



MIAMI BEACH

PLANNING DEPARTMENT

DESIGN REVIEW BOARD STAFF REPORT

FROM: Richard G. Lorber, AICP, LEED AP
Acting Planning Director *WHL for RGL*

DATE: November 6, 2012 Meeting

RE: Design Review File No. 22923
440 West Dilido Drive – Single Family Home

The applicants, Ricardo and Maria Moraes, is requesting Design Review Approval for the construction of a new 2-story home, to replace an existing pre-1942 architecturally significant 2-story home, to be demolished.

LEGAL DESCRIPTION:

Lot 2, Block 3, of "Dilido", According to the Plat Thereof, as Recorded in Plat Book 8, Page 36, of the Public Records of Miami-Dade County, Florida.

HISTORY:

The application came before the Board on October 2, 2012, and was continued to a date certain of November 6, 2012, at the request of the applicant.

SITE DATA:

Zoning -	RS-3 (Residential Single Family)
Future Land Use Designation-	RS (Residential Single Family)
Lot Size -	10,800 S.F.
Proposed Lot Coverage -	3,676 S.F. / 34.0%
	Maximum Lot Coverage is 2,700 SF (25%), unless waived by the Board in accordance with Section 142-108(g) of the City Code, up to a maximum of 3,780 SF (35%)
Proposed unit size-	6,306 S.F. (58.4%)
	Maximum Unit Size is 5,400 SF (50%), unless waived by the Board, up to a maximum of 7,560 SF (70%)
Proposed Height-	2-stories / 30'-0", according to plans submitted (Maximum = 25'-0", unless waived by the Board, up to 30'-0".
Existing Use/Condition -	Single Family Home
Proposed Use -	Single Family Home

THE PROJECT:

The applicant has submitted plans entitled "Moraes Residence", as prepared by Choeff + Levy, P.A., dated 7-2-12.

The existing 2-story house on the property was originally constructed in 1939 and designed by architect Albert Anis. The applicant is proposing to demolish the original home, and construct a new 2-story home on the subject site.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, may be inconsistent with the following portions of the City Code:

1. The lot size appears to be 10,800 S.F. Areas under water cannot be included in the lot area calculations.
2. All mechanical equipment must comply with the height requirements in order to be located in the sideyard with a minimum setback of 5'-0", as outlined in the City Code. Otherwise, it must comply with the setback requirements of the main home.
3. The side setback for parking is 7'-6". The plans to not comply with this requirement.
4. Two-story side elevations located in proximity to a side property line shall not exceed 50 percent of the lot depth, or 80 feet, whichever is less, without incorporating additional open space directly adjacent to the required side yard. The threshold of the proximity shall be equal to or less than 150 percent of the width of the required side yard setback. The intent of this regulation shall be to break up long expanses of uninterrupted two-story volume at or near the required side yard setback line and exception from this provision may be granted only through SFRRP, historic preservation board, design review board approval, as applicable. The additional open space shall be regular in shape and at least eight feet in depth, measured perpendicular from the side setback line. The square footage of the additional open space shall not be less than one percent of the lot area.

The south side elevation is approximately 96 feet in length.

5. Staff believes that the applicant has satisfied the below listed criteria in order to request a lot coverage in excess of 25%:

Section 142-108(g): New construction requirements for properties containing a single-family home constructed prior to 1942.

- (1) ***In addition to the development regulations and area requirements of section 142-105, as well as section 118-252, of the land development regulations of the City Code, the following regulations shall apply in the event the owner proposes to fully or substantially demolish an architecturally significant single-family home constructed prior to 1942, inclusive of those portions of a structure fronting a street or waterway. In the event of a conflict between the provisions of section 142-105 and section 118-252, and the regulations below, the provisions herein shall control:***
 - a. ***The design review board (DRB) shall review and approve all new construction on the subject site, in accordance with the applicable criteria and requirements of chapter 118, article VI, section 251(a)1-12 of the land development regulations of the City Code.***
 - b. ***The DRB review of any new structure, in accordance with the requirements of chapter 118, article VI, shall include consideration of the scale, massing, building orientation and siting of the original structure***

- on the subject site, as well as the established building context within the immediate area.*
- c.1. The overall lot coverage of proposed new buildings or structures shall not exceed the building footprint of the original structure on site, or shall be limited to the following, whichever is greater, based upon the overall size of the subject lot:**
- i. For lots 10,000 square feet or less, the lot coverage shall not exceed 30 percent;**
 - ii. For lots greater than 10,000 square feet, but less than 25,000 square feet, the lot coverage shall not exceed 25 percent;**
 - iii. For lots 25,000 square feet or greater, the lot coverage shall not exceed 15 percent.**
- 2. The DRB may forgo the above noted lot coverage restrictions if it concludes that the retention of the architecturally significant single-family home is not practical or feasible, in which case the DRB review of any request for demolition shall consider the criteria in subsection (a) herein, as well as the following criteria:**
- i. Whether good cause for the demolition of the structure has been shown.**
 - ii. Whether pertinent economic and financial considerations that affect the ability of the owner to renovate, restore and add on to the structure.**
 - iii. Whether the structural condition of the single-family home or other factors affect the feasibility of renovating, repairing or restoring the structure.**

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 is 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; See Zoning Analysis
- 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 Zoning Analysis

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; See Staff Analysis and Concern No. 2
A landscape plan has not been provided.
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; See Staff Analysis and Concern No. 1
The plans require further development and detailing, including lowering the height, and reducing the lot coverage, in order to be compatible with the lower scaled homes of 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; See Staff Analysis and Concern No. 1
See No. 5 above.
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 and Concern No. 1
See No. 5 above.
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.
Not Satisfied; See Staff Analysis and Concern No. 2
A landscape plan has not been provided.

