

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 1, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB24-0994**
40 Island Avenue, 1 Farrey Lane, 2 Farrey Lane

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.

RECOMMENDATION:

Approval of the design and variances.

LEGAL DESCRIPTION:

See Exhibit "A"

SITE DATA:

Zoning: RM-1
Future Land Use: RM
Existing Room Count: 105 | No increase
Lot Size:
Existing: 101,500 SF
Lot 1: +/- 3,125 SF
Lot 2: +/- 2,874 SF
Total: **110,261 SF***

***As noted on the survey**

Existing FAR: 71,111 SF
Proposed FAR: 63,491 SF
Total FAR: 121,174 SF / 1.09*
Maximum FAR: 137,826.25 SF / 1.25**

*As presented by the applicant

**As calculated per provided lot area

Height:

Existing: 32'-2"
Proposed: 55' / 5-Story **
Maximum: 55'-0"
Highest Projection: ~79'-0" **

** as measured from BFE + 5' freeboard

Grade: +2.50' NGVD
Base Flood Elevation: +8.00' NGVD
Adjusted Grade: +5.25' NGVD
Finished Floor Elevation: +20.0' NGVD
Proposed Garage Elev. Clearance: **10'-2"****
Required Garage Elev. Clearance: **12'-0"**
Finished Floor Elevation: +20.0' NGVD

***DRB Waiver**

EXISTING STRUCTURE:

Architect: Norman Giller
Year of Construction: 1950

SURROUNDING PROPERTIES:

East: Three-story religious institution
North: Biscayne Bay
South: Standard Hotel and Spa
West: One-story Century Lane residence

THE PROJECT:

The applicant has submitted plans entitled "The Standard", as designed by **BIG Architects**

and **Kobi Karp Architecture and Interior Design Associates**, dated August 4, 2024. The applicant is proposing the renovation of the existing three-story West Wing of the Standard hotel and the redevelopment of the East Wing into a new mixed-use building with modernized hotel rooms and six residential units.

The subject property, which is located in the RM-1 zoning district, contains an existing, legal non-conforming hotel. The total number of hotel rooms is not proposed to increase beyond the currently permitted 105 rooms. In order to accommodate the expansion of the site, two adjacent and undersized properties at 1 Farrey Lane and 2 Farrey Lane, are proposed to be aggregated into a larger site.

The existing hotel building contains hotel rooms, as well as a number of accessory uses including a restaurant, café, bar, and spa. The properties at 1 Farrey Lane and 2 Farrey Lane lot contain single-story residential buildings.

The applicant is requesting the following waiver:

1. **Section 7.1.2.2.C.ii.1**. A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first-floor slab. The design review board or historic preservation board, as applicable, may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.
The applicant is providing a clearance of 10'- 2" from BFE+ 1'-0" freeboard.

The applicant is requesting the following variances:

1. A variance 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 to permit the aggregation of three (3) contiguous lots where a maximum of two (2) lots are permitted.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following requirements of the City Code, excluding the requested waiver:

1. The proposed modifications and new construction to the east wing must comply with Section 2.12.8(b) of the Land Development Regulations of the City Code (LDR's), which allows non-conforming hotel uses at the subject property to be reconstructed to a maximum of 50% of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including, but not limited to, the number of hotel units and accessory food and beverage uses. A separate amendment to the LDR's is being proposed to address this.

2. The maximum lot aggregation in the RM-1 zoning district cannot exceed 2 lots. A variance has been requested, and a separate amendment to the LDR's is being proposed to address this.
3. The sum of the side yards does not meet the minimum requirements in the RM-1 district (variance requested).
4. Because of the addition of residential units, the building meets the definition of 'apartment hotel', which is a prohibited use in the RM-1 district. A separate amendment to the LDR's is being proposed to address this.

Separately, the following proposed amendments to the LDR's have been referred to the Land Use and Sustainability Committee (LUSC) and Planning Board:

1. Proposed amendments to the non-conforming use provisions in Chapter 2 to allow for the expansion of a non-conforming hotel use on the north side of Belle Isle. This would expand upon the current non-conforming use provision specific to Belle Isle.
2. Proposed amendments to the lot aggregation requirements of the RM-1 district in Chapter 7 to allow for a 3-lot aggregation on the north side of Belle Isle. Currently the maximum aggregation is 2 lots.
3. The prohibited uses for the RM-1 district in Chapter 7 will need to be amended to allow for an 'apartment-hotel' on the north side of Belle Isle. Although the subject property is currently licensed as a hotel, the proposal to add residential units to the site results in the building being classified as an 'apartment-hotel', which is a prohibited use in the RM-1 district.

The above noted amendments to the LDR's are not expected to be considered for adoption by the City Commission until early 2025. The applicant has submitted a hold harmless letter to allow the project to obtain DRB approval prior to the approval of the code amendment.

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.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff 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.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **residential** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied.
- b. 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; However, the applicant is requesting variances from underlying requirements.

- c. 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 applicant is seeking applicable amendments to the LDR's, as well as requesting one waiver and variances from underlying requirements.
- d. 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 2.5.3.2.
Satisfied
- e. 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.
Satisfied; However, the applicant is requesting one design waiver and the granting of two variances.
- f. 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.
Satisfied
- g. 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
- h. 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
- i. 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.

