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## **VIA ELECTRONIC SUBMITTAL**

March 16, 2025

Rogelio A. Madan, AICP  
Development & Resiliency Officer  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

Re: **DRB25-1087**

Modification of DRB24-1026 for the Property Located at  
94 Palm Island, Miami Beach

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Dear Mr. Madan,

This law firm represents PALM ISLAND RESIDENCE TRUST (the "Applicant"), owner of the property located at 94 Palm Avenue (the "Property") in the City of Miami Beach (the "City"). On September 3, 2024, the Design Review Board ("DRB") granted an application for a new two-story single-family residence with an understory, including waivers and setback variances for an existing structure (the "Original Approval"). See Exhibit A, Final Order DRB24-1026. Please allow this letter to serve as the letter of intent in connection with a request to go before the DRB to request additional variances relating to the durability, sustainability, and function of the enclosed understory storage, flooring around the understory support and pool, and an aluminum trellis in the rear yard.

Property Description. The Property is a waterfront lot located on Palm Island. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-4205-001-0330. See Exhibit B, Property Appraiser Summary Report. The dual frontage lot is approximately 62,081 square feet in size. The Property contains an existing single-family home with a nonconforming garage building in the front yard and

multiple nonconforming accessory structures in the east side yard. The existing home was substantially reconstructed in 2003 and is not classified as architecturally significant. The Property is located within the RS-1, Single Family Residential Zoning District.

Proposed Development. The Applicant proposes to construct an exquisitely designed, Modern two-story residence with an understory (the "Project"). The approximate cost of the Project is \$5,900,000.00. The design includes renovating the existing nonconforming garage at the northeast corner and demolishing the remaining portions of the existing home, accessory structures, and pool in the rear yard. The Applicant's goal is to improve the sustainability and resiliency conditions of the Property and provide a new home, with high quality materials, that will contribute to the architectural integrity and history of Palm Island. The front elevation skillfully mixes a variety of materials, including stucco, and decorative stone materials. The front entrance features floating steps to the main doors over a water feature. The hardscape materials include a mix of concrete in a shell finish, crushed coquina fines stone, and limestone pavers. These finishes are purposefully selected to complement the natural elements of the island. The variety of overhang elements, eyebrows, and articulations continues to the side elevations and rear of the home. The main massing is centrally located on this oversized lot.

The home is setback over sixty-five (65) feet from the front and 123 feet from the rear. The smaller accessory buildings provide relief and movement. The home also includes a roof deck, a sport court, and carport that complies with the applicable development requirements. The Applicant's design complies with the current City of Miami Beach Resiliency Code (the "Code") requirements for height. The proposed height is thirty-one (31) feet, which is permitted with an understory. This ensures minimal impact on the abutting neighbors.

Design Review. The overall design sufficiently addresses the intent of the Code with the main massing centrally located and a variety of architectural articulations and materials, along with extensive plantings. Based on the Original Approval, the DRB found that the Project satisfies the criteria pursuant to Section 2.5.3.1. The Project is entirely consistent with the Original Approval. The Project satisfies the criteria pursuant to Section 2.5.3.1 of the Code, as follows:

**a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.**

This is an existing, oversized, waterfront lot. The minimum lot size for properties in the RS-1 District is 30,000 square feet, and the Property is over 60,000 square feet. The Property is located on the southeast side of Palm Island with views of the MacArthur Causeway and Dodge Island. The Property is well manicured with shrubs and a variety of palm species.

**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.**

The Property contains an existing single-family home with multiple nonconforming accessory structures. There is a water feature in the front and pool in the rear. The lot has a perimeter front wall and two entrance gates. The driveway wraps around the front fountain, and the only covered parking is within the nonconforming garage structure. The Project includes a water feature and sports court in the front yard and a pool in the rear yard. The accessory structures comply with the main home setbacks and, when located in the rear yard, the rear yard setbacks. The Project considers sea level rise and resiliency with the proposed understory.