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; See Staff Analysis and Concern No. 1
See No. 5 above.**
13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.
**Not Satisfied; See Staff Analysis and Concern No. 1
See No. 5 above.**
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not 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.
**Not Satisfied; See Staff Analysis and Concern No. 1
See No. 5 above.**
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.
Satisfied

STAFF ANALYSIS:

The applicant is proposing to demolish the existing 2-story home, constructed in 1939 and designed by architect Albert Anis, and construct a new 6-bedroom, 6 ½ bath, home on the subject site. Since the previous submittal, the applicant has revised the home, including further developing the front and side elevations with additional fenestration in order to help break-down the overall mass of the home. However, in reviewing the proposed design, staff still has some concerns, including the excessive roof deck, and overall size of the home.

Since the previous meeting the applicant has submitted additional documentation relative to the condition of the home. While the additional documentation is neither comprehensive or

especially compelling, staff believes that it satisfies the minimum threshold in order for the Board to approve a lot coverage in excess of 25%, if the Board believes the new design has been appropriately developed to mitigate the larger home size. The applicant is proposing a lot coverage of 34% which amounts to approximately 976 SF. In reviewing this request, it is important to note that the lot coverage, in addition to the maximum building height proposed of thirty (30') feet, results in an overall excessive massing in relation to the surrounding lower scaled homes in the neighborhood. Further, a home that is twenty-five (25') feet in height with the same lot coverage, has much less of an impact on the low-scale character of the surrounding neighborhood than a home with the same footprint that is thirty (30') feet in height, as proposed by the applicant. In reviewing the floor plan of the home, there are clearly areas that are excessive, and which could easily be modified to reduce the lot coverage. For example, the three (3) secondary bedrooms on the second floor are each approximately 20'x15', and the combined great room/dining room/kitchen area is a total 45'x 43'. Reducing the size of the home to a lot coverage of 30% will go a long way in creating a more appropriately scaled home for the neighborhood.

In consideration of the adjacent lower scaled homes to either side of the subject property, staff would also recommend that the height of the home be reduced by a minimum of two (2') feet. It is important to note that the maximum height for a flat roof structure on a narrow sixty (60') foot wide lot is twenty-five (25') feet, and the Board may approve up to thirty (30') feet in height. Based on the design presented, staff does not believe adequate steps have been taken to minimize the apparent mass of the home, when also considering the additional lot coverage requested.

Staff is also concerned with the expansive 50 foot by 45 foot roof deck proposed, which could become a major area for people to congregate and negatively impact adjacent property owners. Staff would strongly recommend that the roof deck be setback a minimum of ten (10') feet from both the north and south side elevations, in order to minimize the roof deck and create more separation from neighboring homes. As the lot is only sixty (60') feet wide, with minimal side setbacks of 7'-6", staff believes this additional setback is important in considering the possibility of an active roof deck. Staff would also recommend that a landscaped 'green roof' be incorporated into the additional ten (10') foot roof deck setbacks at both the north and south sides. Staff would further recommend that the air conditioning equipment located above the garage be relocated to the central portion of the main home, in order to reduce its visibility from the street.

Although staff believes that concerns expressed above can be readily addressed, because a landscape plan has not been submitted, staff recommends that the application be continued to a future date.

RECOMMENDATION:

In view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria, staff recommends the application be continued to a date certain of December 4, 2012, in order to address the following concerns:

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 lot coverage shall be reduced to 30%.

- b. The final details of all exterior surface materials shall be provided, including materials, finishes, and method of operation (where applicable).
 - c. The design of the cabana structure shall be further developed and detailed, including the incorporation of fenestration along the south elevation.
 - d. The habitable portion of the roof deck, including all railings shall be setback a minimum of ten (10') feet from both the north and south side elevations, and a landscaped 'green roof' shall be incorporated into these setback areas.
 - e. The height of the home shall be reduced to twenty-eight (28') feet.
 - f. Manufacturer's drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
 - g. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - h. 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. 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.
 - b. Hedge material shall not be permitted in the front yard, parallel to the front property line.
 - c. Any fence or gate at the front of the property shall be designed in a manner consistent with the home's architecture, subject to the review and approval of staff.
 - d. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
 - e. The use of sod within the sideyards of the home shall be reduced, in a manner to be reviewed and approved by 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 structural soil, 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; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. 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; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. 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.
- 3. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
- 4. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- 5. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - b. Mill/resurface asphalt in rear alley along property, if applicable.
 - c. Provide underground utility service connections and on-site transformer location, if necessary.
 - d. Provide back-flow prevention devices on all water services.
 - e. Provide on-site, self-contained storm water drainage for the proposed development.
 - f. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.

- g. Payment of City utility impact fees for water meters/services.
 - h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - i. Right-of-way permit must be obtained from Public Works.
 - j. All right-of-way encroachments must be removed.
 - k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
6. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy, in a manner to be reviewed and coordinated by staff.
7. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
8. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
9. 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.
10. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
11. 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.