

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

FROM: Thomas R. Mooney, AICP
Planning Director 

SUBJECT: Design Review File No. 23221
7645 Carlyle Avenue – Townhomes

DATE: December 01, 2015

The applicant, Carlyle 77 Investments LLC, is requesting Design Review approval for the construction of a new three-story (42'-0" high) six-unit townhome project on a vacant parcel including variances from the minimum lot size area requirements, to reduce the required front, side facing a street, sum of the sides and rear pedestal setbacks, to exceed the maximum allowed projection into the front and side facing a street yards, and to exceed the maximum height for stair railings facing a street. This item will also require a Conditional Use (mechanical parking) application to be reviewed and approved by the Planning Board.

RECOMMENDATION:

Approval with conditions
Approval of the variances with conditions.

LEGAL DESCRIPTION:

Lot 1 of Block 22, of "Altos Del Mar No.3", according to Plat thereof as recorded in Plat Book 8, Page 41, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning: RM-1
Future Land Use: RM-1
Lot Size: 5,497 SF

Residential Units: 6 Units
Required Parking: 9 Spaces
Provided Parking: 9 Spaces*
*Mechanical Parking will require CUP

Proposed FAR: 6,863.8 SF/ 1.24*
Permitted FAR: 6,871 SF/ 1.25
*As represented by the applicant

Grade: +4.2' NGVD
Base Flood Elevation (BFE): +8.00' NGVD
Difference: 3.80'
Adjusted Grade: +6.10' NGVD
Finished Floor Elevation: +8.00' NGVD

Height:
Proposed: **30'-0" / 3-Story**
Maximum: 50'-0" / 5-Story
Highest Projection: 42'-1"

Surrounding Properties:

East: 1-story 1950 Multi-Family Building
North: 2-story 1951 Multi-Family Building
South: 1-story 1939 Single-Family Home
West: 2-story 1958 Multi-Family Building

Existing Use: Vacant Parcel
Proposed Use: Townhomes

THE PROJECT:

The applicant has submitted plans entitled "Carlyle Terrazzo", as prepared by **Gustavo J. Ramos Architecture | Planning | Interiors** dated, signed, and sealed 10/13/2015.

The applicant is proposing to construct a new three-story (42'-0 high) six-unit townhome project on a vacant corner site.

The following variances are requested for the project:

1. A variance to reduce 103 SF from the minimum required lot area of 5,600 SF for RM-1 zoned properties in order to construct a three-story residential building on a property that contains 5,497 SF of lot area.

- Variance requested from:

Sec. 142-155. - Development regulations and area requirements.

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows: Minimum Lot Area (Square Feet): 5,600 SF

The subject property is a corner lot on a block historically platted with undersized lots along both Carlyle and Byron Avenues. The corner site is smaller than the adjacent properties because of the curved shape at the intersection of the roadways, which further reduces its lot area. The lot is 103 SF smaller than the required 5,600 sf for the RM-1 district. The size of the property and its current corner location are special conditions that require the variance requested. Without the granting of this variance, the construction of the proposed building would not be permitted and the site could not be developed as other lots in the same district.

2. A variance to reduce by a range from 8'-11" to 14'-3" the minimum required front pedestal setback of 20'-0" in order to construct a three-story residential building at a range from 11'-1" to 5'-9" from the front property line facing Carlyle Avenue.

- Variance requested from:

Sec. 142-156. Setback requirements.

The setback requirements for the RM-1 residential multifamily, low density district are as follows: Pedestal, Front: 20'-0"

The front of the building is proposed with a reduced front setback that ranges from 11'-1 to 5'-0" where 20'-0" is required. The substandard size of the lot as noted on variance number 1 above, and the corner location create practical difficulties that require the request of this variance in order to make a reasonable use of the land and construct a building comparable to the surrounding residential neighborhood. The proposed front setback is compatible with the existing nonconforming front setbacks found within the immediate area and would not have a negative impact on the area.

3. A variance to reduce by 2'-6" the minimum required pedestal side facing a street setback of 7'-6" in order to construct a three-story residential building at 5'-0" from the side property line facing 77th Street.

- Variance requested from:

Sec. 142-156. Setback requirements.

The setback requirements for the RM-1 residential multifamily, low density district are as follows: Pedestal, Side Facing A Street—Minimum: 7.5 feet or 8% of lot width, whichever is greater

The reduction in the required setback is proposed for a portion of the building located at the corner of the site. The majority of the building complies with the required setback of 7'-6". The configuration of the lot with the rounded shape at the corner reduces the available area for development in reference to other standard rectangular lots. This condition creates practical difficulties that require the request for this variance.

