

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: April 04, 2017

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB17-0121 (a.k.a. DRB 23113)
2801 Lucerne Avenue – Single Family Home

The applicants, Eric and Alexandra Fabrikant, are requesting modifications to a previously issued Design Review Approval for the construction of a new two-story single family home to replace the existing pre-1942 architecturally significant two-story home. Specifically, the applicants are requesting to enclose a portion of the second floor area previously configured as an outdoor covered terrace. **(ITEM WAS ORIGINALLY APPROVED AT THE FEBRUARY 03, 2015 DRB MEETING)**

RECOMMENDATION:

Approval of the proposed modifications

LEGAL DESCRIPTION:

Lot 1 and the South 10 feet of Lot 2, the West 25 feet of Lot 8 and the West 25 feet of the South ½ of Lot 7, Block 1-C of the Sunset Islands 3rd Revision Island No. 1, According to the Plat Thereof as Recorded in Plat Book 40, Page 8 of the Public Records of Miami-Dade County, Florida.

HISTORY:

An application was approved by the Design Review Board on February 3, 2015, subject to the conditions set forth in the Final Order (DRB No. 23113) for a two-story residence on the subject site. The applicant is now proposing the enclosure of a previously approved second floor terrace.

SITE DATA:

Zoning: RS-3
Future Land Use: RS
Lot Size: 16,745.40 SF
Lot Coverage:
Approved: 4,823 SF / **28.8%**
Maximum: 5,023.6 SF / 30%
Unit size:
Approved: 7,017 SF / **41.9%**
Maximum: 8,372 SF / **50%**
2nd Floor Volume to 1st: **70%**
2nd Floor Volume to 1st: **72.68%***
***DRB WAIVER**

Height:

Approved: ~25'-7½" (from BFE)

Maximum: 27'-0"

EXISTING STRUCTURE:

Year Constructed: 1936
Architect: Robert Law Weed
Vacant: No
Demolition Proposed: Full

Surrounding Properties:

East: One-story 1954 residence
North: Two-story 1947 residence
South: Two-story 2012 residence
West: One-story 1972 residence

Grade: \pm 5.86' NGVD
Flood: +8.00' NGVD
Difference: \pm 2.14' NGVD
Adjusted Grade: 6.93' NGVD

THE PROJECT:

The applicant has submitted plans entitled "New Residence Fabrikant's Residence: Final Submittal 02.09.2017", as prepared by **J.C.D. Architect Inc.**, dated signed and sealed 2/21/17.

The applicant is modifying the previously approved two story single family residence (DRB File No. 23113) to enclose a second story terrace. The enclosure of this terrace exceeds the second floor volume over the 70% limitation, thus requiring an approval for a waiver from the Board.

The applicant is requesting the following design waiver:

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c).

The project does not noticeably change the original home, and the design is still developed well under the maximum unit size. The project is seeking approval from the board in essence to seek a waiver of the second story physical volume size. Also, notably removed from the scope of work is the detached guest house. The original approval did include a waiver of the additional open space requirement for two-story elevations exceeding 60'-0" in length.

COMPLIANCE WITH ZONING CODE:

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

1. For two story homes with an overall lot coverage of 25% or greater, the physical volume of the second floor shall not exceed 70% of the first floor of the main home, exclusive of any enclosed required parking area and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a 2nd Floor Volume to 1st of 72.6% with a 26% lot coverage which will require a waiver from the DRB.**

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.
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.
Satisfied
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 seeking a waiver for the second story physical volume
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.
Satisfied
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.
Satisfied
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

Satisfied

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been submitted
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not satisfied; a lighting plan has not been provided to staff
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
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

STAFF ANALYSIS:

The proposed enclosure of the second floor terrace is a minor change to this well designed classical home. Situated on a corner lot, its L-shaped design maintains a 30'-0" rear setback towards the rear, and the living quarters are setback more than 50'-0" from the interior side property line. The home consists of individual living areas on the ground floor with maid's quarter and utility rooms next to the garage and the common rooms configured around the pool deck area and the master bedroom and three bedroom suites located on the second floor.

The area was originally conceived and designed as a 67SF outdoor covered terrace on the second floor. The proposed enclosure, which will enlarge the home's master bathroom, is not a street facing face and paired with the home's ample setbacks, will not negatively affect neighbors. The approval of the waiver of the second floor volume limitation, internal to the site, will be imperceptible from the right-of-way; as such, staff recommends approval of the modification.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design subject to the following conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria criteria.

TRM/JGM/CAM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: April 04, 2017

FILE NO: DRB16-0121 (a.k.a. DRB File No. 23113)

PROPERTY: **2801 Lucerne Avenue**

APPLICANTS: Eric and Alexandra Fabrikant

LEGAL: Lot 1 and the South 10 feet of Lot 2, the West 25 feet of Lot 8 and the West 25 feet of the South ½ of Lot 7, Block 1-C of the Sunset Islands 3rd Revision Island No. 1, According to the Plat Thereof as Recorded in Plat Book 40, Page 8 of the Public Records of Miami-Dade County, Florida

IN RE: The Application requesting exterior modifications to a previously issued Design Review Approval for the construction of a new two-story single family home to replace the existing pre-1942 architecturally significant two-story home. Specifically, the applicants are requesting to enclose a portion of the second floor area previously configured as an outdoor covered terrace.

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 a 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 3, 9, and 11 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. All of the original conditions of approval by this Board, as reflected in the Final Order dated February 3, 2015, pursuant to DRB File No. 23113, shall remain in effect except as modified herein.

2. Revised elevation, site plan, and floor plan drawings for the proposed new home at 2801 Lucerne Avenue Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The 70% limitation for the second floor volume shall be waived as proposed
 - b. The final design details and color selection of the Ipe wood finish 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.
 - c. 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.
 - d. 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.
 - e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

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

II. Variance(s)

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

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

- A. 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.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.

- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "New Residence Fabrikant's Residence: Final Submittal 02.09.2017", as prepared by **J.C.D. Architect Inc.**, dated signed and sealed 2/21/17, sealed and dated February 21, 2017, 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.

