



MIAMI BEACH

PLANNING DEPARTMENT

DESIGN REVIEW BOARD STAFF REPORT

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

DATE: November 6, 2012 Meeting

RE: Design Review File No. 22931
4666, 4682, & 4700 North Bay Road – Single Family Home

The applicant, Wayne M. Boich, is requesting Design Review Approval for the construction of a new 2-story home, to replace three (3) existing single family homes, two (2) of which are pre-1942 architecturally significant homes, to be demolished.

LEGAL DESCRIPTION:

Lots 12, 13, & 14, Block 1, "Nautilus Subdivision", According to the Plat Thereof, as Recorded in Plat Book 8, Page 95, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning -	RS-1 (Residential Single Family)
Future Land Use Designation-	RS (Residential Single Family)
Lot Size -	52,982 S.F.
Existing Lot Coverage -	4,825 S.F. – 31.6% (Lot 12) 5,941 S.F. – 26.8% (Lot 13) 3,926 S.F. – 23.7% (Lot 14) 14,692 S.F. – 27.2% (Combined lots)
Proposed Lot Coverage -	10,390 S.F. / 19.3%
	Maximum Lot Coverage is 12,556 SF (23.7%), unless waived by the Board, up to a maximum of 18,543 SF (35%)
Proposed unit size-	17,975 S.F. (33.9%)
	Maximum Unit Size is 26,491 SF (50%), unless waived by the Board, up to a maximum of 37,087 SF (70%)
Proposed Height-	2-stories / 33 feet, according to the plans submitted (Maximum = 30 feet for a flat roof structure, unless waived by the Board, up to a maximum of 33 feet)
Existing Use/Condition -	Three (3) Vacant Single Story home
Proposed Use -	One Single Family Home w/accessory structures

EXISTING STRUCTURES:

The 2-story house located at 4666 North Bay Road was constructed in 1934 and designed by architect Russell T. Pancoast.

The 2-story house located at 4682 North Bay Road was constructed in 1925 and designed by architects Aldrich & Parker.

The single story home located at 4700 North Bay Road was constructed in 1964 and designed by architect J. Arango.

THE PROJECT:

The applicant has submitted plans entitled "North Bay Road Residence", as prepared by Kobi Karp Architecture, dated October 5, 2012

The applicant is proposing to demolish the three (3) very distinctive existing homes on the subject site, two of which (4666 and 4682 North Bay Road) are vacant and in serious states of decay while the third residence (designed in 1964 in the post WWII "Miami Modern" style) is still occupied, and construct a new single family home with accessory structures on the unified lot.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates the following:

1. The maximum building height is 30 feet for a flat roof structure. The Board may approve a building height of up to 33 feet.
2. Based on Section 142-108(g)(1)(C.1) of the City Code the overall lot coverage shall not exceed the building footprint of the original structure on site. The lowest existing coverage of the three (3) sites is 23.7%. More detailed documentation of the existing homes will be required in order to accurately verify the lot coverage calculations. The construction, as proposed, appears to comply with the lot coverage requirements.

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.*

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.
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.
Satisfied
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
The entire landscaping proposed along the front of the property must be further

evaluated and designed to incorporate features such as green walls, especially adjacent to the tennis court, accentuation of the vehicular and pedestrian entrances, as well as substantial landscaping of diverse specimen variety along the entire street frontage.

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 home along with the ancillary structures which include the secondary garage and staff quarters, the guest suite, the gym and spa, as well as the tennis court, have been placed on the site with no design relationship or consideration to each other. The ancillary structures have not been adequately developed and detailed. The placement of a tennis court in such a prominent location, highly visible from the front of the property along North Bay Road, requires additional study, including reducing the width of the court to the standard width of sixty (60') feet, and the incorporation of heavy landscaping along both the street front elevation as well as the north property line.

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. 4 and 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. 4 and 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.

Not Satisfied; See Staff Analysis and Concern No. 1

Segregated pedestrian access to the site has not been provided.