**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.**

The architectural plans submitted with the application materials include a zoning data table, site plan, elevations, and multiple diagrams for open space, lot coverage, and the waiver and variance requests to confirm compliance with the requirements for the underlying zoning district.

**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.**

The Project is a beautiful new single-family home, with high quality materials. The Project is almost total demolition of a single-family home and construction of a new, two-story single-family home with an understory. The architectural and landscape plans included in the submitted application materials provide a clear depiction of the color, design, selection of landscape materials and architectural elements of exterior building surfaces.

**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 article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and all pertinent master plans.**

The Project is in conformity with the intent of the Resiliency Code and standards of the RS-1 development regulations.

**f. The proposed structure, 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.**

The new home, accessory structures, and renovation of the existing garage structure are sensitivity to and compatible with the surrounding properties. The home is a unique modern style of design with high quality finishes. The resilient design will enhance the street and the waterfront frontages.

**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.**

The proposed layout of the main home with increased front and rear setbacks and twenty (20) and thirty (30) feet side setbacks minimizes potential impact on adjacent neighbors. Keeping the existing garage structure and driveway entrances provides a consistent experience for the neighbors and pedestrians. The Applicant has paid particular attention to safety, crime prevention, and fire protection with the proposed understory and distance between the accessory structures and the main home. The purpose of the multiple accessory structures is to keep massing, width and height, of the main home to a minimum.

**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 safety 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.**

The Applicant is proposing to maintain the existing locations for pedestrian and vehicular access to the site. This will ensure minimal interference with traffic flow on Palm Avenue. Maneuverability is differentiated by materiality of the pavers and grass. Additionally, parking is efficiently reduced with the understory.

**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.**

The Applicant will provide sufficient lighting to ensure safe movement of persons and vehicles within the site and for security purposes. The Applicant agrees to minimize glare and reflection, if any, on adjacent properties consistent with the City's Code of Ordinances.

**j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.**

Included in the application materials are architectural and landscape plans with sufficient details relating to the proposed landscape and paving materials. The proposed landscape will be lush, with a variety of species.

**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.**

The Project includes multiple landscape buffer layers and large setbacks to ensure that the headlights of vehicles within the understory are adequately shielded from public view, adjacent properties, and pedestrian areas.

**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).**

The main home has a front setback over sixty-five (65) feet and a rear setback over 123 feet. Locating the main massing to the center of the Property ensures it is sensitive to the surrounding area. Additionally, the new accessory structures comply with the setbacks of the main building. The main home and the accessory structures also comply with the maximum permitted height to maintain permitted view corridors.

**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.**

The Project is a new single-family home. Parking is integrated into the proposed understory.

**n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.**

The rooftop is appropriately and fully integrated into the design of the new home. The Applicant is proposing an intricate aluminum mechanical screen that is consistent with the screening on the ground floor. The proposed painted stucco matches the elevator bulkhead.

**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 improvement(s).**

The Project includes maintaining and renovating the existing garage structure in the northeast corner of the lot. The remaining portions of the Property is entirely new construction. The proposed new home is setback from the garage structure over seventeen (17) feet.

**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.**

Portions of the Project fronting the street include an architecturally appropriate amount of transparency. The front wall is separated with gates to add interest and transparency.

**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.**

Not applicable for this single-family home.

**r. In addition to the foregoing criteria, Section 104-6(t) the General Ordinances 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 for this single-family home.