4. A variance to reduce by 2'-6" the minimum required pedestal sum of the side yards of 15'-0" in order to construct a three-story residential building with a sum of the side yards of 12'-6".

- Variance requested from:

Sec. 142-156. Setback requirements.

The setback requirements for the RM-1 residential multifamily, low density district are as follows:

Pedestal, Interior Side: Sum of the side yards shall equal 16% of lot width

Minimum: 7.5 feet or 8% of lot width, whichever is greater.

The building is proposed with the minimum setback of 7'-6" on both sides except for the portion located at the corner that reduces the setback to 5 feet for a sum of the sides of 12'-6". This variance is triggered by the proposed reduction on the setback at the corner of the site as noted in variance number 3. Again, the size of the lot, its shape with a round corner creates the practical difficulties requiring this variance.

5. A variance to reduce by 2'-6" the minimum required rear pedestal setback of 11'-3" in order to construct a three-story residential building at 8'-9" from the rear property line.

- Variance requested from:

Sec. 142-156 Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low intensity district are as follows:

Pedestal, rear, Non-oceanfront lots—Minimum: 10% of lot depth

Although the proposed setback of 8'-9" does not comply with the minimum required, it is compatible with the rear setback of other properties in the neighborhood. Staff finds that the substandard size of the lot and its shape as previously indicated, create the practical difficulties that require this variance in order to accommodate the proposed project and make a reasonable use of the land.

6. A variance to exceed by a range from 11% to 44.5% the maximum allowed 25%

projection of the proposed front setback ranging from 11'-1" to 5'-9", in order to construct entry steps with handrails encroaching 4'-0" (36% to 69.5%) into the proposed front yard facing Carlyle Avenue.

- Variance requested from:

Sec. 142-1132. - Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25% of the required yard up to a maximum projection of 6'-0", unless otherwise noted.

(6) Porches, platforms and terraces (up to 30" above the elevation of the lot).

A residential unit facing the front is proposed with a finish floor at base flood elevation of 8.00' NGVD. The existing sidewalk elevation is 4.2' NGVD which creates a difference of 3.8'. In order to mitigate this difference entry steps are required. This structure is permitted to encroach up to 25% in a required yard. However, due to the proposed reduction in the front setback as noted in variance number 2, the 4' wide entry steps exceed the maximum 25% of the proposed front setback that ranges from 11'-1 to 5'-9". The structure is closer to the property line in the portion adjacent to the curved corner. This variance request is created by the limitation in area of the lot and its shape at the corner where a portion is part of the right of way, unique condition not found in most rectangular lots of the same zoning district. The approval of this variance is conditioned to the approval of variance number 2. Staff finds that this variance request meets the criteria for practical difficulties based on the existing size and shape of the lot and the difference of 3.8' between flood elevation and grade.

7. A variance to exceed by 28.3% (2'-2") the maximum allowed 25% (1'-10") projection of the required street side setback of 7'-6", in order to construct entry steps with handrails encroaching 4'-0" (53.3%) into the side yard facing 77th Street.

- Variance requested from:

Sec. 142-1132. - Allowable encroachments within required yards.

(o) Projections. In all districts, every part of a required yard shall be open to the sky, except as authorized by these land development regulations. The following may project into a required yard for a distance not to exceed 25 percent of the required yard up to a maximum projection of six feet.

(6) Porches, platforms and terraces (up to 30" above the elevation of the lot).

Entrance to the residential units along the street side is proposed with 4 foot-wide stairs, located in the required yard. This access is necessary to mitigate the difference of 3.8' from the sidewalk elevation and the finish floor at flood elevation of 8.00. The maximum projection of 25% in the 7'-6" setback is 1'-10, which would not allow the proposed steps permitted as projections. In order to comply with the Code, the building would have to be setback a minimum of 16 feet for the 4 foot-wide access stairs to comply with the 25% projection. This would be an undue hardship on the applicant and cause the development

on the property to be substantially reduced. As noted in the previous variance staff finds that the undersize lot and its shape, the existing difference of 3.8' between grade and base flood elevation create the practical difficulties that require the request of this variance.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

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

Additionally, staff has concluded that the plans and documents with the application 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.

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. **Sec.130-38.** The proposed mechanical parking will require a CUP from the Planning Board. **Application has been filed for Conditional Use (mechanical lifts) review and approval by the Planning Board and is scheduled for the December 15, 2015 Planning Board meeting (PB File No. 2302).**

2. The relocation or removal of the existing bus stop located in front of the property on 77th Street must be approved by the City of Miami Beach's Transportation Department and by Miami-Dade Transit. The costs associated with the relocation or removal of the bus stop will be the responsibility of the developer.
3. The enclosed stairs must be counted in their entirety on all levels. The FAR diagrams are unclear as to which portions are counted.
4. All mechanical equipment must be screened from view.

