

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 07, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB17-0133
28 West DiLido Drive – Single Family Residence

The applicant, Alain Berdouare, is requesting design modifications to a previously issued Design Review Approval dated February 06, 2017, for the construction of a new two-story single-family home to replace an existing pre-1942 architecturally significant two-story home. Specifically, the applicant is requesting two design waivers (for height and second floor volume limitation).

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

Dilido Island Lot 11 of Block 1 and an 8 foot strip of land contiguous to southwesterly border of same, according to Plat thereof as recorded in Plat Book 8, Page 36 of the Public Records of Miami-Dade County, Florida.

HISTORY:

An application was approved by the Design Review Board on February 06, 2017, subject to the conditions set forth in the Final Order (DR16-0084) for a two-story residence on the subject site. At that time, the Board did not grant approval for two design waivers (for height and second floor volume limitation).

Previously, an application was originally approved by the Design Review Board on September 02, 2014 for a new two-story residence on the subject site, pursuant to DRB File No. 23074. Modifications to the design were approved on October 06, 2015 with the exception of the 4'-0" height waiver for RS-3 zoned properties. The height waiver along the entirety of the second floor volume was not approved and the design had to comply with the previously approved maximum height of 27'-0" measured from BFE.

SITE DATA:

Zoning:	RS-3
Future Land Use:	RS
Lot Size:	14,224 SF
Lot Coverage:	
Existing:	±2,596 SF / 18.25%
Approved:	3,335 SF / 23.5%
Proposed:	4,013 SF / 28.2%
Maximum:	4,267 SF / 30%

Unit size:

Existing: ±4,074SF / 28.5%
Approved: 7,102 SF / 50%
Proposed: 6,992 SF / 49.2%
Maximum: 7,112 SF / **50%**

2nd Floor Volume to 1st: **80%**

***DRB WAIVER**

Height:

Approved: 24'-0" when measured **from BFE + freeboard (1'-0")**.
Proposed: 26'-0" when measured **from BFE + freeboard (1'-0")**.
Maximum: 28'-0" flat roof

***DRB WAIVER**

Grade: +6.25' NGVD (approx.)
Base Flood: +9.00' NGVD
Finished Floor: +10.00' NGVD (BFE +1'-0)
Difference: +3.75' NGVD (approx.)
Adjusted Grade: +8.125' NGVD (approx.)

Surrounding Properties:

East: One-story 1948 residence
North: Two-story 1937 residence
South: One-story 2004 residence
West: Biscayne Bay

EXISTING STRUCTURE:

Year Constructed: 1933
Architect: Robert Law Weed
Vacant: No
Demolition Proposed: Full

THE PROJECT:

The applicant has submitted plans entitled "US_MIA_28W_DILIDO" as designed by **SAOTA** and prepared by **Choeff Levy Fischman Architecture + Design** signed, sealed, and dated 12/08/16.

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

1. The height of the proposed structure is **26'-0"** in accordance with Section 142-105(b).
2. 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. The maximum building height is 24'-0" for flat roofed structures and 27'-0" for sloped roofs. In the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs and 31'-0" for sloped roofs, and exception from this provision may be granted **through DRB approval** in accordance with the applicable design review criteria. **The applicant is requesting a height of 26'-0" for portions of the second floor roofline which will require a waiver from the DRB.**
2. 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 80% with a 28.2% 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.
Not Satisfied; the proposed design requires two design waivers 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 two design waivers 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 two design waivers 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 two design waivers 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 two design waivers 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.
Satisfied
15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable
16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.
Satisfied
17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Satisfied

STAFF ANALYSIS:

The applicant is proposing design modifications to a previously approved design of a two-story home on a waterfront parcel that will replace an existing 2-story home, originally

constructed in 1933 and designed by noted local architect Robert Law Weed. Specifically, the applicant is seeking design review approval for two design waivers (for height and second floor volume limitation) that were previously denied by the Board.

The first design waiver requested by the applicant pertains to the second floor to first floor ratio. The home has a second floor to first floor ratio of 80% and since the proposed home has a lot coverage of 28%, a waiver is required by the Design Review Board to exceed the ratio of 70%. When reviewing the second floor volume rule, staff believes that the 10% greater 2nd to 1st floor ratio request is commensurate with the design that features 2% less lot coverage than what is permissible by Code. Additionally, the architect has respected the street scale through an increased setback of 60'-0" for the exterior wall of the second floor, which greatly lessens its impact on the street. The majority of the massing in regards to the length of the elevations is located towards the south. Finally, the neighboring property directly to the south (permitted B0202950 in 2002 and built in 2004) was permitted and constructed under the previous Code which did not have this restriction. This residence, if analyzed under today's Code, would yield a second floor to first floor volume ratio of approximately 86%. Staff is supportive of this requested waiver since the approval is not out of character for the immediate area.

The maximum building height in the RS-3 zoning district is 24'-0" for flat roofs. However, in the RS-3 zoning district, the DRB may approve a building height of up to 28'-0" for flat roofs. The architect is seeking 26'-0" for the new two-story residence, or a height waiver of 2'-0". The intent of the waiver was for lots in the RS-3 districts that closely resemble lot sizes in the RS-1 and RS-2 zoning districts. The subject site contains a lot area that is nearly 50% greater than the minimum lot area required for RS-3 lots (10,000 SF). Staff is supportive of this requested height increase since the applicant is not raising the height of the finished first floor to the maximum amount of freeboard, 5'-0"; if raised to BFE + 5'-0" it would result in the same height of the volume proposed. The applicant is setting the first floor at 10'-0" NGVD, which is BFE + freeboard of only 1'-0". Further, the architect has respected the street scale through an increased setback of 60'-0" for the exterior wall of the second floor. Additionally, the architect has provided great movement along the highly articulated side elevations that stagger and with varying setback along the pie-shaped parcel.

Staff recommends that the design of the replacement home be approved including the requested waivers.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached draft Final 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: July 07, 2017

FILE NO: DRB17-0133 (a.k.a. DRB16-0084)

PROPERTY: **28 West DiLido Drive**

APPLICANT: Alain Berdouare

LEGAL: Dilido Island Lot 11 of Block 1 and an 8 foot strip of land contiguous to southwesterly border of same, according to Plat thereof as recorded in Plat Book 8, Page 36 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for design modifications to a previously issued Design Review Approval dated February 06, 2017, for the construction of a new two-story single-family home to replace an existing pre-1942 architecturally significant two-story home. Specifically, the applicant is requesting two design waivers (for height and second floor volume limitation).

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 and 12 in Section 118-251 of the Miami Beach Code.
- C. The project would remain 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 06, 2017, pursuant to DRB16-0084, shall remain in effect except as modified herein.

2. Revised elevation, site plan, and floor plan drawings for the proposed new home at 28 West DiLido 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, up to 80%, and shall not be increased further at time of permitting.
 - b. The proposed increase in height shall be permitted as proposed; the maximum height of the structure shall be 26'-0" when measured from BFE + freeboard (1'-0").
 - c. The final Design details of the white metal and corten steel 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. 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 "US_MIA_28W_DILIDO" as designed by **SAOTA** and prepared by **Choeff Levy Fischman Architecture + Design** signed, sealed, and dated 12/08/16, 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 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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