.

SECOND FLOOR ADDITION: 1904 Marseille

4. A variance to reduce by 2'-6" the minimum required interior side pedestal setback of 7'-6" in order to build a second story addition to the existing structure at 5'-0" from the side (west) property line.

- Variance requested from:

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density districts are as follows: Pedestal, side interior —Minimum: 7'-6" or 8% of lot width, whichever is greater.

5. A variance to reduce by 9'-0" the minimum required front pedestal setback of 20'-0", in order to build an access stair and porch for the facility at 11'-0" from the front (north) property line, facing Marseille Drive.

- Variance requested from:

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density districts are as follows: Front pedestal: 20'-0"

6. A variance to reduce by 1'-2" the minimum required side facing a street pedestal setback of 15'-0", in order to build the second floor addition at 13'-10" from the side facing street (east) property line, facing Rue Granville.

- Variance requested from:

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density districts are as follows: Side facing street pedestal: 15'-0"

The existence of nonconforming setbacks on three sides for the existing one-story structure impose design challenges that have led to the request of multiple variances for the installation of a new second floor addition that is flush with the first floor plate. Due to structural reasons, placing the second floor addition directly above the first floor is the most practical and feasible location for a new addition on site, while retaining the existing buildings. Additionally, the reduced side and front setbacks are typical for 2-story building throughout the neighborhood, and the proposed addition would be consistent as such.

7. A variance to exceed by 15% (0.75') the maximum allowable projection of 25% (1'-4") into the required interior side (west) yard in order to permit the construction of a 2'-0" wide roof overhang into the side (west) required yard.

- Variance requested from:

Sec. 142-1132. - Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25% of the required yard up to a maximum projection of 6'-0", unless otherwise noted. (7) Roof overhangs.

Variance #7 is to exceed the maximum allowable projection of 25% into the required interior side yard. The existing side yard contains a nonconforming distance of 5'-0". The applicant is proposing a 2'-0" roof overhang around the perimeter of the building which is not an unreasonable width for a roof projection. This variance is related to the side setback variances required above and is predicated upon the practical feasibility of constructing a second floor addition above the existing single story structure. Again, this condition is typical in the neighborhood for 2-story building construction. Staff recommends approval of variance #7.

In summary, staff believes that the variance requested are the minimum necessary to make a reasonable use of the land while retaining the existing one-story structure. Staff has no objection to the requests and recommends approval the variances #4 through #7.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to Variance(s) II.A.4, II.A.5, II.A.6, and II.A.7, as noted above, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, only as it relates to Variance(s) II.A.4, II.A.5, II.A.6, and II.A.7 as noted above:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **ACLF** is a permissible use through the conditional use process and is therefore **consistent** with the Low Density Residential Future Land Use Map designation of the 2025 Comprehensive Plan. The application is also **consistent** with Policy 1.2 of the Housing Element.

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:

- The applicant is requesting modifications to a previously issued Conditional Use Permit for an Adult Congregate Living Facility. Specifically the applicant is requesting to change the owner/operator, substantially increase the number of beds and incorporate the adjacent parcel located at 1915 Normandy Drive as required parking for the facility, pursuant to Section 118, Article IV of the City Code. (PB 0516-0018, f.k.a., File No. 2281). The applicant is scheduled for the August 23, 2016 Planning Board meeting.

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.

ACCESSIBILITY COMPLIANCE

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

CONCURRENCY DETERMINATION:

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

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

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

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

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Satisfied; the proposed project may require several variances to be granted by the Design Review Board.
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the proposed project may require several variances to be granted by the Design Review 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 proposed project may require several variances to be granted by the Design Review Board.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the proposed project may require several variances to be granted by the Design Review 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).
Satisfied
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.
Satisfied

STAFF ANALYSIS:
DESIGN REVIEW

On August 23, 2016, the Planning Board continued the companion application for the proposed expansion of an existing facility to the September 27, 2016 Planning Board meeting. In light of this action, the Planning Department is recommending that the Design Review Board application be continued until the October 10, 2016 meeting.

The applicant is proposing to expand a currently operational ACLF on the Rue Granville site northward onto the Marseille Drive parcel and construct a new second floor addition above the northern existing multifamily structure and increase the operations from 19 to 44 beds; each floor to contain 22 beds. The 7100 Rue Granville facility will continue to operate as it does today with 12 beds. A separate application is pending before the Planning Board regarding the proposed expansion.

The project is located within three individually plated lots. The existing building on the Marseille Drive lot was constructed in 1953 and was designed by Manfred M. Ungaro as a one-story 4 unit apartment building. The building on the Rue Granville lot was constructed in 1948 and was designed by W.A. Baxter as a one-story, 4-unit apartment building. The building on the last lot facing Normandy Drive was constructed in 1949 and was also designed by Manfred M. Ungaro as a one-story single-family home with a garage. The applicant is proposing to retain both multi-family buildings and demolish the single-family home in order to provide the required parking on the adjacent lot. The subject lots are not located within the Normandy Isle National Register Historic District.

