

# 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. 23238  
**254 Palm Avenue– Single Family Home**

The applicant, SG&LL Ventures LLC, is requesting Design Review Approval for the construction of a new two-story home to replace an existing pre-1942 architecturally significant two-story home.

### **RECOMMENDATION:**

Approval with conditions

### **LEGAL DESCRIPTION:**

Lot 1 and western half of Lot 2 of Block E2 of Riviera First and Second Addition Amended of Palm Island, According to the Plat Thereof, as Recorded in Plat Book 32, Page 37, of the Public Records of Miami-Dade County, Florida.

### **SITE DATA:**

Zoning: RS-4  
Future Land Use: RS  
Lot Size: 9,600 SF  
Lot Coverage:  
Existing: ±1,382 SF / 15%  
Proposed: 2,845 SF / **29.6%**  
Maximum: 2,880 SF / **30%**  
Unit size:  
Existing ±1,922 SF / 21%  
Proposed: 4,552 SF / **47.4%**  
Maximum: 4,800 SF / **50%**

2<sup>nd</sup> Floor Volume to 1<sup>st</sup>: **98%\***  
**\*DRB WAIVER**

Height:  
Proposed: **24'-0" flat roof**  
Maximum: 24'-0" flat roof

Grade: +5.88' NGVD  
Flood: +9.00' NGVD  
Difference: +3.12' NGVD  
Adjusted Grade: +7.44' NGVD

### **EXISTING STRUCTURE:**

Year Constructed: 1938  
Architect: David Ellis  
Vacant: No  
Demolition Proposed: Full

### **Surrounding Properties:**

East: Two-story 1994 residence  
North: Two-story 1938 residence  
South: One-story 1939 residence  
West: One-story 1935 residence

### **THE PROJECT:**

The applicant has submitted plans entitled "254 Palm Avenue Residence", as prepared by **[STRANG] Architecture** dated, signed and sealed 12/11/15.

The applicant is proposing to construct a new two-story residence on an interior parcel to replace an existing pre-1942 architecturally significant two-story home.

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

1. The second floor's physical volume exceeds 70% of the first floor in accordance with Section 142-105(b)(4)(c).
2. A waiver of the required additional 10'-0" setback for the second floor in accordance with Section 142-106(1)(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. This application may not conform to the provisions of the revised Single Family Homes Regulations Ordinance, which the Planning Board transmitted with a favorable recommendation on November 24, 2015 to the City Commission for adoption. Such recommendation established "zoning in progress," which requires the provisions of such ordinance to be immediately applied.
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. The DRB may forego this requirement, in accordance with the applicable design review criteria. **The applicant is requesting a 2<sup>nd</sup> Floor Volume to 1<sup>st</sup> of 98% which will require a waiver from the DRB.**
3. The second floor of two-story structures shall be set back a minimum of 10'-0" feet from the required front yard setback line. Up to 50% of the developable width of the second floor may encroach forward to the 20'-0" setback line through staff level review. Portions that encroach forward in excess of 50% shall require design review board approval in accordance with the applicable design review or appropriateness criteria. **The second floor volume encroaches into the required 30'-0" setback for over 70% of the developable width.**
4. The roof deck is required to be setback 10'-0" from the exterior walls of the floor directly below.
5. **Driveways.** Driveways and parking spaces parallel to the front property line shall have a minimum setback of 5'-0" from the front property line.
6. Portions of the pool deck and pool retaining walls may exceed the maximum elevation of +7.44' NGVD (adjusted grade) within the required yard.

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 overall amount of paving and hardscape in the front of the property (Palm Avenue) is excessive.**
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 physical volume of the second floor requires a waiver from the Design Review Board and the proposed frame in the rear of the residence is out of scale with the surrounding neighborhood.**
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.  
**Not Satisfied; the proposed frame in the rear is out of scale with the neighborhood**
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 physical volume of the second floor requires a waiver from the Design Review Board and the proposed frame in the rear of the residence is out of scale with the surrounding neighborhood.**
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 frame in the rear is out of scale with the neighborhood.**
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection,

relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.

**Satisfied**

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

**Satisfied**

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

**Not Satisfied; a lighting plan has not been submitted.**

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

**Satisfied**

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Satisfied**

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Not Satisfied; the physical volume of the second floor requires a waiver from the Design Review Board and the proposed frame in the rear of the residence is out of scale with the surrounding neighborhood.**

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 Satisfied; the physical volume of the second floor requires a waiver from the Design Review Board and the proposed frame in the rear of the residence is out of scale with the surrounding neighborhood.**
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 applicant is proposing to construct a new two-story contemporary residence on a corner dry lot on Palm Island that will replace an existing two-story home originally constructed in 1938. The proposed replacement structure is designed within the maximum zoning thresholds for lot coverage and unit size; but the proposed design requires two waivers from the DRB—a waiver of the second floor volume limitation and waiver for the required additional front setback for the second floor. The applicant is requesting no variances.