**s. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.**

Confirmed. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

Variance Requests. The new construction related to the Project substantially complies with the Single-Family Residential District standards. The requested additional variances are the minimum necessary for the maintenance of certain mechanical equipment, safe construction of the understory, and improved enjoyment of the outdoor living spaces, as follows:

1. Variance of Section 7.2.2.3.b.6.A. to provide an enclosed, air-conditioned storage area within the understory;
2. Variance of Section 7.2.2.3.b.6.G. to provide certain concrete areas within the understory, which are limited for structural purposes surrounding support columns and pool areas;
3. Variance of Section 7.2.2.3.b.7.C.II. to exceed the maximum permitted lot coverage by 4.15% to provide an operable aluminum trellis, rather than a trellis with fabric covering, that exceeds a projection of five (5) feet from the exterior wall; and
4. Variance of Section 7.2.2.3.b.12.F.II. for the mechanical equipment and screening element to exceed five (5) feet from elevation by 4'-5" for the mechanical equipment and 5'-7" for the screening element within the interior side setback.

*Satisfaction of Hardship Criteria.* The Variances requested satisfy the hardship criteria pursuant to Section 2.8.3.a. of the Code, as follows:

**1. 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;**

There are special conditions and circumstances that exist which are peculiar to the nonconforming existing structure, site, and use. To note, the Variances do not alter the design of the Original Approval. The Variances related to special conditions and circumstances of the lot, climate, and design. Specifically, within the enclosed storage, the Applicant is seeking to include a water heater system, domestic water booster pump, and a water filtration system. These mechanical systems require air conditioning to prevent exposure to high heat and humidity. The proposed concrete areas within the understory is peculiar to the construction of the proposed home with an understory. The required pavers set on sand and pervious materials are possible for the majority of the understory. However, some concrete is needed to prevent settling. Additionally, the slight increase of lot coverage is based on a literal interpretation of the Code. Rather than a trellis with fabric covering that will require maintenance and constant repairs, the Applicant is seeking to introduce a trellis with aluminum louvers. Lastly, in order to reduce damage from potential flooding and to reduce the visual impacts, the Applicant is proposing to enclose the mechanical equipment within the side yard.

**2. The special conditions and circumstances do not result from the action of the applicant;**

The special circumstances, in this case, do not result from the actions of the Applicant. The Applicant is proposing a forever home with the most sustainable materials and safe infrastructure. The additional proposed mechanical equipment within the understory will be better maintained within an air-conditioned space. Similarly, construction of the main home above an understory and pool areas requires some solid concrete. It is a technical requirement of the Code that the trellis area, although can be fully open to the sky, counts towards the maximum permitted lot coverage. The height of mechanical equipment in the side yard and enclosing it with a trellis is also a literal interpretation that would negatively impact the function and design of the new home.

**3. 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;**

The Code allows other similarly situated property owners to seek similar variances to accommodate sensitive development when neighbors are not impacted. The Code permits other similarly situated property owners seeking to building the most sustainable and long-lasting home possible to make similar requests. Granting the Variances will not confer any special privilege. The Project is entirely consistent with Original Approval.

**4. 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;**

A literal interpretation of the provisions of the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district that have resiliency focused designs. The requested Variances do not alter the Original Approval. Rather, the variances are based on technical requirements of the Code that cannot be fully addressed with the Original Approval. Permitting the additional air-conditioned areas will help maintain a consistent temperature and prevent extreme heat. The extreme heat will cause wear and tear, reduce the lifespan of equipment, and make them less efficient. It will also control humidity levels, which can cause metal parts to rust and corrode more quickly. A literal interpretation of the Code also limits the stability of the understory support areas and pool. Concrete is much more stable and durable material. Pavers set on sand can shift, settle, or even become uneven due to soil movement or pressure, leading to tripping hazards and maintenance issues. Additionally, requiring a fabric canopy, in lieu of aluminum louvers, will require more frequent maintenance and repairs, and less ability to enjoy the outdoor living spaces that are consistent with the Original Approval. Raising the mechanical equipment and placing it within a decorative trellis enhances the resilience of the equipment and is more aesthetically pleasing. The Variances do not result in a larger home and, as required, all storm-water will be retained on site. Therefore, a literal interpretation of the Code deprives the Applicant of a durable and sustainable home and results in unnecessary and undue hardships.

