

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: DRB16-0059
40 Island Avenue—Standard Hotel and Spa

The applicant, Ferrado Lido LLC, is requesting Design Review Approval for exterior alterations to an existing two-story hotel and the construction of a new three-story hotel wing containing hotel units and a ground floor parking level to replace the existing two-story east wing of the hotel, including a variance to reduce the width of a drive aisle. This project will require Planning Board approval.

RECOMMENDATION:

Approval with conditions

Approval of the variance

Continue: Public Baywalk Initiative

LEGAL DESCRIPTION:

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.

BACKGROUND

On December 14, 2016, the City Commission referred ordinances regarding a Comprehensive Plan amendment and an amendment to the Land Development Regulations pertaining to the repair and renovation of non-conforming hotel uses on the north side of Belle Isle to the Land Use and Development Committee (Item C4 M). On January 18, 2017, the Land Use and Development Committee discussed the proposal and recommended that the City Commission refer the ordinance amendments to the Planning Board for consideration.

On March 1, 2017, the City Commission referred the ordinance amendments to the Planning Board (Item C4 D). The Planning Board is expected to consider the ordinance amendments on April 25, 2017. After Planning Board review, final approval from the City Commission is still required.

The proposal herein will be contingent on the adoption of this legislation. The applicant has provided indemnification to the City in order for this DRB application to move forward.

HISTORY:

This application was continued at the February 06, 2017 Design Review Board meeting at the request of the applicant. Prior to this, the item was originally scheduled for the November 01, 2016 Design Review Board meeting.

SITE DATA:

Zoning: RM-1

Future Land Use:

RM

Lot Size:

101,500 SF

Existing FAR: 83,978 SF (.83)
Proposed FAR: 101, 023 SF (.99)
Permitted FAR: 135,875 SF | 1.25
Existing Height: 48'-10"
Proposed Height: 41'-3"
Permitted Height: 50'-0"
Existing Room Count: 105
Proposed Room Count: 105 | No increase
Existing Parking: 0 spaces
Proposed Parking: 76 spaces
Existing Loading: 0 spaces
EXISTING STRUCTURE:
Architect: Norman Giller
Year of Construction: 1950

Proposed Loading: 3 spaces
Existing Dining: 209 + 84 seats
Proposed Dining: 209 + 84 seats | No increase

SURROUNDING PROPERTIES:

East: One-story Farrey Lane residences
North: Biscayne Bay
South: Standard Hotel and Spa
West: One-story Century Lane residence

THE PROJECT:

The applicant has submitted plans entitled "The Standard Hotel", as prepared by **Rene Gonzalez architect** dated, signed and sealed 09/06/16.

The applicant is proposing new exterior alterations to an existing two-story hotel and the construction of a new three-story hotel wing containing hotel units and a ground floor parking level to replace the existing two-story east wing of the hotel.

The applicant is requesting the following variance(s):

1. *A variance to reduce 8'-0" the minimum required width of 22'-0" for two-way traffic drive aisle/interior aisle in order to provide enclosed, on-site loading requirement within the aisle resulting in a 14'-0" one-way traffic drive aisle/interior aisle during those specific loading times.*

- Variance requested from:

Sec. 130-63. – Interior Aisle. Interior aisles shall meet or exceed the following minimum dimensions permitted: 90° parking—22'-0". **Required: 22'-0" | Proposed: 14'-0"**

Sec. 130-64. – Drives. Drives shall have a minimum width of 22'-0" for two-way traffic and 11'-0" for one-way traffic. For those grade level parking areas with less than ten parking spaces, inclusive of those parking areas underneath a building or structure, the curb-cut and driveway entrance shall have a minimum width of 12'-0". **Required: 22'-0" | Proposed: 14'-0"**

The applicant is proposing to construct a new three-story east wing to the Standard Hotel and Spa that will replace the existing two-story wing. The first floor of the new structure will contain parking for 76 vehicles and 3 loading spaces, where the site currently operates with zero on site. This existing condition aggravates traffic, congestion and hotel operating services. The new design provides for much needed parking and allocated loading areas, and will be a great improvement for the above mentioned challenges.

