

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 07, 2019

FILE NO: DRB19-0369

PROPERTY: **40 Island Avenue—The Standard Hotel and Spa**

APPLICANT: Ferrado Lido, LLC

LEGAL: Lots 39, 40, 41 and 42 of "Amended Plat of Belle Isle", according to Plat thereof as recorded in Plat Book 5, Page 11 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for exterior design modifications to an existing building including variances to reduce the required side and sum of the side setbacks for the construction of an FPL vault and to exceed the maximum height allowed for fences and gates

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 the Sea Level Rise Criteria 1, 5, and 10 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings for the proposed addition at 40 Island Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:



- a. The exterior tile repair/replacement shall not be approved as proposed. Any alterations to the exterior tile cladding at the front façade shall be continued to the June 04, 2019 Design Review Board meeting by the Board. The applicant shall bring sample of the existing tile (12"x12" swatch, or size thereof) and proposed tile sample(s) (12"x12" swatch, or size thereof), as well as a complete elevation showing the extent of the replacement to the June 04, 2019 Design Review Board meeting.
- b. The proposed window changes along the North elevation shall not be approved as proposed. The proposed large picture window proposed at the third level shall be configured and designed to be similar and more aligned with the existing windows. The proposed three window openings proposed at the second level shall be configured and designed to be more aligned and justified to the left, right or center, with the existing three upper windows on the third level, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. 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.
- d. All new 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.
- e. Material samples for all exterior paving areas 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.
- f. All new proposed rooftop mechanical equipment shall be screened from view. The final design and details shall be submitted as part of the building permit.
- g. The final design and details, including materials, exterior finishes, glazing, railings, and color of tiles, 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.
- 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 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. The applicant shall underground The FPL overhead utility lines and utility poles identified as numbers 6-8 on the graphic exhibit entitled "Belle Isle FPL Overhead Lines Location Graphic" (attached), in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. Any proposed plant material between building edge and edge of parking/Island Avenue shall consist of plant species that would naturally not exceed 36" in height at maturity and would not require periodic pruning in order to maintain such height.
 - c. All exterior walkways and drives 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.
 - d. The proposed entry drive and garage entrance area shall consist of decorative paving on the ground and decorative louvers on the north wall and ceiling consistent with details shown on sheet A-3.3 of the submitted plans. The final design and details shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. 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.
 - f. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
 - g. 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.
 - h. 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.

- i. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- j. 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)

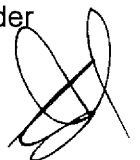
- A. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied:

The following variances were **approved** by the Board:

1. A variance to reduce by 10'-0" the minimum required interior side setback of 16'-0" in order to construct an FPL transformer pad at 6'-0" setback from the east side property line.
2. A variance to reduce by 14'-5" the required sum of the side setbacks of 32'-0" in order to construct an FPL transformer pad on the east side yard and provide a sum of the side setbacks of 17'-7".

The following variances were **continued** to the June 04, 2019 Design Review Board meeting by the Board:

3. A variance to exceed by 2'-1" the maximum allowed height of 7'-0" for a fence and gates located within the interior side yard in order to construct a fence and gates up to 9'-1" (11.34' NGVD) in height as measured from grade of 2.26' NGVD for the installation of a new FPL transformer vault.
4. A variance to exceed by 3'-0" the maximum allowed height of 5'-0" for a portion of a fence located within 4'-0" from the side property line facing a street in order



to construct a fence up to 8'-0" (10.26' NGVD) in height as measured from grade of 2.26' NGVD facing Farrey Lane.

5. A variance to exceed up to 3'-0" the maximum allowed height of 7'-0" for fence and gates located within the interior side yard in order to construct portions of a wood fence along the east side property line up to 10'-0" (12.26' NGVD) in height as measured from grade of 2.26' NGVD and to construct gates up to 8'-4" (10.58' NGVD) in height as measured from grade of 2.26' NGVD facing Island Avenue.
- B. The applicant has submitted plans and documents with the application that the Board has concluded satisfy Article 1, Section 2 of the Related Special Acts only as it relates to variance(s) II.A.1 and II.A.2 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 the Board has concluded comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code only as it relates to variance(s) II.A.1 and II.A.2, as noted:

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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.



- C. The Board hereby **Approves** variance requests #1 and #2, 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. Evidence of an approved building permit for the installation of the electrical vehicle charging station located in the front of the property and for the two parking spaces partially located on the front of the property shall be provided at the time of the building permit. If there is no building permit, or evidence of an approved building permit, as determined by the Planning Department, the applicant shall take additional actions to correct the existing conditions, unless found legally approved by the Planning Department and/or public Works Department.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. The applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the FPL vault to the roadway.
- B. 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.
- C. If required, the applicant shall obtain a revocable permit from the Public Works Department for the existing parking paving within the public right-of-way, subject to approval of the City Commission, prior to the issuance of a building permit. Prior to the issuance of a building permit for any work approved by the Design Review Board, as it relates to the subject development project, the applicant shall enter into and record a Maintenance Agreement and Restrictive Covenant running with the land, in a form approved by the Miami Beach City Attorney, and approved by the Planning Director and Public Works Director, confirming the applicant's agreement to design, permit, construct and maintain the proposed parking paving, in perpetuity, and confirming public access to such parking, in accordance with the conditions



herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.

- 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. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 "The Standard Hotel", as prepared by **A.C. Atherton, P.A., and Peter Anselmo, R.L.A.**, dated March 11, 2019, and as approved by the Design Review Board, as determined by staff.

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.

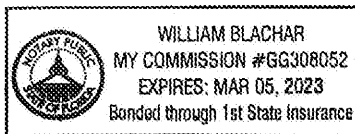
Dated this 14th day of May, 2019.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
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 14th day of May, 2019 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.



William Blachar
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: March 5th, 2023

Approved As To Form: Nick Kallezis (5/13/2019)
City Attorney's Office: [Signature]

Filed with the Clerk of the Design Review Board on [Signature] (5/14/19)

[Signature]

"Belle Isle FPL Overhead Lines Location Graphic"

IMAGE REMOVED FOR RECORDING PURPOSES

IMAGE ON FILE IN CITY OF MIAMI BEACH PLANNING DEPARTMENT