**5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure**

The Variances relate to the same special conditions that prevents strict compliance with the Code. The Variances maintain the Original Approval. Even with the additional air-

conditioned space within the understory, the home is still well within the maximum permitted unit size. The areas where concrete is proposed is the minimum necessary around columns supporting the home above and around the pool. The proposed trellis is the minimum area necessary for the Applicants to enjoy the terrace space and does not result in a large home or less pervious area. The raised mechanical equipment and screening within the side yard reduces equipment damage and failures from flooding.

**6. 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; and**

Granting of the Variances will be in harmony with the general intent and purpose of these land development regulations. The proposed Project is consistent with the Original Approval and is intended to provide a durable and sustainable home. Therefore, the Variances will not be injurious to the area involved or otherwise detrimental to the public welfare.

**7. 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. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.**

The purpose of the single-family residential district is to provide development opportunities for and to enhance the desirability and quality of existing and new single family residential development. The Project is consistent with this purpose.

*Practical Difficulty.* The innovative design does the most possible to provide a functional and viable home. There are multiple practical difficulties that must be addressed to make practical use of the Property for a new single-family home, such as the multiple frontages and existing nonconformities. Temperature controlled storage is necessary to maintain the mechanical equipment needed for the home. The additional air-conditioned areas within the understory will stabilize the environment to protect the mechanical equipment from extreme heat and high humidity, and other factors that could otherwise reduce its performance and longevity. Additionally, the pavers set on sand can shift, settle, or become uneven. These practical difficulties will lead to tripping hazards, maintenance issues, and possible structural issues for the raised home in the future. The minimal concrete areas will ensure the home and pool areas are structurally sound and

safe. The trellis structure in the rear yard also directly related to a literal interpretation of the Code, that results in a less sustainable and habitable space. The proposed aluminum louvers will last longer, require less maintenance, and provide a more enjoyable outdoor living space. Lastly, the location and height of mechanical equipment in the side yard limits the longevity and maintenance of critical elements for the home. The proposed height and screening is the minimum necessary to ensure it will not have to be raised in the future and is appropriately screened from all vantage points.

Sea Level Rise and Resiliency Criteria. The new home advances the sea level rise and resiliency criteria in Section 7.1.2.4 of the Code, as follows:

**1. A recycling or salvage plan for partial or total demolition shall be provided.**

A recycling and salvage plan for demolition of the existing home will be provided at permitting.

**2. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Hurricane proof impact windows will be provided.

**3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

The Applicant will provide, where feasible, passive cooling systems.

**4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

All landscaping will be Florida friendly and resilient.

**5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.**

The Applicant is proactively addressing sea level rise projections by raising the first floor of the home to the base flood elevation of 9' NGVD and 5' of freeboard.

**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.**

The elevated first-floor with understory ensures that the home is adaptable to the raising of public rights-of-ways and adjacent land in the future.

**7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.**

All mechanical and electrical systems will be located above base flood elevation.

**8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

The proposed home is entirely new construction located well-above base flood elevation.

**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.**

No habitable space is located below base floor elevation.

**10. Where feasible and appropriate, water retention systems shall be provided.**

Where feasible, water retention systems will be provided.

**11. Cool pavement materials or porous pavement materials shall be utilized.**

Cool pavement materials or porous pavement materials will be utilized where possible.

**12. The design of each project shall minimize the potential for heat island effects on-site.**

The proposed design provides large open spaces and non-air-conditioned shaded living spaces to strategically minimize the potential for heat island effects on site.

Conclusion. Granting this design review application will permit the development of a resilient single-family home that will add value to the surrounding neighborhood. The additional variances are consistent with the Original Approval.

We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6231.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, wavy line that forms the letters 'M' and 'L'.

Michael W. Larkin

Cc: Emily K. Balter, Esq.