In doing so, the applicant is seeking to "share" the 24'-0" entrance drive aisle, internal to the

building, with the required three loading spaces; thus, reducing the drive aisle to 14'-0" during programmed delivery and trash service times. The applicant has configured a 24'-0" wide drive aisle where 22'-0" is required in anticipation of the proposed "shareway" and has submitted a detailed operations plan identifying those times. In order to provide independent areas for each vehicular requirement, it is assumed that additional demolition to the ground floor and front exterior façade of the iconic 1950's Norman Giller designed 'Lido Spa'. During the designated loading time, the drive aisle will continue service parking albeit as a one-lane in and out controlled means egress/ingress. After the designated delivery times, the drive aisle will revert to compliant two-lane access (which as previously mentioned, exceeds the required minimum by 2'-0"). The applicant has proffered that the hotel will take appropriate measures to prevent any traffic tie-ups to the drive aisle and incorporate a two-way CCTV communications devices and traffic calming/viewing mirrors. The approval of the drive aisle width to accommodate the required on-site enclosed loading spaces is for the greater good of Belle Island as a whole and encouraged by staff to explore. As such, staff recommends **approval** of the variance request.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- 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.

COMPLIANCE WITH ZONING CODE:

The application, as proposed, appears to be consistent with the applicable requirements of the City Code, aside from the requested variance(s). This **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.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the existing and proposed hotel use are currently non-conforming uses; since the LDR's changes proposed impact non-conforming uses, a Comprehensive Plan amendment is necessary to allow for the use to be consistent with the underlying Future Land Use designation. There is an application pending review that includes a text amendment to the Policy 1.2 of the Future Land Use element of the Comprehensive Plan. Under Section 163.3184(2), F.S., this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31 days after it is adopted if there are no appeals; at which time the proposed Design Review Board application would be consistent with the Comprehensive Plan.

The incorporation of the public Baywalk into the development is **consistent** with several Objectives and Policies within the 'RECREATION AND OPEN SPACE ELEMENT' and 'TRANSPORTATION ELEMENT' of the City's Comprehensive Plan.

ACCESSIBILITY COMPLIANCE

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

CONCURRENCY DETERMINATION:

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

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

the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria is 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 width of the drive aisle requires a variance.
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 width of the drive aisle requires a variance.
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.
Satisfied
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied
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 subject property, the Standard Hotel and Spa, located in the northwestern quadrant of Belle Island, is a nonconforming waterfront hotel in the RM-1 zoning district. The 105 room hotel has a spa, an 84 seat interior restaurant, and a 209 seat Bayside café located in the northeastern portion of the site that contains outdoor seating. The outdoor dining area is improved with several large movable umbrellas along the wooden dock closest to Biscayne Bay that protect patrons from the sun and rain while dining. An adjustable, retractable shade canopy structure was recently approved by the Design Review Board on April 7, 2015, pursuant to DRB File No. 23148.

The applicant is requesting Design Review Approval for exterior alterations to the existing two-story hotel and the construction of a new three-story hotel wing containing hotel units and a ground floor parking level to replace the existing two-story east wing of the hotel, including a variance to reduce the width of a drive aisle. To accommodate the new construction, the applicant is proposing to demolish a 24'-0"x 10'-0" portion of the northern front façade that will facilitate the new vehicular entry drive into the parking level and new building. The ground floor kitchen will also be removed to accommodate this access. It has not been identified where the new kitchen will be located. The majority of the one-story wing that contains 41 sub-standard rooms will also be demolished with the exception of the rear kitchen that serves the outdoor café.

The proposed new wing will contain 76 off-street parking space on the ground floor, two floors with 41 larger hotel rooms above. Each floor will step westerly. to put greater distance between the hotel's guests and the residential neighbors on Farrey Lane. Eight semi-private outdoor ground floor terraces will line the southern edge of the parking area from the interior courtyard of the hotel. The design is ecologically minded, with the use of natural lighting, green planting and options for natural cross ventilation. The architect has successfully re-interpreted Miami's iconic post-war Modern style and translated it into a sublime

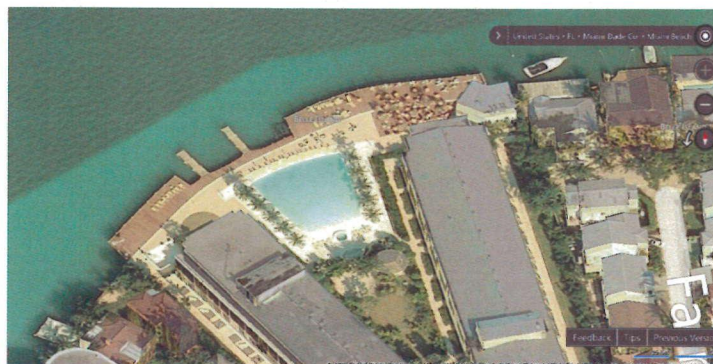
architectural form. Staff commends the architect for creating a design that is understated, meditative and elegant.