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.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **residential use** appears to be **consistent** with the Future Land Use Map of the 2025 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 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.

Not Satisfied; the parcel does not comply with the minimum lot size required for the RM-1 Zoning District and will require a variance to develop the lot.

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 project requires several variances from the Design Review Board and a CUP will be required for the mechanical parking from the Planning Board. Additionally, the driveway entrance conflicts with the existing bus stop on 77th Street and will require the approval of the Transportation Department.
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 project requires several variances from the Design Review Board and a CUP will be required for the mechanical parking from the Planning Board. Additionally, the driveway entrance conflicts with the existing bus stop on 77th Street and will require the approval of the Transportation Department.
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 project requires several variances from the Design Review Board and a CUP will be required for the mechanical parking from the Planning Board. Additionally, the driveway entrance conflicts with the existing bus stop on 77th Street and will require the approval of the Transportation Department.
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 project requires several variances from the Design Review Board and a CUP will be required for the mechanical parking from the Planning Board. Additionally, the driveway entrance conflicts with the existing bus stop on 77th Street and will require the approval of the Transportation Department.

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.
Not Satisfied; a CUP will be required for the mechanical parking from the Planning Board. Additionally, the driveway entrance conflicts with the existing bus stop on 77th Street and will require the approval of the Transportation Department.
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 Applicable
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).
Not Satisfied; the proposed project requires several variances from the Design Review Board and a CUP will be required for the mechanical parking from the Planning Board. Additionally, the driveway entrance conflicts with the existing bus stop on 77th Street and will require the approval of the Transportation Department.
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:

DESIGN REVIEW

The subject site is a vacant corner parcel located within the boundaries of the North Shore National Register Historic District. The applicant is proposing to construct a new contemporary (3) three-story, (6) six-unit residential townhouse building with an active roof deck. Vehicular access is from the north along 77th Street. Each unit has been designed with individual pedestrian entrances and a shared covered parking level. The applicant is proposing three mechanical lifts for three of the six units which will require a Conditional Use Permit (CUP) which is scheduled to be heard by the Planning Board at the December 15, 2015 Planning Board meeting, under PB File No. 2302. The location of the driveway also affects an existing Miami-Dade County Bus Stop (servicing Route 115) located on 77th Street. Finally, the project requires several variances from the Design Review Board.

The architect has designed a street façade that incorporates a fair amount of transparency along the ground floor that enhances the pedestrian experience along Carlyle Avenue and 77th Street. Further, vehicular ingress and conflict with pedestrians will be minimized since the traffic in and out of the parcel has been restricted to a single curb cut configured along 77th Street. However, there is an existing Bus Stop which is directly affected by the proposed location of the driveway. City staff reached out to Miami-Dade Transit with regards to the existing Bus Stop and according to their records, the existing stop serves, on average, 20 daily riders for Route 115. Based on this demand, Miami-Dade Transit does not recommend the permanent removal of the Bus Stop at this time. Further, considering that the City is in the process of enhancing mobility by promoting Citywide transit, the City's Transportation Department's recommendation is also to keep the stop in this vicinity, but is amendable to working with the applicant and perhaps relocating it a couple of feet east—along the same

axis and avoid conflicts with the proposed driveway. Staff will also note that the relocations of stops due to proposed developments is at the expense and sole responsibility of the developer—which could add up to as much as \$40,000 or more as determined by the Transportation Department.

The ground floor is highlighted with sidewalk level entrance vestibules with a small elevated porches for each individual unit and a shared covered parking area. Each unit is three stories in height and has access to a private roof deck terrace. The vacant parcel is surrounded by a one-story single-family home and several two-story MiMo buildings, which were constructed in the 1950s, and all of which have nonconforming front, rear and side setbacks. The proposed townhouse building is compatible and consistent with the scale and massing of the surrounding residential area.

The project, as proposed, is designed in a minimalist style of architecture with token finishes. The architect has articulated the massing of the building by introducing balconies and shifting the façade on the upper floor to create interest and scale. The additional setbacks to the upper levels help to alleviate the impact of the new construction on the existing urban context of its surrounding area. Staff would recommend introducing another finish along the two main elevations (west and north) in order to further break up the massing and the impact of the new construction, as well as introduce additional architectural richness. Currently, the architect is only proposing a white stucco finish and aluminum window and door frames.

In summary, staff commends the applicant for proposing a noteworthy, compact, and well-planned design solution for this corner building.

VARIANCE REVIEW

Staff finds that the variance request #1 (lot area) is the minimum required to make a reasonable use of the land. The substandard lot size has been established since the original block was platted as well as other undersized lots along Carlyle Avenue. Without the granting of this variance the construction of any building would not be permitted and the site could not be developed as other lots in the same district.

