

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: February 04, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB19-0468
4880 Pine Tree Drive

DRB19-0468, 4880 Pine Tree Drive. An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence to replace an existing two-story architecturally significant pre-1942 residence including one or more waivers and an understory area.

RECOMMENDATION:
Approval with conditions

LEGAL DESCRIPTION:

Lots 24 and 25 less the southerly 1/2 of lot 24 of Block 32 of Lake View Subdivision, according to the Plat thereof, as recorded in Plat Book 14, at Page 42, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 19,773 SF
Lot Coverage:
Existing: 3,727SF / 19%
Proposed: 4,969 SF / 23.7%
Maximum: 5,932 SF / 30%
Unit size:
Existing: 5,852 SF / 30%
Proposed: 7,867 SF / 39.8%
Maximum: 9,867 SF / 50%
2nd Floor to 1st: N/A < 25%

Height:
Proposed: 28'-0" flat roof from BFE +5'*
***DRB WAIVER**
Maximum: 24'-0" flat roof

Grade: **+4.6' NGVD**
Base Flood Elevation: +8.00' NGVD

Difference: +3.4' NGVD
Adjusted Grade: +6.3' NGVD
First Floor Elevation: +15' NGVD (BFE+5fb + 2')
Side Yard Elevations Min: 6.56' Max: 7.1'
Read Yard Elevations Min: 6.56' Max: 13'

EXISTING PROPERTY:

Year: 1934
Architect: Robert Little
Vacant: No
Demolition: Total

SURROUNDING PROPERTIES:

North: one-story 1934 residence
South: Two-story 1937 residence
West: Surprise Lake Waterway
East: Two-story 1941 residence

THE PROJECT:

The applicant has submitted plans entitled "4880 Pine Tree Drive Residence Design Review Board Final Submittal", as designed by **MTTR MGMT**, signed, sealed, and dated 12/09/19.

The applicant is requesting Design Review Approval for the construction of a new two-story residence on a waterfront parcel to replace an existing two-story pre-1942 architecturally significant residence.

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

1. The height of the proposed structure is 28'-0" in accordance with Section 142-105(b) 2'; 28' as measured from BFE +5, or 15' NGVD.
2. Elevator bulkheads shall be located as close to center of the roof as possible and be visually recessive in accordance with Section 142-105(b)(7)(f).

The applicant is requesting constructing the residence above allowable 'understory' spaces instead of infilling with berms and tiered site work:

3. Understory area shall be subject to the review and approval of the Design Review Board in accordance with Section 142-105(b)(4)(e).

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:

- URBAN HEAT ISLAND ORDINANCE Sec. 142- 1132. g) Driveways. (4) Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in section 114- 1 of this Code. (5) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in section 114- 1 of this Code, shall be prohibited.
- Section 142-105(b)(1) *Lot area, lot width, lot coverage, unit size, and building height requirements*. The lot area, lot width, lot coverage, and building height requirements for the RS-1, RS-2, RS-3, RS-4 single-family residential districts are as follows: **RS-3 May be increased up to 28 feet for flat roofs and 31 feet for sloped roofs when approved by the DRB or HPB, in accordance with the applicable design review or appropriateness criteria.**
- 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.
- Subject to the review and approval of the Design Review Board the following may apply to the understory area(s): Understory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage.
- Walkways: Maximum 44". May be increased to a maximum of five feet (5'-0") for those portions of walkways necessary to provide Americans with Disabilities Act (ADA) required turn around areas and spaces associated with doors and gates. Walkways in required yards may exceed these restrictions when approved through

the **Design Review** procedures.

- Note that if in the future, the building department requires a railing or guard around the roof of the front structure, due to the stair access to the roof, the accessible roof area with railing will have to be modified to not exceed 25% of the area of the floor below.
- The open area between the storage and stair access at the understory will have to be 50% open, as the space is not part of the access to the upper floor and it is not counted in unit size. See section 142-105(b)(4)e.1.
- **A16, A18, A20, A34 and et al.** The trellis structure wrapping the stair is not an allowable height exception as proposed.

