

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: February 02, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: Design Review File No. 23072  
**8 West Rivo Alto Drive—Modification**

The applicant, **8 West Rivo Alto LLC**, is requesting modifications to a previously issued Design Review Approval for the construction of a new two-story home to replace an existing pre-1942 architecturally significant two-story home. Specifically, to amend the condition as it pertains to the reflective pools within the open space requirement.

#### RECOMMENDATION:

Approval with conditions

#### LEGAL DESCRIPTION:

Lot 1, in Block 1, of "Rivo Alto", according to the plat thereof filed for record and recorded in Plat Book 7, at Page 74 of the Public Records of Miami-Dade County, Florida; together with a 8 foot strip of land contiguous to the South boundary line of said lot, lying between the Southerly extension of the East and West boundary lines of lot 1, block 1.

#### HISTORY:

On August 05, 2014, the Design Review Board approved a new two-story home.

#### SITE DATA:

Zoning: RS-3  
Future Land Use: RS  
Lot Size: 14,069.46 SF  
Lot Coverage  
Existing: 4,966 SF / 35.3%  
Approved: 4,052 SF / **28.8%**  
Maximum: 4,221 SF / 30%  
Unit size:  
Existing: 5,822 SF / 41.4%  
Approved: 7,026 SF / **49.9%\***  
Maximum: 7,035 SF / 50%

2<sup>nd</sup> Floor Volume to 1<sup>st</sup>- **92.6%**  
**\*DRB WAIVER GRANTED**

Height:  
Approved: **28'-0" flat roof**  
**\*DRB WAIVER MODIFIED**

#### EXISTING STRUCTURE:

Year Constructed: 1939  
Architect: Carlos B. Schoeppl  
Vacant: No  
Demolition Proposed: Full

#### Surrounding Properties:

East: Two-story 1935 residence  
North: Two-story 1936 residence  
South: Biscayne Bay  
West: Two-story 1933 residence

#### THE PROJECT:

The applicant has submitted plans entitled "Residence on Rivo Alto Island", as prepared by **Choeff Levy + Fischman PA** signed, sealed and dated December 09, 2015.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code.

1. For two-story homes with an overall lot coverage of 25% or greater, the physical volume of the second floor shall not exceed 70% of the first floor of the main home, exclusive of any enclosed required parking area. The DRB may forego this requirement, in accordance with the applicable design review or appropriateness criteria. **The applicant obtained a 2<sup>nd</sup> Floor Volume to 1<sup>st</sup> of 92.6% from the DRB.**
2. The home is not consistent with Section 142-106 (2) (d), which requires additional open space directly adjacent to the required side yard for 2-story elevations that exceed 60'-0" in depth without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard. The additional open space shall be regular in shape, open to the sky from **grade**, and at least 8'-0" in depth, measured perpendicular from the minimum required side setback line. However, the DRB may waive this requirement.
3. 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, when approved by the DRB in accordance with the applicable design review criteria. **The applicant obtained approval for certain portions of the home to be 26'-0" and 28'-0" 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.  
**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; the proposed modification requires a waiver from the Design Review 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 modification requires a waiver from the Design Review 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 modification requires a waiver from the Design Review 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.  
**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.  
**Not satisfied; a lighting plan has not been provided to staff**
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 modification requires a waiver from the Design Review 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.  
**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:**

This application was previously approved on August 05, 2014 for the construction of a new two-story home on a parcel that contains a pre-1942 single-family home. At that time, the applicant received approval for two design waivers. The modifications to the previously

approved plans pertain to the proposed open space notch-outs along the sides of the home. In the original application, the top elevation of the basin of the reflective pools proposed within the open space requirement was restricted to adjusted grade.

It is the applicant's intent to raise the top of the reflective pool basins to Base Flood Elevation +10' NGVD, in order to maintain a continuous reflective look from the interior of the home. Staff is supportive of this revised request for a minor modification as it still will reflect the spirit and intent of the ordinance and maintain the void of the side open spaces. The notch-outs will still be compatible with the two neighboring properties.

The modified condition will read as such:

The interior side open space requirement may be waived as proposed. ~~The basin of the reflective pools proposed within the open space requirement shall not exceed adjusted grade in elevation.~~

Staff is supportive and the requested deletion to the condition and recommends approval of the modification.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application for modification be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria.

TRM/JGM

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

MEETING DATE: February 02, 2016

FILE NO.: 23072

PROPERTY: **8 West Rivo Alto Drive**

APPLICANTS: 8 West Rivo Alto LLC

LEGAL: Lot 1, in Block 1, of "Rivo Alto", according to the plat thereof filed for record and recorded in Plat Book 7, at Page 74 of the Public Records of Miami-Dade County, Florida; together with a 8 foot strip of land contiguous to the South boundary line of said lot, lying between the Southerly extension of the East and West boundary lines of lot 1, block 1.

IN RE: The Application for Design Review Approval for the construction of a new two-story single-family home to replace an existing pre-1942 architecturally significant two-story single family home.

**MODIFIED 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 3, 5, 6, 9, 11, 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. 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 70% limitation for the second floor volume shall be waived as proposed.
    - b. The proposed roof height for the center portion of the two-story volume shall be limited to **26'-0"** when measured from BFE and the east and west side portions of the main structure shall not exceed a maximum height of **24'-0"**, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - c. Additional fenestration shall be incorporated on the west façade, 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 interior side open space requirement may be waived as proposed. ~~The basin of the reflective pools proposed within the open space requirement shall not exceed adjusted grade in elevation.~~
    - e. 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.
    - f. 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. The applicant shall fully screen the pool equipment and mechanical equipment areas located at the southeast portion of the property with a clusia hedge to block views from and mitigate noise impacts towards the residence to the east, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - b. 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.

- c. 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 staff.
- d. Any fence or gate at the front of the property shall be designed in a manner consistent with the home's architecture, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
- e. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
- f. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- g. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- h. 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.
- 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. 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 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



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.

\_\_\_\_\_  
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 \_\_\_\_\_ ( \_\_\_\_\_ )