Staff finds that without the granting of the variances #2, #3 and #4 (front, side and sum of the side setbacks) at the intersection of the required side and front setback lines would result in an odd shaped area that would affect a portion of buildable area of the structure that similar lots are not challenged with. The shape of the corner and the overall lot size are practical difficulties that result in the variances requested.

Staff finds that the granting of variance #5 (rear setback) is consistent with the building line of other existing buildings in the area. The construction of the building at the reduced setbacks is more compatible with the existing conditions in the immediate area. Furthermore, the undersized lot area and the corner round shape are conditions that require the placement of the building mass closer to the rear.

Staff finds that without the granting of the variances #6 and #7 (projections), the construction of the proposed project would be negatively impacted, the building would have to be reduced in size to allow for larger setbacks in order to accommodate the stair access to the

residential units. The substandard lot size, its round corner and the difference in elevation between flood and grade are existing conditions, not created by the applicant, and result in the request for these variances.

The project complies with the other significant zoning requirements, such as parking, height, FAR and residential uses along the streets. Staff believes that the applicant's requests meet the hardship criteria established by the Code and are the minimum necessary to make a reasonable use of the land and no negative impact can be perceived that will adversely affect the adjacent properties. Therefore, staff has no objection to the requests and recommends approval of the variances as proposed.

RECOMMENDATION:

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

TRM/JGM/LC

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

MEETING DATE: December 01, 2015

FILE NO: 23221

PROPERTY: **7645 Carlyle Avenue**

APPLICANT: Carlyle 77 Investments, LLC

LEGAL: Lot 1 of Block 22, of "Altos Del Mar No.3", according to Plat thereof as recorded in Plat Book 8, Page 41, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new three-story (42'-0 high) six-unit townhome project on a vacant parcel including variances from the minimum lot size area requirements, to reduce the required front, side facing a street, sum of the sides and rear pedestal setbacks, to exceed the maximum allowed projection into the front and side facing a street yards, and to exceed the maximum height for stair railings facing a street. This item will also require a Conditional Use (mechanical parking) application to be reviewed and approved by the Planning Board.

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 1-3, 5, 6, 8, and 12 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. The application shall obtain approval for the Conditional Use Permit (CUP) from the Planning Board (**PB File No. 2302**) and shall be subject to all conditions imposed therein.
 2. The relocation or removal of the existing bus stop located in front of the property on 77th Street must be approved by the City of Miami Beach's Transportation Department and by Miami-Dade Transit. The costs associated with the relocation or removal of the bus stop will be the responsibility of the developer in a manner to be determined by staff.
 3. Revised elevation, site plan and floor plan drawings for the proposed new home at 7645 Carlyle Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. Vacant or Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Department.
 - b. The enclosed stairs shall be counted in the FAR calculations.
 - c. Portions of the front and side facing a street façades identified with stucco shall be replaced with a high quality stone, tile or other contrasting material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass and incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. All 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.

landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- j. 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. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to reduce 103 SF from the minimum required lot area of 5,600 SF within the RM-1 district in order to construct a three-story residential building on a property with a lot area of 5,497 SF.
 2. A variance to reduce by a range from 8'-11" to 14'-3" the minimum required front pedestal setback of 20'-0" in order to construct a three-story residential building at a range from 11'-1" to 5'-9" from the front property line facing Carlyle Avenue.
 3. A variance to reduce by 2'-6" the minimum required pedestal side facing a street setback of 7'-6" in order to construct a three-story residential building at 5'-0" from the side property line facing 77th Street.
 4. A variance to reduce by 2'-6" the minimum required pedestal sum of the side yards of 15'-0" in order to construct a three-story residential building with a sum of the side yards of 12'-6".
 5. A variance to reduce by 2'-6" the minimum required rear pedestal setback of 11'-3" in order to construct a three-story residential building at 8'-9" from the rear property line.
 6. A variance to exceed by a range from 11% to 44.5% the maximum allowed 25% projection of the proposed front setback ranging from 11'-1" to 5'-9", in order to construct entry steps with handrails encroaching 4'-0" (36% to 69.5%) into the proposed front yard facing Carlyle Avenue.

7. A variance to exceed by 28.3% (2'-2") the maximum allowed 25% (1'-10") projection of the required street side setback of 7'-6", in order to construct entry steps with handrails encroaching 4'-0" (53.3%) into the side yard facing 77th Street.

B. 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.

C. The Board hereby grants the requested variance(s) 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. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- B. 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.
- 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 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 "Carlyle

Terrazzo" as prepared by **Gustavo j. Ramos Architecture | Planning | Interiors** dated 10/13/2015, 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 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_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