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
- k. 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
- l. 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).
Satisfied
- m. 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
- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied
- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvements.
Satisfied
- p. 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
- q. 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
- r. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable

- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Partially Satisfied; see below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Satisfied
A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Satisfied

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

- (10) In all new projects, water retention systems shall be provided.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:
DESIGN REVIEW

The subject property, the Standard Hotel and Spa, located in the northwestern quadrant of Belle Island, is a nonconforming waterfront hotel in the RM-1 zoning district. The applicant is proposing to renovate the existing western wing of the hotel, redevelop the eastern wing with a new five-story hotel and luxury residential building, and aggregate two additional lots located on Farrey Lane. This application includes a request for one design waiver and a request for two variances.

The Standard Hotel is currently comprised of a central three-story structure (former Lido Spa Hotel), which contains a significant post-war modern façade. The hotel also contains two wing buildings that project from the rear of the central structure, in alignment with the property lines. The composition of the buildings also includes a large pool and green area overlooking the bay.

The applicant is proposing to redevelop the existing east wing with a new five-story building that will contain 50 hotel rooms and six luxury residences. The proposed new building will provide 66 on-site parking spaces at the first level, and the second and third levels will contain the reconstructed hotel rooms, all with balconies and ranging in size from 325 to 716 square feet. The last two levels of the new building will contain six luxury residential units, which are proposed to be a mix of 3 and 4 bedrooms and are 3,500 4,075 square feet in size. The rooftop features private decks for the upper three units, which are proposed to be limited to residents and invited guests. To address potential future noise issues, the applicant has proffered to limit the occupancy of the rooftop (only residents and guests) not to exceed 40 persons at any time, as well as limits on hours of operations.

The existing hotel rooms of the west wing are proposed to be fully renovated, including

combining existing rooms to provide larger guest rooms. The existing office-equipment room on the third floor will be converted into a hotel room, and the room count in this building will be reduced from 67 to 55 guest rooms.

In addition to the renovation and redevelopment of the existing buildings, the project includes the aggregation of two lots just east of the central Lido Spa Hotel building, 1 Farrey Lane and 2 Farrey Lane. On these lots, the applicant proposes a loading area and vehicular access drives. The loading area is sited adjacent to the hotel and features a structure that is composed of vertical metal slats and screens its activity from Farrey Lane. Further east of the loading area and facing Farrey Lane is a two-way drive leading from Island Avenue to the parking within the east wing.

The new east wing is designed in a modern architectural style, featuring thin concrete slabs that float beyond floor-to-ceiling glazing outlined in champagne colored metal mullions. The ground level is detailed with a concrete brise soleil that wraps the perimeter of the building and along with landscape provides screening of the parking garage level. With an emphasis on horizontality, terraced floor slabs and angled fenestration, the design scheme provides movement to west elevation facing the pool and Bay, while three vertical brise soleils rise to the roof level and break up the expanse of the east elevation. The design incorporates natural lighting, green planting and architectural details that compliments the iconic post-war Modern style of the existing building.

The applicant is requesting a waiver pertaining to the clearance of the garage from the base flood elevation plus minimum freeboard to the underside of the first-floor slab. The code requires a minimum of 12'-0" height clearance and the applicant is proposing the first habitable floor of the building at 20'-0" NGVD, which results in a garage clearance height of 10'-2" above 9' NGVD. The reduced height clearance is requested in order to provide parking with a slab clearance that may accommodate elevation changes to the ground floor with future raising of roadways. The Design Review Board may waive this height requirement by up to 2'-0" and staff is supportive of the waiver for the 10'-2" clearance proposed.

VARIANCE REVIEW

The applicant is requesting the following variance(s):

1. A variance 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".
 - Variance 1 requested from **Section 7.2.4.3(a)**

BUILDING SETBACKS	
Side, Facing a Street Setback ⑥ Lots equal or greater than 65 feet in width	

Subterranean	10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width
Pedestal	
Tower	

The subject parcel is irregularly shaped and contains existing buildings that are intended to be preserved. The applicant is also proposing to improve vehicular access and parking to the site by incorporating additional lots to the site. The incorporation of 1 and 2 Farrey Avenue increase the lot width and therefore the sum of side yards. While the additions comply with the individual side setbacks, they do not comply with the required sum of side yard setbacks. Given the practical difficulties associated with aggregated 2 additional lots, as well as the irregular shape of the larger site, as well as the proposed additions complying with the individual side yard setbacks, staff is supportive of the proposed variance.

2. A variance to permit the aggregation of three (3) contiguous lots where a maximum of two (2) lots are permitted.

- Variance 2 requested from **Section 7.2.4.3(f)**:

f. Lot aggregation (RM-1)

No more than two (2) contiguous lots may be aggregated for development purposes, with the exception of projects classified as affordable and/or workforce housing.

The applicant is proposing to aggregate 3 lots, where only 2 lots may be aggregated per the land development regulations. Specifically, 1 and 2 Farrey Lane are proposed to be included in the assemblage, in order to build a driveway to access a new parking garage, while preserving the existing architecturally significant building at the front of 40 Island Avenue. Additionally, 1 and 2 Farrey Lane, individually, do not comply with the RM-1 minimum lot size requirement, which is 5,600 square feet. Combined, the two lots equal 5,999 square feet, which is just above the minimum requirement.

The irregular shape of the lot and preservation of the existing Lido Spa Hotel building present practical difficulties in improving the functionality of the site by incorporating vehicular parking. Given that the variance improves the function of the site, staff is supportive of the request.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved, including the requested variances and waiver**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review, Sea Level Rise criteria, and Practical Difficulty and Hardship criteria, as applicable.

“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.

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: DRB24-0094

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.
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.

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.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

“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.