The existing structures were designed with pitched roofs in a vernacular style of architecture. The design of the structure is relatively straightforward, a simple rectangular box with minimal architectural details. Staff has worked with the design team to further the design and move the overall aesthetic away from an institutional look to a more residential character. In this regard, with the exception of the south elevation of the new building, the architect has succeeded. The applicant is proposing a new metal and aluminum finish and the introduction of a wood finish along portions of the façade. The only façade that has not been sufficiently articulated is the south façade facing the Rue Granville property. Staff believes that the modifications to address this portion of the building can be addressed administratively.

VARIANCE REVIEW

The applicant is proposing to demolish the existing 1-story single-family residence at 1915 Normandy Drive in order to construct an at-grade parking lot for the expanded facility. There is currently no off-street parking on the site; however, there is on-street parking on the surrounding streets. Also, the residents of the proposed facility would not drive cars, and the facility will be providing transportation to residents for any necessary off-site appointments. The off-street parking proposed will be for the sole use of employees. The current proposal will require an annual fee-lieu-parking payment for five (5) spaces, due to the 22 beds that are located in the existing ground floor section of the building located at 1904 Marseille Drive. The second floor addition is new construction in excess of 1,000 SF, and therefore not eligible for participation in the fee in lieu of parking program; as a result the required parking must be provided on-site. To satisfy the parking requirement for the addition, 11 parking spaces are proposed to be built on the 1915 Normandy Drive lot.

In order to provide the 11 parking spaces on the 125'-0" deep lot, variances are being

requested to reduce the required front, side and rear setback requirements for at-grade parking. The number of required parking spaces is directly linked to the level of use, therefore the need for the requested variances in order to accommodate the quantity of parking results from the intensity of the proposed use at this particular site(s). Staff is not supportive of any of the requested variances for the proposed parking lot and believes the approval would set a negative precedent for future variances of similar nature. Staff recommends **denial** of variances #1, #2 and #3.

Also, the applicant is proposing to construct a second floor addition over the existing one-story structure on the Marseille Drive parcel. The existing one-story structure contains nonconforming front, interior side, side facing a street setbacks. Since the applicant is proposing to construct the second floor flush to the ground floor, setback variances are required for the new construction. As previously mentioned under 'Project' section of the report, the variances requested are the minimum necessary to make a reasonable use of the land while retaining the existing one-story structure.

RECOMMENDATION

In light of the action of the Planning Board on August 23, 2016, staff recommends that the application be continued to a date certain of October 10, 2016 in order for the companion application to be heard by the Planning Board. However, should the Design Review Board move to approve the application, in view of the foregoing analysis staff recommends the application for variances #1-3 be **denied** and that only variances #4-7 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.

TRM/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 6, 2016

FILE NO: DRB0616-0037

PROPERTY: **1904 Marseille Drive, 7100 Rue Grand Ville and 1915 Normandy Drive**
Adult Congregate Living Facility

APPLICANT: Normandy Living LLC

LEGAL: Lot 14, Block 35, of ISLE OF NORMANDY MIAMI, according to the plat thereof, recorded in Plat Book 40 Page 33, of the public records of Miami Dade-County, Florida;
and
Lots 12 and 13 Block 35, of ISLE OF NORMANDY MIAMI VIEW SECTION PART 3, according to the plat thereof, recorded in Plat Book 40 Page 33, of the public records of Miami Dade-County, Florida.

IN RE: The Application for Design Review Approval for the construction of new second floor addition to an existing one-story ACLF structure including variances to reduce the required front, interior side, and a side facing street setback requirements and to exceed the maximum projection allowed within the side yard. Additionally, the applicant is requesting Design Review Approval to incorporate the adjacent parcel located at 1915 Normandy Drive as required parking for the facility which will replace an existing one-story single-family home, including variances to reduce the required front, side and rear setback requirements for at-grade parking. This item will also require a Conditional Use application to be reviewed and approved by the Planning Board.

