

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 1, 2024

PROPERTY/FOLIO: **40 Island Avenue, 1 Farrey Lane, 2 Farrey Lane**
 40 Island Avenue 02-3233-004-0090
 1 Farrey Lane 02-3233-003-0010
 2 Farrey Lane 02-3233-003-0020

FILE NO: DRB23-0994

IN RE: An application has been filed requesting Design Review Approval for the renovation of the existing building on the western portion of the subject property, including updated finishes and appearance, and for the construction of a new five story hotel and multi-family residential building on the eastern portion of the subject property, including variances for the required sum of the side yard setback and to allow for the aggregation of three contiguous lots, and including one or more waivers, to replace existing structures.

LEGAL: See "Exhibit A"

APPLICANTS: Nomade Lido LLC

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 2.1.3.1 of the Land Development Regulations. 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 i and s in Section 2.5.3.1 of the Land Development Regulations.
- C. 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 Sea Level Rise Criteria 1 and 8 in Section 7.1.2.4(a)(i) of the Land Development Regulations.
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. Revised elevation, site plan, and floor plan drawings for the renovation of The Standard Hotel - 40 Island Avenue, 1 Farrey Lane, 2 Farrey Lane shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The minimum height requirement of (12) feet, as measured from base flood elevation plus minimum freeboard to the underside of the first-floor slab, **shall be waived** by 1'-10".
 - b. The roof top proposed on the new East Wing building shall be reserved for residents and guest of the top three units and a maximum of 40 persons are permitted (only residents and associated guests).
 - c. The roof top proposed on the new East Wing building shall be limited to hours of operation. These hours shall include until 9PM from Sunday to Thursday and until 10PM on Friday and Saturday.
 - d. The final design, color and details of the wire balcony rails proposed on the new East Wing west elevation shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - e. The final design, color and details of the three brise soleils proposed on the new East Wing east elevation 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. The design, color and details of the proposed concrete brise soleil on the ground floor of the new East Wing east elevation 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
 - g. The design, color and details of the trellis-like structure proposed to screen the loading from Farrey Lane 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.
 - h. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - i. 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.
 - j. URBAN HEAT ISLAND ORDINANCE Section 7.5.3.2(g)(iv) new driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in Section 1.2.1 of this Code, and

- (v) Driveways and parking areas composed of asphalt that does not have a high albedo surface, as defined in Section 1.2.1, shall be prohibited.
- k. 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.
- l. Noise Barrier: The Applicant shall ensure that a noise barrier wall, designed in a manner to be reviewed and approved by staff in accordance with the design review criteria, is depicted on the building permit plans along the portion of the shared property line with 8 Century Lane that extends past the northern building face of the existing wing of the hotel building.
- m. Traffic Circulation: The Applicant shall install a convex safety mirror or other similar traffic safety device at the intersection of the proposed driveway with Island Avenue North to prevent vehicular conflicts between the driveway, Island Avenue, and Farrey Lane.
2. A revised landscape plan shall be prepared by and bear the seal of a Landscape Architect licensed to practice in the State of Florida. The corresponding landscape plans shall be submitted to and approved by staff. At a minimum, landscape plans shall comply with Chapter 46 Tree Preservation and Protection Ordinance of the City Code and Chapter 4, Landscape Requirements of the Land Development Regulations and shall incorporate the following:
- a. Any existing canopy shade tree(s) on site with a caliper size of 4" of greater being impacted by the construction shall be carefully root pruned, protected and/or relocated. This shall not apply to prohibited tree species. A Tree Disposition Plan shall be provided for Planning staff review and approval prior to the issuance of a Building Permit.
- b. Prior to the issuance of a building permit, the applicant shall submit a tree survey and tree disposition plan that includes the approved tree protection fencing detail for existing mature trees and palms to remain. Such plans shall be subject to the review and approval of staff. A tree work permit shall be obtained prior to the removal of any existing trees and palms.
- c. In new construction projects, street trees are required within the public right of way. Street trees are in addition to the required lot trees according to the Chapter 2 Landscape Ordinance. All proposed street tree plantings shall be reviewed and approved by the Public Works Department and a right of way permit shall be obtained prior to any plantings in the right of way.
- d. Suspended paver systems such as Silva Cells or equal shall be installed where street trees are planted in right of way sidewalk and other hardscape areas in a manner to be reviewed and approved by staff. Suspended paver systems shall be clearly delineated in the landscape plans. Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.

- e. Root guards or barriers shall be installed to protect utilities and structures within close proximity of proposed tree plantings. The root guards shall be clearly delineated in the landscape plans and shall be reviewed and approved by staff.
- f. Irrigation systems shall be designed and installed corresponding to the water requirements of the proposed plantings and as required in the Chapter 2 Landscape Ordinance. The irrigation system shall be extended into the public right of way. A rain shut off device is required to be installed as part of the irrigation system.
- a. 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.
- b. 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.
- g. Prior to the issuance of a Certificate of Occupancy, the Project Landscape 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s), which were either approved by the Board or Denied:
 - 1. A variance from **Sec. 7.2.4.3 (a)** to reduce by 6'-9" the required sum of the side yard setback of 37'-2" to retain an existing non-conforming side setback (west) and provide a sum of side setbacks of 30'-5".
 - 2. A variance from **Sec. 7.2.4.3 (f)** to permit the aggregation of three (3) contiguous lots where a maximum of two (2) lots are permitted.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed

project at the subject property.