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; See Staff Analysis and Concern No. 1

Additional landscaping as well as photometric drawings of the tennis court area will be required to ensure that there is no reflection or glare on adjacent properties.

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. 1
See No. 4 above.**
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; See Staff Analysis and Concern No. 1
See No. 9 above.**
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.
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. 4 and 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.
**Not Satisfied; See Staff Analysis and Concern No. 1
No. 5 above.**

STAFF ANALYSIS:

The subject site consists of three (3) waterfront lots with three existing homes, constructed in 1934, 1925, and 1964, as indicated earlier in this report. Unfortunately, the two (2) existing pre-1942 homes have been abandoned for a decade or more and are in complete disrepair. The combined lots result in a site that is over an acre in size, and which also enables the applicant to take best advantage of the most desirable water views due to the irregular site, which protrudes into the bay. Although the lot coverage and unit size of the proposed home, are well within the thresholds of what could otherwise be approved administratively, because of the two (2) existing pre-1942 homes, review and approval of the Board is required. Further the applicant is requesting a maximum roof height of thirty-three (33') feet, from the otherwise maximum height of thirty (30') feet for flat roofed structures.

While not opposed to the additional height requested, based on the size of the lot and the increased setbacks provided, and with no objections to the overall size of the home considering the size of the lot, staff does believe that the submitted design is a missed opportunity to create a truly unique modern estate home on one of the most magnificent Bayfront sites the City has to offer. In this regard, it appears that the home along with the ancillary structures which include the secondary garage and staff quarters, the guest suite, the gym and spa, as well as the tennis court, have been placed on the site with no design relationship or consideration to each other. Given the enormous size and prominence of this site and its unique shape, along with the programmatic requirements of the owner, the property has not been developed in a campus-like manner, which would be expected of a private estate home. The tennis courts are located parallel to the adjacent property, and the staff quarters and accessory garage located parallel to the street with a service courtyard, whereas the main residence has been located at an angle completely contradictory to the existing three (3) homes proposed for demolition, in order to take advantage of the Miami skyline. While these functional aspects of the house and site may satisfy a programmatic need, the site has not been designed in a manner commensurate with comparable estate development along North Bay Road. Staff would strongly recommend that the placement, orientation, and design of the ancillary structures as well as the spaces in between, be further developed and detailed, in order to create a stronger relationship between all structures on the site. For example, this may include the incorporation of a connecting breezeway between the main house and the propped gym/spa and/or further study of its plan orientation.

Staff is also concerned that the ancillary structures have not been adequately developed and detailed. The primary west elevation of the garage and staff quarters, which is the closest structure to North Bay Road is composed of a solid stone façade with no fenestration. Further, the placement of a tennis court in such a prominent location, highly visible from the front of the property along North Bay Road, requires additional study, including reducing the width of the court to the standard width of sixty (60') feet, and the incorporation of heavy landscaping along both the street front elevation as well as the north property line to block any view of the conspicuous tennis court lighting from North Bay Road. Staff would also recommend that the primary garage structure be shifted farther to the south, in order to expand the available landscape area for the front entrance of the home, and also provide additional rooting space for the existing oak tree, which will be retained in its current location. Further staff would also recommend that the entire landscaping proposed along the front of the property, be further evaluated and designed to incorporate features such as green walls, especially adjacent to the tennis court, accentuation of the vehicular and pedestrian entrances, as well as substantial landscaping of diverse variety along the entire street frontage. In order to truly effectuate this,

the existing utility lines along the entire North Bay Road frontage, would have to be placed underground, which staff would strongly recommend.