LANDSCAPE REVIEW

The applicant is proposing to install a combination of native plantings along the eastern property line in order to beautify the existing on-site conditions, as well as visually mitigate the new construction upon the neighboring single-family homes along Farrey Lane. A 5'-6" landscape strip has been proposed to contain the entire east side planting buffer. The diversity of chosen live materials within the understory include a selection of ground coverings such as golden creeper, climbing fig, dune seagrass, Boston and macho ferns and beach sunflowers. An altered palette of higher plantings along the property line includes autograph trees, pigeon plumbs and bay rums along with everglades palms, coconut palms, and sabal and thatch palms. In addition, a variety of shrub species and accent varieties are proposed to fill out the middle. These selected plantings, along with a proposed 7'-0" high decorative native stone sound and dissipation wall should reduce any potential negative impacts. A planted, yet durable driveable ECO corridor has been provided within the required side (east) yard between the exterior wall of the proposed ground floor parking facility and the 5'-6" landscape strip. Finally, private terraces and deep planting beds have been configured along the eastern portion of the new construction over the parking structure that spans the entirety of the structure. The planting beds have been proposed with enough depth of soil to facilitate and ensure healthy and abundant growth for the landscaping. Overall, the landscape architect and design team have created a diverse landscape combination that compliments the design.

BAYWALK

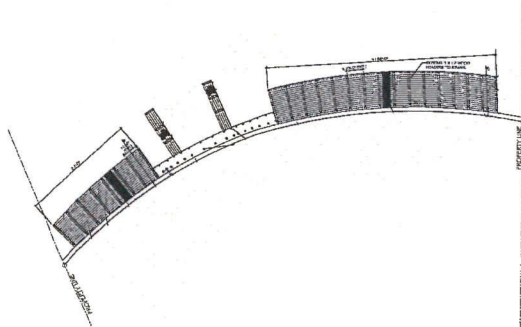
The applicant has proffered to provide a public easement for the construction of a future public Baywalk along the entire western portion of the subject site, which would connect to any future Baywalk to the east and the west of the subject property. The abutting properties to the east (Farrey Lane) and to the west (Century Lane) are currently developed with single family residences, albeit zoned RM-1. Miami-Dade County's Biscayne Bay Shoreline Development exempts single family and duplex properties from the Shoreline Review Committee which authorizes the unified management system for the Biscayne Bay shoreline area. Should these properties be developed as multifamily residential developments in the future either individually or as part of a unified development of parcels, a Baywalk connection shall be required.



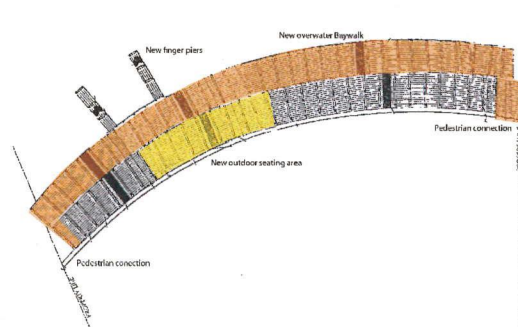
2016 Aerial photo depicting existing spa deck, finger pier conditions and outdoor dining area deck at rear of property

The existing conditions of the decks and piers that currently project into Biscayne Bay along the rear of the Standard Hotel, create a complicated and challenging plan in order to accommodate the Baywalk. At this time, staff is recommending that the proposed Baywalk be continued to a future meeting date, in order to address the following specific areas:

- Fill-in the portion of seaward decking between the existing spa deck to the west and the outdoor dining deck to the east;
- provide a continuous Baywalk connection, 15'-0" in width, extending seaward along the northern side of the site (now a continuous 24'-0" of decking) a minimum of 15'-0" to match the width of the Public Baywalk along the edge of Biscayne Bay;
- relocate existing boat slip piers;
- provide connection point to future Baywalks and connection point to Island Avenue.