The architect faced a design challenge with this parcel, a corner lot on Palm Island, dually fronted by two streets—Palm Ave and North Coconut Lane—and containing three street frontages. Also, it should be noted that due to the flood elevation requirements which is 9'-0" in this area, the first floor of the home must be located over 3'-0" above the elevation of the street. The proposed home consists of an open floor plan living area on the ground floor with a large open covered porch positioned off of the main living and kitchen area. This covered porch is an outdoor double-height space that runs nearly 50'-0" along the rear of the residence. The second floor of the home is occupied by the master bedroom suite and three additional bedrooms. Rooftop access is from a spiral stairwell located on an exterior balcony off the main hall.

The two waivers being sought are intended to reduce the overall massing and volume of the homes that have contributed to newer homes being perceived as "oversized". In this instance, staff is not supportive of either of these two waivers since they negatively impact the street façades and are not consistent with the spirit or intent of the regulations. The requested design waivers are not warranted on a corner parcel of this size.

With the exception of the abutting property to the east, the immediate area consists of many one and two story pre-1942 single-family homes in the Med-Revival and Med-Deco architecture styles with a few homes constructed post 1942, in the 60's and 70's. The

proposed design is a departure from the neighborhood context, particularly the large frame that wraps around the back of the two-story volume (along Coconut Lane). Staff recommends the design be further developed to better conform to the surrounding neighborhood scale and residential design aesthetic. In this regard, staff would recommend that the architect dramatically minimize and/or lower the rear framing device used along the entirety of the rear façade, or eliminate it in its entirety. In this regard, staff believes that for this small, dual frontage lot, this framing element exacerbates the volume and massing of the residence when viewed from the streets.

The applicant is also requesting a waiver of the 70% second floor to first floor limitation. As designed, the home has a second floor volume which is approximately 98% of the first floor. This is inconsistent with the neighborhood context; staff would recommend the waiver not be granted and the second floor be reduced to comply with the Code, or the lot coverage be reduced to less than 25%. Additionally, staff has some concerns with regard to the amount of paving proposed at the front of the proposed home. Staff would recommend minimizing the paved area in the front yard along Palm Avenue.

Staff recommends that the design of the replacement home be approved with the exception of 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 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.: 23238

PROPERTY: **254 Palm Avenue**

APPLICANT: SG&LL Ventures LLC

LEGAL: Lot 1 and western half of Lot 2 of Block E2 of Riviera First and Second Addition Amended of Palm Island, According to the Plat Thereof, as Recorded in Plat Book 32, Page 37, of the Public Records of Miami-Dade County, Florida.

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

**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 6, 7, 9, 12, and 13 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. This application may not conform to the provisions of the revised Single Family Homes Regulations Ordinance, which the Planning Board transmitted with a favorable recommendation on November 24, 2015 to the City Commission for adoption. Such recommendation established “zoning in progress,” which requires the provisions of such ordinance to be immediately applied. However, the Planning Board also recommended some exceptions to applicability, one or more of which the subject application falls within. Insofar as the City Commission may not adopt the exceptions to the ordinance as recommended, the DRB’s approval of this application does not create any vested rights, and should the City Commission not adopt the exception to the ordinance that exempts this application from the applicability of the Oversized Single Family Homes Ordinance, the Applicant shall modify its plans to conform to such ordinance, and return to the DRB or staff for a modified approval based on such modified plans. The Applicant may be required to submit a hold harmless letter to the Department, approved as to form by the City Attorney that confirms its agreement with this condition.
2. Revised elevation, site plan, and floor plan drawings for the proposed new home at 254 Palm Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
  - a. The 70% limitation for the second floor volume shall not be waived as proposed. The revised portion of the second floor shall be subject to the review and approval of staff.
  - b. The second floor massing shall be required to meet the minimum setback of 30’-0” from the front property line in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. The architectural frame shall be removed or redesigned, particularly around the rear two-story portion of the home, 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 decorative stone cladding proposed along all four elevation of the residence shall consist of a natural keystone or other natural stone, in a manner to be reviewed and approved by staff.
  - e. The final design details of the exterior 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.
  - f. 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.



- g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- h. 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.
- i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. 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.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- l. 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. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.

- 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 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.



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