Staff is also concerned with the placement of both the guest house at the south end of the property and the gym/spa structure at the north end, and their impact on the adjacent neighbors. Considering that the applicant is demolishing three (3) long established homes, a higher level of sensitivity to the existing neighboring residences is required, as they will be most impacted by the new development. Considering the enormous size of the site, as well as the established footprints of the existing homes, staff would recommend that the guest house proposed at the southwest corner of the site be further setback from both the waterfront as well as the south elevation, to align with the setbacks of the existing home. As depicted on Sheet A-0.03 in the provided, plans, this would require an additional side setback of approximately six (6') feet and additional rear setback of approximately four (4') feet. Further, staff would recommend that the design of such structure also fully incorporate the proposed pool equipment. Any mechanical equipment, such a pool heater/compressor also must comply with required sideyard setbacks for the main home.

Regarding the gym and spa structure proposed at the northwest corner of the site, staff is concerned with the proposed minimal setback of 7'-6" and its impact on both the waterfront as well as the neighboring property to the north. Staff would recommend that the rear setback be increased to a minimum of ten (10') feet, which will have a negligible impact on the applicant's overall site plan. Staff would further recommend that the gym and spa structure be shifted further south a minimum of 10'-0" so that it is less crammed into the northwest corner of this very expansive property.

The applicant is also proposing a roof deck in the center of the main home, well setback from the north, south, and west property lines. With the location proposed, along with the Board standard conditions precluding hardwired speakers and restricting the placement and location of light fixtures, as well as the requirement that the entire site be studied and evaluated by an acoustical engineer in order to minimize spillage of sound onto surrounding properties, staff is not opposed to the roof deck.

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 January 8, 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 placement, orientation, and design of the ancillary structures be further studied, developed and detailed, in order to create a stronger estate relationship between all structures on the site.
 - b. The guest house proposed at the southwest corner of the site be shall be setback from both the waterfront as well as the south elevation, to align with the setbacks of the existing home.

- c. The gym and spa structure proposed at the northwest corner of the site, shall be setback a minimum of ten (10') feet from the rear property line as well as shifted a minimum of ten (10') feet further to the south.
 - d. Details of the tennis court lighting shall be provided; such fixtures shall be designed to completely contain all lighting on the subject property, and properly shielded so that the actual light source is not visible from North Bay Road or the surrounding properties. The landscaping along the north, east, and south sides of the tennis court shall be designed and placed so that none of the night tennis light standards are visible from North Bay Road on the adjacent property to the north.
 - e. The area of active roof deck shall be separated from the remainder of the roofs with dividing walls, in a manner to be reviewed and approved by staff.
 - f. The applicant shall retain an Acoustical Engineer in order to design and implement a comprehensive sound attenuation plan for the entire property. Such plan shall fully mitigate the spillage of any and all sound onto neighboring properties, in a manner to be approved by staff.
 - g. Hardwiring for speakers shall not be permitted on the proposed roof deck. This shall not preclude the installation of electrical outlets.
 - h. Any lighting proposed above the main roof deck shall be located within the surrounding parapets, and/or within the roof deck itself, at a height not to exceed 36" above the finished deck for any light fixtures and shall not be visible from North Bay Road on the adjacent properties to the north and south.
 - i. A high quality smooth stucco finish shall be required on the exterior of the home, except in areas where other non-stucco finishes are indicated on the plans, subject to the review and approval of staff.
 - j. The final design and details including materials, finishes, and colors for the proposed stone cladding and standing seam metal roof shall be provided, subject to the review and approval of staff.
 - k. 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.
 - l. 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.
 - m. 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 entire landscaping proposed along the front of the property shall be further evaluated and designed to incorporate features such as green walls, especially adjacent to the tennis court, accentuation of the vehicular and pedestrian entrances, as well as substantial landscaping of sufficient variety along the entire street frontage.
- b. Direct pedestrian access to the site from the street and sidewalk shall be provided, in a manner to be approved by staff.
- c. If technically feasible, all overhead utility line shall be placed underground.
- d. Any existing unhealthy trees within the swale along North Bay Road, may be removed and replaced with comparable canopy trees, in a manner to be reviewed and approved by 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. 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.
- g. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
- 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 structural soil, 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; 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.
- k. 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.

- I. 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.