

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 06, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23074
28 West DiLido Drive

The applicant, Alain Berdouare, is requesting modifications to a previously issued Design Review Approval 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 several design changes and greater height for the proposed residence, including the elimination of a condition requiring that the maximum height of the proposed residence along the two-story portion shall not exceed 27'-0" to the top of the main roofline when measured from BFE.

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:

This application was originally approved by the Design Review Board on September 02, 2014 for a new two-story residence on the subject site.

SITE DATA:

| | |
|------------------|-------------------------|
| Zoning: | RS-3 |
| Future Land Use: | RS |
| Lot Size: | 14,224SF |
| Lot Coverage: | |
| Existing | ±2,596 SF / 18.25% |
| Proposed- | 3,541 SF / 24.9% |
| Maximum- | 4,267 SF / 30% |
| Unit size- | |
| Existing: | ±4,074SF / 28.5% |
| Approved: | 7,112 SF / 50% |
| Maximum: | 7,112 SF / 50% |

Height-

| | |
|-----------|--------------------------|
| Approved: | 27'-0" flat roof |
| Proposed: | 28'-0" flat roof* |
| Maximum: | 28'-0" flat roof |

***DRB WAIVER**

EXISTING STRUCTURE:

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

SURROUNDING PROPERTIES:

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

Grade: ±6.5' NGVD (approx.)
Flood: +9.00' NGVD
Difference: +2.5' NGVD (approx.)
Adjusted Grade: +7.75' NGVD (approx.)

THE PROJECT:

The applicant has submitted plans entitled "Residence Mr. Alain Berdouare" as prepared by **VHR Architecture**, signed sealed and dated August 17, 2015.

The applicant is proposing modifications to the previously approved plans.

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

1. The height of the proposed structure is **28'-0"** in accordance with Section 142-105(b).

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, in addition to the requested variance(s):

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 above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; See Staff Analysis
The requested height exacerbates the volume and massing of the residence when viewed from the waterway.

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.
Not Satisfied; See Staff Analysis
The requested height exacerbates the volume and massing of the residence when viewed from the waterway.
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.
Not Satisfied; See Staff Analysis
The requested height exacerbates the volume and massing of the residence when viewed from the waterway.
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.
Satisfied
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).
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

STAFF ANALYSIS:

The applicant is proposing interior and exterior design modifications to a previously approved design, as well as requesting an additional height waiver of one foot (1'-0"). Staff's major design concern pertains to the requested waiver. The original application was approved by the Design Review Board on September 02, 2014. At the meeting, the architect originally sought a height waiver of four feet (4'-0") (28'-0") for the new two-story residence.

The maximum building height in the RS-3 zoning district is 24'-0" for flat roofed structures and 27'-0" for sloped roofs. However, 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. 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 to achieve the greater height. The subject site contains a lot area of a little over 14,000 SF which is lesser in size than the minimum RS-2 zoning district (18,000 SF) requirement for lot area. The architect has designed the entire roof of the house at the same height, with no variations in the roof heights, breaks in height or shifts in vertical elements. Additionally the applicant is proposing an active habitable roof deck as well as a second level roofed balcony projecting into the required rear and side yards. While, the roof deck is an allowable height encroachment, and the projecting balcony is an allowable encroachment into the required yards, these two design elements are adding to the overall massing of the home and may negatively impact the neighboring property.

After lengthy discussions with the Board, a compromise was reached for granting a three foot (3'-0") height waiver (27'-0") to the top of the main roofline. The neighboring property to the north contains a two-story 1937 single family home constructed with multiple pitched roofs at varying heights. The neighboring property to the south contains a two-story modern home built in 2004, with a flat roof that measures 32'-9" from CMB Grade. Currently, Staff is not supportive of the requested additional one foot (1'-0): height waiver along the entirety of the second floor volume and recommends that the height of the home be reduced to comply with the previously approved maximum height of 27'-0" measured from BFE.

Staff is supportive of all of the other proposed façade and site plan modifications, with the exception of the elimination of the creeping vines or similar hanging plantings incorporated within the front trellis area.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached modified Draft Final Order, which address the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria.

TRM/JGM

F:\PLAN\DRB\DRB15\10-06-2015\OCT Staff Reports\DRB 23074 28 W Dilido .OCT15.doc

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: October 06, 2015

FILE NO: 23074

PROPERTY: 28 West Dilido Drive

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 Review Approval for modifications to a previously issued Design Review Approval 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 several design changes and greater height for the proposed residence, including the elimination of a condition requiring that the maximum height of the proposed residence along the two-story portion shall not exceed 27'-0" to the top of the main roofline when measured from BFE.

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 Approval

- 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 3, 6, and 7 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 shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The maximum height of the proposed residence along the two-story portion shall not exceed **27'-0"** to the top of the main roofline when measured from BFE.
 - b. ~~Any portion of the ground floor area covered by the "floating" residence's slab, with the exception of a 10'-0" wide strip around the entirety of the perimeter shall be included in the unit size calculations, which shall not exceed a maximum of 50% of the lot area.~~
 - c. ~~The applicant shall further refine the design of the side elevations (north and south) in a more articulated and defined manner, including with the introduction of additional fenestration and/or projections and recessions, or changes in plane, in a manner more commensurate with the front and rear (north and south) façades, 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.
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 and demolition permit, a Tree Report prepared by a Certified Tree Arborist shall be submitted, which identify, protect and preserve mature trees on site, which are suitable for retention and relocation.
 - b. 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.
 - c. Any trees 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. A segregated direct pedestrian access to the site from the street and sidewalk shall be provided to the main entrance, 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 landscape plan shall be further developed and shall include additional landscaping along the south side yard, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. Creeping vines or similar hanging plantings shall be incorporated into the landscape plan within the front trellis area as depicted in the submitted rendering entitled "Exhibit A", in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. Direct pedestrian access to the site from the street and sidewalk shall be provided to the main entrance, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- g. Any fence or gate at the front of the property shall be designed to be consistent with the home's proposed architecture, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. 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.
- i. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
- j. 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.

- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. 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.
- m. 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-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- n. 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 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. 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.

- B. 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.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. 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 "Residence Mr. Alain Berdouare" as prepared by **VHR Architecture**, signed sealed and dated August 17, 2015, 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

