

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 02, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0130
3155 Prairie Avenue – Single Family Residence

The applicant, Candice Nicole Cohen, is requesting Design Review Approval for the construction of a new two-story single-family home to replace a two-story home under construction. (The new construction replaced an existing pre-1942 architecturally significant two-story home and was approved on May 06, 2014 pursuant to DRB File No. 23048)

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

Orchard Subdivision, Lot 16, Block 46, According to the Plat Thereof, as Recorded in Plat Book 6, Page 111, of the Public Records of Miami-Dade County, Florida

BACKGROUND:

Over five years ago staff had met with the owner's representatives to review architectural plans that included changes and additions proposed to the existing home. At that time a portion of the 1923 structure was intended to be preserved and restored while accommodating new additions to both the front and rear of the original structure. Because numerous alterations to the home had taken place over the years, it was determined that the proposal, which included substantial changes and additions to the home, could be reviewed at an administrative level. A building permit (B1302086) was applied for on January 30, 2013 and, after multiple rounds of revisions, was approved on May 30, 2013.

In 2014, staff had met again with the applicant's representatives, and it was explained that due to existing conditions and the observation of "soft" concrete in the existing spread footings in the original 1920's portion of the house, the retention of the one and two story portion of the original structure would be not feasible. After considering the structural deficiencies of the foundation and the extensive structural wall strengthening added under the previous permit plan revision, it was determined by the architectural team that the total demolition of the 1920s building (including the foundation) and reconstruction of a new building in that portion would be the most appropriate course of action. However, unless the home was officially determined to not be architecturally significant, the total demolition of the 1923 structure would require submitting an application to the Design Review Board and obtaining approval for the replacement home.

As such, on March 06, 2014, the applicant formally requested a Determination of Architectural Significance, requiring that the Planning Department evaluate the subject property to determine whether the single-family residence is architecturally significant. A site

visit of the subject property was conducted by staff on March 17, 2014 and a careful review of all available aerial photographs of the subject residence, between 1941 and present, was also undertaken. The evidence revealed a determination of architectural significance. While staff acknowledges that the original building has been severely altered and multiple original features have been removed, staff concluded that the original Pueblo Revival style front massing and the distinctive original chimney still remain intact.

An application was approved by the Design Review Board on May 06, 2014, subject to the conditions set forth in the Final Order (DRB No. 23048) for a two-story residence on the subject site. Construction commenced. The applicant is now proposing a new plan with a new architect. There is no remaining details or portions of the pre-1942 architecturally significant two-story home.

SITE DATA:

Zoning: RS-4
Future Land Use: RS
Lot Size: 14,100 SF (75x188)

Lot Coverage

Permitted: 3,435 SF / 24.3%
Proposed: 3,943 SF / 28%
Maximum: 4,230 SF / 30%

Unit size:

Permitted: 5,241 SF / 37.2%%
Proposed: 7,038 SF / 50%
Maximum: 7,050 SF / 50%

2nd Floor Volume to 1st: **75%* 2848/3793**

***DRB WAIVER**

Height:

Proposed: 24'-0" flat roof
Maximum: 24'-0" flat roof

Grade: +4.41' NGVD

Future Grade: +5.25' NGVD

Base Flood: +8.00' NGVD

Difference: 3.59'

Adjusted Grade: +6.205' NGVD

30" (+2.5') Above Grade: +8.455' NGVD

First Floor Elevation: +9.00' NGVD

Surrounding Properties

East: (1) one-story residences

North: (1) one-story 1935 residence

South: (1) one-story 1931 residence

West: (1) one and (2) two-story 1925, 1929 and 1950 residences

PREVIOUS STRUCTURE:

Year Constructed: 1923

Architect: The Watson Corporation

Vacant: Yes
Demolition Proposed- Full

THE PROJECT:

The applicant has submitted plans entitled "Casa for Nicole Cohen II" as designed by **Mateu Architecture Inc.** signed, sealed, and dated 03/09/17.

The applicant is proposing to construct a new contemporary two-story residence on an abandoned construction site that will replace a design for an new two-story residence.

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

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

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 75% with a 30% lot coverage which will require a waiver from the DRB.**
2. Height exceptions. Rooftop curbs, not to exceed one foot in height. The rooftop parapet along portions of the roof is not associated with an active rooftop and must be reduced in height.

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.
Not Satisfied; the proposed design requires one design waiver from the Board.