# EXHIBIT A

## DESIGN REVIEW BOARD City of Miami Beach, Florida

MEETING DATE: September 3, 2024

PROPERTY: **94 Palm Island 02-4205-001-0330**

FILE NO: DRB24-1026

IN RE: An application has been filed requesting Design Review Approval for the construction a new two-story residence with an understory level, including a variance to permit an existing structure to remain within the front and side yard setbacks, a variance to allow driveways to exceed the maximum allowable width, and one or more waivers, to replace an existing residence.

LEGAL: Lots 36 and 37, in Block 1, of PALM ISLAND, according to the Plat thereof, recorded in Plat Book 6, Page 54, of the Public Records of Miami-Dade County, Florida.

Also:

A strip of land 20 feet wide lying Southerly of and cintguious to the Southerly boundary line of Lots 36 and 37, in Block 1, of PALM ISLAND, according to the Plat thereof, recorded in Plat Book 6, Page 54, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Palm Island Residence Trust

### 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. & 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 10 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 proposed new home at 94 Palm Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:
  - a. The understory **shall be** approved as proposed.
  - b. The side (east) open space requirement **shall be** waived as proposed.
  - c. The design waiver to allow parking or vehicle storage within a required yard shall be granted
  - d. The final design, materials and details of the proposed car port 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 details and color selection of the venetian plaster finish 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 final design details and color selection of the exterior tile cladding – large format proposed on the second story front 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 final design details and color selection of the exterior tile cladding – small format proposed on the second story front 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.
  - h. The final design details and color selection of the exterior blue-like stone-like or porcelain cladding – large format 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. The final design details and color selection of the hardwood, or wood-like, cladding proposed on the underside of slabs and eaves 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.
  - j. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - k. URBAN HEAT ISLAND ORDINANCE Section 7.5.3.2(g)(iv) 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.
1. 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, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans 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 plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
    - a. Shrubs and groundcover shall not be planted in the public Right-of-Way. The plans shall be revised to indicate that sod is to be used.
    - b. The plans shall be revised to comply with the line-of-sight visibility triangle requirements, subject to the review and approval of staff.
    - c. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
    - d. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
    - e. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff.
    - f. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
    - g. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
    - h. 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 the Public Works Department. Any new street trees shall be of a

consistent canopy tree species as similar to the neighboring trees along the street.

- i. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- j. 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.
- k. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

**In accordance with section 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.**

**I. Variance(s)**

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1. A variance from Sec. 7.2.2.3.b to reduce by 24'-10" the minimum required 30'-0" front setback to retain an existing two-story structure with a 5'-2" setback
  2. A variance from Sec. 7.2.2.3.b to reduce by 17'-2" the minimum required 20'-0" side (east) setback to retain an existing two-story structure with a 2'-10" side setback.
- 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;

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- 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 conditions based on its authority in Section 2.8.4 of the Miami Beach City Code:
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.**

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

- A. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee or post a bond, pursuant to Section 7.1.3.2 of the Land Development Regulations. This fee is set as a percentage of the cost of construction.
- B. 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

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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.

- C. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.
- D. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- E. All allowable construction signage shall be attached to or situated behind the construction fence and shall be limited to one (1) sign, not to exceed four (4) square feet, in accordance with Section 6.3.2 of the Land Development Regulations.
- F. 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.
- G. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- H. The contractor(s) shall ensure that the street and the swale 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 swale areas before leaving at the end of each day.
- I. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- J. 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.
- K. 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.
- L. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- M. 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.

- N. 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.
- O. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- P. 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 plans, entitled "94 Palm Residence" as designed by **Borges Architects + Associates** dated July 7, 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.

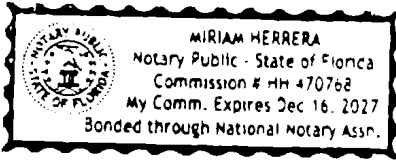
Dated 9/27/2024 | 12:22 PM EDT

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:  
*Rogelio Madan*  
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 2 day of October 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.