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, and 9 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:

1. The application shall obtain approval for a Conditional Use Permit (CUP) from the Planning Board (PB 0516-0018, F.K.A. PB File No. 2281) and shall be subject to all conditions imposed therein.
2. Revised elevation, site plan and floor plan drawings for the proposed ACLF project at 1904 Marseille Drive, 7100 Rue Grand Ville and 1915 Normandy Drive shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The architect shall further refine the south elevation of 'Building A' and incorporate additional articulation through changes in plane, the introduction of projections and/or recesses and/or other architectural methods, in order to add more dimension, depth and movement to the elevations, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The final design and details including material sample and color and finish for the proposed standing seam metal roof shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The existing wood fence facing the rights-of-way shall be removed. Any fence or gate or security apparatus along the property facing the rights-of-way shall incorporate variations in design and finishes and dimensions, as well as provide some level of transparency and in a manner consistent with the architecture of the new building at 1904 Marseille Drive and subject to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.
 - e. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
 - f. A minimum 7'-0" high physical screen shall be required along the entire western perimeter of the site in order to screen the parking and to ensure that headlights from the vehicles do not shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - g. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- h. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 - i. The final design details of the prodema wood cladding, shall be submitted, including samples, 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 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.
 - k. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass and incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - l. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
 - m. 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.
 - n. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. All proposed planters shall be built-in planters with irrigation systems in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. All exterior walkways shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- c. Street trees shall be required within the swale at the front of the property if feasible and not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- d. Any existing plant material within the public right-of-way may be required to be removed, at the discretion the Public Works Department.
- e. 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.
- f. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- g. Silva Cells, if required, shall be utilized under the concrete areas adjacent to the proposed Green Butonwood trees within the parking lot area.
- h. The existing and proposed areca palms facing the rights-of-way shall be replaced with plant material that would naturally not exceed 36" in height at maturity and not require periodic pruning in order to retain such height, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. The applicant shall install new canopy shade trees suitable for the available rooting space in the existing landscape bumpouts in the public rights-of-way adjacent to the site.
- j. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent

with the site and landscape plans approved by the Planning Department for Building Permit.

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

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s), which were either approved by the Board with modifications, or denied (Underlying denotes new language and ~~strike through~~ denotes stricken language):

PARKING LOT: 1915 Normandy Drive

1. ~~A variance to reduce by 3'-8" the minimum required front setback of 20'-0", in order to construct a parking space at 16'-4" from the front property line, facing Normandy Drive. (Variance denied).~~
2. ~~A variance to reduce by 3'-0" the minimum required rear setback of 5'-0" for a parking space in order to construct one parking space at 2'-0" from the north property line. (Variance denied).~~
3. ~~A variance to reduce by 0'-6" the minimum required interior side setback of 5'-6" for a parking space in order to construct one parking space at 5'-0" from the side (west) property line. (Variance denied).~~

SECOND FLOOR ADDITION: 1904 Marseille

4. A variance to reduce by 2'-6" the minimum required interior side pedestal setback of 7'-6" in order to build a second story addition to the existing structure at 5'-0" from the side (west) property line.
5. A variance to reduce by 9'-0" the minimum required front pedestal setback of 20'-0", in order to build an access stair and porch for the facility at 11'-0" from the front (north) property line, facing Marseille Drive.
6. A variance to reduce by 1'-2" the minimum required side facing a street pedestal setback of 15'-0", in order to build the second floor addition at 13'-10" from the side facing street (east) property line, facing Rue Granville.
7. A variance to exceed by 15% (0.75') the maximum allowable projection of 25% (1'-4") into the required interior side (west) yard in order to permit the construction of a 2'-0" wide roof overhang into the side (west) required yard.

- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to Variance(s) II.A.4, II.A.5, II.A.6, and II.A.7, as noted above, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the

proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code, only as it relates to Variance(s) II.A.4, II.A.5, II.A.6, and II.A.7 as noted above:

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

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

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

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

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

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

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

C. The Board hereby **Denies** the Variance requests as noted in II.A.1, II.A.2 and II.A.3 and **Approves** the requested variance(s) as noted in II.A.4, II.A.5, II.A.6, and II.A.7 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 floorplan shall be redesigned to reduce the proposed number of beds in order to lessen the amount of required parking to be provided on site and therefore eliminate the need for any parking lot related variance(s). The proposed parking lot area shall be redesigned to comply with all underlying zoning regulations and eliminate any variances.

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.

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

- A. The applicant shall pay to the City the applicable yearly fee-in-lieu of providing parking. The first payment shall be due before the issuance of the Certificate of Use or Business Tax Receipt, whichever comes first.
- B. The applicant shall pay to the City all applicable Concurrency Mitigation Fees prior to obtaining a Building Permit or the issuance of the Certificate of Use or Business Tax Receipt, whichever comes first.
- C. The applicant shall provide either a Unity of Title or a Covenant in Lieu of Unity of Title before the issuance of a TCO or CO in order to be able to connect the two properties, as proposed.
- D. 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. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- F. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- 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 for Design Review approval and Variances II.A.4, II.A.5, II.A.6, and II.A.7 as noted above, is GRANTED and that the Application for Variances II.A.1, II.A.2, and II.A.3 as noted above, is DENIED 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 "Normandy Living Adult Congregate Living Facility", as prepared by **Beilinson Gomez PA** dated, signed, and sealed May 14, 2016 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 set forth in this Order. No building permit may be issued unless and until all 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 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 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 should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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