Additionally, the Board has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- ii. The special conditions and circumstances do not result from the action of the applicant;
- iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
- v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- vii. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
- viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

C. The Board hereby **Approves the variance requests**, and imposes the following condition based on its authority in Section 2.8.4 of the Land Development Regulations:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval' and 'II. Variances' noted above.

A. The subject project is hereby conditioned upon the final adoption of any

amendments to the Land Development Regulations of the City Code (LDR's) required to address prohibited uses and the expansion of nonconforming uses. No building permit shall be accepted, nor a building permit issued, unless and until the project complies with all applicable provisions of the LDR's.

- B. All new construction over 7,000 square feet shall comply with the "Green Building" requirements in section 7.1.3.2 of the Resiliency Code.
- C. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- D. All allowable construction signage shall be in accordance with Section 6.3.2 of the Land Development Regulations.
- E. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- F. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- G. The contractor(s) shall ensure that the street and the alley directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and alley areas before leaving at the end of each day.
- H. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- I. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- J. 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.
- K. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- L. 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.
- M. 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.

- N. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- O. 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.
- P. Outdoor Music: The Applicant shall cease playing music of any kind at 8:00 PM, each night from the speakers located at the northwestern corner of the property adjacent other residential homes on Century Lane.
- Q. The Applicant shall submit photographs of the condition of the homes on Farrey Lane that abut the subject property during the building permit process for the purpose of documenting the existing condition prior to construction. The Applicant shall remedy any construction-related impacts to the abutting homes on Farrey Lane to ensure to the greatest extent practicable that the homes remain in the same condition following the construction as documented in the photographs prior to construction. The Applicant shall not be responsible for repairing any condition that existed prior to commencement of construction, ordinary wear and tear, or damage caused by a natural disaster such as a tropical cyclone.
- R. During construction the Applicant shall dedicate maintenance personnel for exterior cleaning and maintenance of the abutting homes on Farrey Lane.
- S. During construction the Applicant shall install an eight-foot (8') tall construction fence, or such other height that is the maximum allowable height for construction fences in the City, as well as a wind screen and truck tire cleaning mats at the entrance to the construction site to control dust migration in the adjacent neighborhood.

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.

PROVIDED, the applicant shall build substantially in accordance with the revised plans, entitled "The Standard", as designed by **BIG Architects** and **Kobi Karp Architecture and Interior Design Associates**, dated August 4, 2024, signed, sealed, and dated September 13, 2024, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate

handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

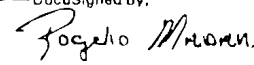
If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

12/13/2024 1:32 PM EST

Dated _____

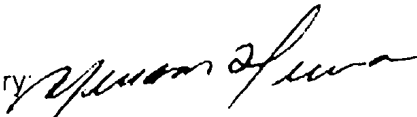
DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

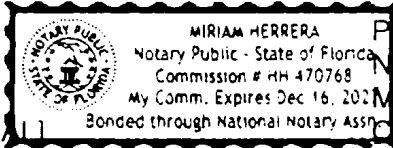
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BY: _____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For the Chair

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

The foregoing instrument was acknowledged before me this 19 day of December 2024 by Rogelio A. Madan, AICP, Development & Resiliency Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary: 

{NOTARIAL SEAL}  Print Name Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-27
Commission Number: HH470768

Approved As To Form:

City Attorney's Office:

DocuSigned by

Farooq Rindashcheva

(12/13/2024 | 12:05 PM EST

Filed with the Clerk of the

Design Review Board on

DocuSigned by

Jessica Gonzalez

(12/19/2024 | 1:39 PM EST

"Exhibit A"

Parcel 1 (Fee Simple) LOTS 39, 40, 41 AND 42 OF BELLE ISLE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 11, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, (THE "LAND").

Parcel 2 (Leasehold). Together with that certain Sovereignty Submerged Lands Lease Renewal and Modification to Reflect Change in Upland Ownership, dated as of 2003, executed between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as lessor, and AB Green Lido LLC, a Florida limited liability company, as lessee, recorded in Official Records Book 21447, Page 3911, of the Public Records of Miami-Dade County, Florida; as assigned to Ferrado Lido LLC, a Delaware limited liability company, pursuant to that certain Assignment and Assumption of Submerged Land Lease dated April 14, 2008, recorded on April 21, 2008, in the Official Records Book 26335, Pages 4235-4243, of the Public Records of Miami-Dade County, Florida; as renewed through May 6, 2013 pursuant to that certain Sovereignty Submerged Lands Lease Renewal and Modification to Reflect Change in Upland Ownership and Clarify Use effective as of May 6, 2008 in favor of Ferrado Lido LLC, recorded on September 3, 2008, in the Official Records Book 26549, Pages 2203-2218, of the Public Records of Miami-Dade County, Florida; as renewed through May 6, 2018 pursuant to that certain Sovereignty Submerged Lands Lease Renewal effective as of May 6, 2013 in favor of Ferrado Lido LLC, recorded on November 19, 2013, in the Official Records Book 28918, Pages 1614-1629, of the Public Records of Miami-Dade County, Florida, and as further renewed through May 6, 2023 pursuant to that certain unrecorded Sovereignty Submerged Lands Lease Renewal effective as of May 6, 2018 in favor of Ferrado Lido LLC.

And

Lot 1, Second Section Belle Isle Villas, according to the plat thereof, as recorded in Plat Book 42, Page 100, Public Records of Miami-Dade County, Florida.

And

Lot 2, Second Section of Belle Isles Villas, according to the plat thereof as recorded in Plat Book 42, Page(s) 100, Public Records of Miami Dade County, Florida.