{NOTARIAL SEAL}

Notary: *Miriam Herrera*  
Print Name *Miriam Herrera*  
Notary Public, State of Florida  
My Commission Expires: *12-16-27*  
Commission Number: *HH 470768*

Approved As To Form: \_\_\_\_\_  
City Attorney's Office: \_\_\_\_\_  
Signed by: *Steven Rothstein* ( 9/27/2024 | 7:59 AM EDT )

Filed with the Clerk of the Design Review Board on \_\_\_\_\_  
DocuSigned by: *Jessica Gonzalez* ( 9/27/2024 | 3:02 PM EDT )

## EXHIBIT B



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On: 06/15/2024

PROPERTY INFORMATION	
<b>Folio</b>	02-4205-001-0330
<b>Property Address</b>	94 PALM AVE MIAMI BEACH, FL 33139-5138
<b>Owner</b>	PALM ISLAND HOLDINGS LLC TRS , PALM ISLAND RESIDENCE TR
<b>Mailing Address</b>	94 PALM AVE MIAMI BEACH, FL 33139
<b>Primary Zone</b>	2200 ESTATES - 25000 SQFT LOT
<b>Primary Land Use</b>	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
<b>Beds / Baths /Half</b>	9 / 14 / 0
<b>Floors</b>	2
<b>Living Units</b>	1
<b>Actual Area</b>	17,230 Sq.Ft
<b>Living Area</b>	10,509 Sq.Ft
<b>Adjusted Area</b>	14,167 Sq.Ft
<b>Lot Size</b>	60,000 Sq.Ft
<b>Year Built</b>	Multiple (See Building Info.)

ASSESSMENT INFORMATION			
Year	2024	2023	2022
<b>Land Value</b>	\$30,000,000	\$21,000,000	\$18,000,000
<b>Building Value</b>	\$5,027,213	\$3,618,745	\$5,139,891
<b>Extra Feature Value</b>	\$171,381	\$173,505	\$175,629
<b>Market Value</b>	\$35,198,594	\$24,792,250	\$23,315,520
<b>Assessed Value</b>	\$24,735,434	\$24,014,985	\$23,315,520

BENEFITS INFORMATION				
Benefit	Type	2024	2023	2022
<b>Save Our Homes Cap</b>	Assessment Reduction	\$10,463,160	\$777,265	
<b>Homestead</b>	Exemption	\$25,000	\$25,000	\$25,000
<b>Second Homestead</b>	Exemption	\$25,000	\$25,000	\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION
32 53 42 4-5 54 42
PALM ISLAND PB 6-54
LOTS 36 & 37 & 20FT STRIP IN BAY
ADJ EACH BLK 1
OR 18142-1043 0698 1



TAXABLE VALUE INFORMATION			
Year	2024	2023	2022
<b>COUNTY</b>			
<b>Exemption Value</b>	\$50,000	\$50,000	\$50,000
<b>Taxable Value</b>	\$24,685,434	\$23,964,985	\$23,265,520
<b>SCHOOL BOARD</b>			
<b>Exemption Value</b>	\$25,000	\$25,000	\$25,000
<b>Taxable Value</b>	\$24,710,434	\$23,989,985	\$23,290,520
<b>CITY</b>			
<b>Exemption Value</b>	\$50,000	\$50,000	\$50,000
<b>Taxable Value</b>	\$24,685,434	\$23,964,985	\$23,265,520
<b>REGIONAL</b>			
<b>Exemption Value</b>	\$50,000	\$50,000	\$50,000
<b>Taxable Value</b>	\$24,685,434	\$23,964,985	\$23,265,520

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
08/12/2021	\$28,300,000	32692-3528	Qual by exam of deed
07/24/2011	\$14,200,000	27769-1412	Qual by exam of deed
09/01/2007	\$16,250,000	25980-4788	Sales which are qualified
06/01/1998	\$4,000,000	18142-1043	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>