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 applicant is requesting three design waivers from the Board and review of the understory area.
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 design waivers from the Board and review of the understory area.
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 design waivers from the Board and review of the understory area.
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 applicant is requesting three design waivers from the Board and review of the understory area.

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 design waivers from the Board and review of the understory area.
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 design waivers from the Board and review of the understory area.
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
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Satisfied

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied

- (4) 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.

Satisfied

- (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.

Satisfied

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing a new two-story residence on a waterfront parcel that will replace an existing pre-1942 architecturally significant two-story residence. The proposal includes a request for one design waiver, as well as the review of the understory portion of the design and the location of the elevator. The proposed residence has a separate front building sited in a diagonal-formation on the 106'-0" wide waterfront lot that centers around an elevated living condition above the habitable understory. The design floor elevation of the new residence is proposed at base flood elevation (8) plus maximum free board +5', plus an additional 2', or +15.00' NGVD.

Since the understory ordinance was adopted in July of 2018, there has been a discernible increase in elevated homes that are being configured with finished first floor elevations at or above the maximum measurable freeboard. This is due to a number of factors including sea level concerns, flooding and mitigation, the raising of City roads, and a renewed interest in elevated living with open-plan structures. In this design, the project architect is proposing transition spaces to access the main level of the home in a new "Sarasota Modern" style, while still designing a responsible and sensitive design to the neighborhood.

The RS-3 zoned single-family properties can be designed with homes that have an overall height of 24'-0" for flat roof structures; such height may be increased up to 4 additional feet through the design review board process. The allocation and distribution of this additional height is subject to DRB approval. The residence is a quasi-pilotis style home and the overall design has configured the enclosed interior spaces towards the northern portion of the site in order to accommodate a grand exterior stair that leads from under the front guest building to the elevated exterior main level. At the understory level, a central vestibule core, minimally profiled from the street, offers enclosed vertical circulation to the first floor.

The first fully-enclosed, habitable floor of the residence is designed at an elevation of 15'-0" NGVD, 6'-0" above the minimum building standard requirement of +9'-0" NGVD (BFE + 1' Fb). And 2'-0" higher than the maximum freeboard allowance of +5.00' over Base Flood (+15.00'). The design intention is to create a larger, non-air-conditioned space below the main slab that serves as a usable outdoor recreational amenity and program feature for the owner. The Code, however, restricts the maximum floor to ceiling height of this under slab area to 7'-6" unless additional zoning regulations are adhered to limit and regulate the understory area.

The first design waiver pertains to the height of the residence. The architect is seeking 28'-0" for the new two-story residence from BFE +7'-0". The intent of the waiver is for lots in the RS-3 district that closely resemble lot sizes in the RS-1 and RS-2 zoning districts. The subject site contains 19,773 SF, which is nearly 100% more of the lot area required for RS-3 lots (10,000 SF), and in fact exceeds by 2,000SF the minimum lot area size of RS-2 lots, which is 18,000SF, where new construction on that site can, as a matter of right, achieve 28'-0" in height from BFE+5'. Staff is supportive of the requested 4'-0' height increase due to the basic lot size comparison, as well as the configuration of the one-story guest suite at the front setback and the two-story main residence being setback nearly 70'-0" from the front property line and visually obscured by the 16'-6" elevated one-story guest suite at the front property line. Staff recommends pushing the front structure further back 10'-0" on the site,

for a total of 30'-0", in an effort to soften the strong street presence of the elevated structure that runs side setback to side setback line.

The next requested design waiver pertains to an elevator located in the north portion of the site plan, along the interior open space elevation, that accesses the habitable roof deck. The Code requires that the elevator and associated bulkhead be located as close to the center of the roof (floorplan) as possible and be visually recessive such that it does not become a vertical, tower-like extension along the exterior elevations. As proposed, the elevator is not centrally located in plan and the vertical element, while offset 15'-0" from the setback, does become part of the side (north) elevation. Staff typically maintains that the elevator should be relocated to a more central location to not create a vertical, tower-like accent and staff has continuously addressed this concern to the design team. The proposed scheme features the elevator setback 25'-5" from the side property line and offset by a relocated mango tree and two proposed giant papyrus within the open space recess. Additionally, at the second level, an exposed exterior stair wraps around three sides of the vertical shaft for a secondary means of rooftop access. The neighboring property to the north is a low lying one-story older residence built in 1934.