Existing Deck and Pier conditions approved B0700517
"deck repair only" permit



Staff concept proposal of providing a continuous Baywalk

The incorporation of a Public Baywalk into the eventual reconstruction of the property's docks and boat slops is a reasonable accommodation that would be implemented in the overall scope of the extensive site work, which includes an overlay district and a complete new wing.

Additionally, a baywalk easement would be consistent with the City's policy goals, to increase pedestrian and alternative vehicle mobility, reduce impact on neighborhood roadways and accomplish goals and objectives in the City's Comprehensive Plan as further outlined below:

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 3: COORDINATION OF PUBLIC AND PRIVATE RESOURCES

The City of Miami Beach shall continue to work with public agencies, such as Miami-Dade County Department of Environmental Resources Management, the Army Corps of Engineers, the Florida Department of Environmental Protection and private sector organizations and corporations, through the zoning process, to enhance and improve existing recreation/open space facilities in Miami Beach.

OBJECTIVE 5: PUBLIC ACCESS CORRIDORS

To develop a network of greenways, scenic open space vistas, beachfront

promenades, bicycle and pedestrian trails, and multi-purpose public access corridors to waterways, the beach and outdoor recreational opportunities in order to preserve natural ecosystems and to enhance the quality of urban life.

TRANSPORTATION ELEMENT

OBJECTIVE 5: PEDESTRIAN AND BICYCLE CIRCULATION

Policy 5.8: Beachwalk and Baywalk Projects

The City shall continue the implementation of the Beachwalk and Baywalk Projects in order to further the City's vision of having a continuous on-grade recreational path running north/south along the coast linking the City's South, Middle and North Beach Neighborhoods. Such Projects would combine to form one interconnected recreational path that is ADA accessible and environmentally compatible with the dune and marine environment.

Policy 9.5: Multimodal Transportation

Within each Transportation Concurrency Management Area, infill and redevelopment shall be encouraged which is supportive of mobility alternatives including walking, bicycling and use of transit, particularly those associated with the completion of the Beachwalk and Baywalk projects.

The future baywalk is an important component in terms of completing a cohesive connection along the northern edge of Belle Isle.

VARIANCE REVIEW

As identified under the 'Project' description of the analysis, the variance being requested pertain to the loading areas within the proposed 24'-0" drive aisle within the existing two-story building. The proposal consists of the existing contributing building in the northwest corner of the site will be retained and renovated and incorporated into a new four-story hotel development. All portions of the new construction comply with all of the underlying the zoning setbacks and the three-story proposal is under the height and FAR allowances for RM-1 zoned sites. Staff is fully supportive of the application, inclusive of the requested variance.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application, with the exception of the plan for the public Baywalk which shall be continued to a later meeting date, be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria.

TRM/JGM

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 02, 2017

FILE NO: DRB16-0059

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 alterations to an existing two-story hotel and the construction of a new three-story hotel wing containing hotel units and a ground floor parking level to replace the existing two-story east wing of the hotel, including a variance to reduce the width of a drive aisle. This project will require Planning Board approval.

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 2, 3, and 9 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. Prior to the submission of any building permit for the project approved herein, the applicable portions of the non-conforming uses section of the City Code, as well as an applicable Comprehensive Plan amendment, shall be adopted by the City Commission.

2. 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. 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.
 - b. Any garage ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
 - c. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
 - 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. The final design and details, including materials, exterior finishes, glazing, railings, and any architectural projections and features, 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.
 - 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. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. All overhead utility lines adjacent to the subject property and westward

along Belle Isle shall be placed underground.

- b. 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.
 - c. 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.
 - 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. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
 - f. 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.
 - g. 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.
 - h. 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.
 - i. 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.
3. The applicant has voluntarily offered, proffered and agreed to provide a public bay walk ("Public Baywalk") north of the existing seawall along the rear of the subject site in accord with the following conditions. This proffer and its

acceptance are based on a particularized evaluation and assessment of the subject project, the rational nexus between such project and impacts to the local transportation network, and the rational nexus and rough proportionality between the project and impacts to the transportation network and the bay walk proffered. The following conditions pertain to the Public Baywalk. These conditions are subject to change upon further review by the City Attorney Office and other departments:

- a. The applicant shall enter into and record a public easement and partial release of riparian rights, approved by the City Attorney, which runs with the land, for the construction and maintenance of a Public Baywalk west of the existing seawall, in perpetuity, and confirming public access to such Public Baywalk, in accordance with the conditions herein ("Public Baywalk Easement"). The easement and partial release shall be recorded in the public records, at the expense of the applicant.
- b. The Public Baywalk Easement, located west of the existing seawall and existing decks along the rear of the subject site, shall commence at the northwest corner of the property, via a direct pedestrian connection to the northeast corner of the site. The Public Baywalk Easement shall continue south along the rear of the applicant's property, adjacent the existing and future decking, and shall be a minimum of fifteen (15'-0") feet clear in width ("the Public Baywalk Easement area").
- c. The Public Baywalk shall be designed, permitted and built by the applicant. All costs associated with the design, permitting and construction of the Public Baywalk, as described herein, shall be borne by the applicant.
- d. 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 restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to design, permit, construct and maintain a Public Baywalk including any required easements, in perpetuity, and confirming public access to such Public Baywalk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
- e. The Public Baywalk shall commence at the northwest corner of the property, via a direct connection to the public sidewalk facing West Avenue. The Public Baywalk shall continue northeasterly along the rear of the property to the northwest corner of the site and the east property line.
- f. The Public Baywalk shall connect directly to any future Public Baywalk to the east and west of the property.
- g. At the northwest corner of the site, a pedestrian pathway shall continue southward and connect to the public sidewalk facing Island Avenue.

- h. The Public Baywalk shall be consistent with the dimensions shown in the approved site plan, at all points. The location, design details and material of the Public Baywalk shall be subject to the review and approval of staff.
- i. The Public Baywalk may be secured and segregated from the upland portions of the site, in a manner to be reviewed and approved by staff.
- j. The Public Baywalk shall be open to the public from 6:00 am to 9:00 pm, 7 days a week, or as otherwise determined by the City Commission, upon the City Commission's adoption of uniform rules relating to public baywalks. The applicant may install an operable fence, gate or other operable barrier to restrict public access to the Public Baywalk, subject to the review and approval of staff; such operable fence, gate or barrier shall include some form of automatic timing device, in order to ensure that the Public Baywalk is open between the hours of 6:00 am and 9:00 pm. Access by the public to the Public Baywalk shall only be restricted between the hours of 9:00 pm and 6:00 am, and otherwise, as determined by the Planning Director, in the event of an emergency, dangerous condition or other circumstance that would render usage of the Public Baywalk a safety risk. Any violation of this condition shall be subject to a notice of violation and enforcement by the Special Master or any alternative remedy available to the City.
- k. The applicant shall be responsible for the maintenance, repair and, if necessary, the replacement, if destroyed in whole or part, of the full Public Baywalk, including the seawall, and shall establish reserves and insurance to accomplish this obligation.
- l. The applicant shall complete all design development and permit drawings for the proposed Public Baywalk as part of the building permit for the project approved by the Design Review Board in this application. The Public Baywalk shall be substantially completed prior to the issuance of any TCO, Partial CO or Final CO for any work approved by the Design Review Board in this application.
- m. All Public Baywalk access points shall be posted with standard "Public Baywalk" signs. The overall design, number, dimensions, placement and color of such signs shall be subject to the review and approval of staff.
- n. The installation of fences, gates or other barriers, which permanently block public access to the Public Baywalk shall be prohibited.
- o. If the applicant sells, leases or otherwise conveys the property, these conditions shall run with the land, and the applicant's successors shall be obligated to comply with these conditions.

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

reviewed by the Commission.

II. Variance(s)

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

1. A variance to reduce 8'-0" the minimum required width of 22'-0" for two-way traffic drive aisle/interior aisle in order to provide enclosed, on-site loading requirement within the aisle resulting in a 14'-0" one-way traffic drive aisle/interior aisle during those specific loading times.

- B. The applicant has submitted plans and documents with the application that the Board has concluded does satisfy Article 1, Section 2 of the Related Special Acts.

The applicant has submitted plans and documents with the application that the Board has concluded does comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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

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

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

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

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

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

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

- C. The Board hereby Approves the Variance request, 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.

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. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. 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.
- 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 proposed elimination of the on-street parking spaces will require the review and approval of the Parking Department. The costs, if any, associated with the removal of the parking spaces will be the responsibility of the developer.
- F. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for

approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** 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 "The Standard Hotel", as prepared by **Rene Gonzalez architect** dated, signed and sealed 09/06/16, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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

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

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

Dated this _____ day of _____, 20_____.

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