3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the proposed design requires one design waiver from the Board.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Not Satisfied; the proposed design requires one design waiver from the Board.
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Not Satisfied; the proposed design requires one design waiver from the Board.
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Satisfied
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been submitted.
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Applicable

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; the proposed design requires one design waiver from the Board.
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.
Not Applicable
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Satisfied; portions of the parapet wall extend higher than what is permitted as allowable height exception.
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:
DESIGN REVIEW

The applicant is proposing to construct a new contemporary two-story home on an interior

parcel that will replace a two-story home under construction. As explained under the 'Background' portion of the report, this site has been a construction site since 2014 and has undergone many construction challenges, delays, and setbacks—resulting in a dormant construction site. Since the proposed new construction replaces a design that originally replaced a pre-1942 architecturally significant single family home, review and approval for the new design of the replacement home by the Design Review Board is required. The proposed home is within the maximum zoning thresholds for lot coverage and unit size allowances and one design waiver is being sought.

The one design waiver being requested by the applicant pertains to the second floor to first floor ratio. Since the proposed home has a lot coverage of slightly over 28%, the second floor "volume" is limited to 70% of the first floor unless waived by the Design Review Board. Staff has calculated the home to contain a second floor to first floor ratio of **75%** when using the following square footages: **2,848 second floor to 3,793 first floor**. When reviewing the volumetric ratio for this design, staff believes that the greater 2nd to 1st floor ratio request is commensurate with the overall architecture that features 2% less lot coverage than what is permissible by Code and a "top-heavy" design that drives the concept. Additionally, the architect has respected the street scale through an increased setback of over 40'-0" for the exterior wall of the cantilevered second floor, which begins to soften any negative impact of the waiver on the street. The design features two, one-story volumes configured along both side (north and south) yards that ensure that neither side elevation contains long expanses of uninterrupted two-story massing. This reassures that the granting of the waiver will not overbear the neighboring one-story properties. Additionally, changes in plan along the side façades amplify the movement of the elevation and prevent the "blank wall syndrome" that may negatively affect a neighboring property by diminishing the light and air offered to their site. As such, staff is supportive of the requested waiver.

In summary, staff commends the architect on a successful design with a form that creates great movement on the site while providing all of the specific ample indoor and outdoor programmatic spaces and needs of the client. The architect has provided breaks in the massing of the structure which also helps alleviate the impact of this structure into the existing one-story residential context of its surrounding area. Additionally the architect has highlighted the use of the differentiating exterior materials—particularly the use of stone, wood and accent paint colors—assist in breaking up the massing and giving each layered volume a unique identity. Staff would note that the success of the massing of the architecture will depend on the high quality within the selection of the proposed materials and finishes—staff would recommend the use of a natural stone and in lieu of the "porcelain tile" material. Staff is encouraged to see the development of the site with what is ideally the definitive solution to a long process that has been burdensome to the applicant as well as the surrounding properties. Staff recommends that the design of the replacement home be approved including the requested design waiver.

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 criteria.

TRM/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 02, 2017

FILE NO: DRB17-0130

PROPERTY: **3155 Prairie Avenue**

APPLICANT: Candice Nicole Cohen

LEGAL: Orchard Subdivision, Lot 16, Block 46, According to the Plat Thereof, as Recorded in Plat Book 6, Page 111, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single-family home to replace a two-story home under construction.

ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 2, 3, 5, 6, 9, 12, and 14 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. Revised elevation, site plan, and floor plan drawings for the proposed new home at 3155 Prairie Avenue 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 stone cladding proposed along the façades of the residence, identified as “porcelain tile”, shall consist of a natural keystone or other

natural stone, 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 proposed green wall along the garage exterior 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. 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.
 - e. 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.
 - f. All structures within the required yards shall comply with Section 142-1132(o) *Projections*.
 - g. All rooftop projections above the main roofline shall comply with Section 142-105(b)(7) *Height exceptions*.
 - 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, 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.

- b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
- c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- f. 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.
- g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- h. 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.
- i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. If technically feasible, all overhead utility lines adjacent to the subject property shall be placed underground.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the

site and landscape plans, and shall be subject to the review and approval of staff.

- 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.
- m. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

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

II. Variance(s)

- A. No variances were filed as part of this application.

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. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- B. During Construction of the new home, 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 existing and entering the site and with an eight foot (8'-0") high fence with a wind resistant green mesh material along the front of the 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.

- C. 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.
- D. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. Nothing in this order authorizes a violation of 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 "Casa for Nicole Cohen II" as designed by **Mateu Architecture Inc.** signed, sealed, and dated 03/09/17, 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 _____ ()

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