The expansive setback to the elevator address some but not all of staff concerns. In this regard, staff recommends further study of the glass fenestration of the elevator to avoid light spillage onto the lower property and additional robust vertical landscaping along the side property line. Additionally, the trellis structure wrapping the stair is not an allowable height exception as proposed and should be eliminated which will lessen the vertical emphasis. Subject to these modifications, staff believes the enhancements will successfully reduce the visual impact of the elevator and recommends approval with these conditions.

Staff is supportive of the overall design and its unique architectural solution, and recommends approval of the design as proposed with the following modifications:

- a. Push back the front structure further into the site (increase front setback to 30'-0");
- b. The width of vertical screen openings of the front structure shall be modified;
- c. The open area between the storage and stair access at the understory (under the front structure) shall be a minimum of 50% open, as the space is not part of the access to the upper floor and it is not counted in unit size. See section 142-105(b)(4)e.1;
- d. Additional vertical landscaping along north side property line, at a minimum flush with building line; and
- e. Removal of rooftop stairwell trellis and vertical posts.

Staff is confident all of these proposed changes can be reviewed and approved administratively and recommends approval of the modifications. It should also be noted that the proposed residence does an outstanding job of incorporating the recently adopted Understory Ordinance, including the requested waivers and the use of the understory area.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: February 04, 2020

FILE NO: DRB19-0468

PROPERTY: **4880 Pine Tree Drive**

APPLICANT: Juan Azulay

LEGAL: Lots 24 and 25 less the southerly ½ of lot 24 of Block 32 of Lake View Subdivision, according to the Plat thereof, as recorded in Plat Book 14, at Page 42, of the Public Records of Miami-Dade County, Florida.

IN RE: An application has been filed requesting Design Review Approval for the construction of a new two-story single-family residence to replace an existing two-story architecturally significant pre-1942 residence including one or more waivers and an understory area.

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, 12, and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 10, and 11 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 4880 Pine Tree Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The proposed 4'-0" increase in height **shall be** permitted as proposed; the maximum height of the two story structure shall be 28'-0" when measured from BFE + 5'-0" freeboard.

- b. The understory area shall be permitted provided the understory area must comply with section 142-105(4)e, as noted in the compliance with zoning portion of the staff report, specifically the open area between the storage and stair access at the understory level.
 - c. The location of the elevator **shall** be permitted as proposed
 - d. The projecting vertical elements along the exterior stair towards the north side yard shall be eliminated, including the trellis that extends from the stair framing elements.
 - e. The architect shall setback the one-story guest structure an additional 10'-0" from the front property line.
 - f. The final design details and color selection of the "wood colored metal screen cladding" proposed at both portions of the façades 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.
 - g. The final design details and color selection of the "charred wood cladding" proposed at both portions of the façades 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.
 - h. 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.
 - i. 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. The architect shall revise the proposed landscaping along the proposed north side yard and raised garden plane and install tropical palms with evergreen brazilian beauty leaf trees or similar species in order to provide total screening to block views from the new two-story residence and rooftop elements into the adjacent properties to the north, 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 architect shall include butterfly friendly plantings, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. 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.
- d. 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.
- e. Prior to any site demolition work, a tree protection fence following the City standard shall be installed for trees scheduled to remain subject to the review and approval of the City Urban Forester.
- f. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- g. 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.
- h. 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.
- i. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- j. 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.
- k. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.

- I. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- m. 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.
- n. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- o. 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.
- p. 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.
- q. 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 property owner shall execute and record an 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 "4880 Pine Tree Drive Residence Design Review Board Final Submittal", as designed by **MTTR MGMT**, signed, sealed, and dated 12/09/19, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code, the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN

FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ())

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