



200 S. Biscayne Boulevard  
Suite 300, Miami, FL 33131

[www.brzoninglaw.com](http://www.brzoninglaw.com)

305.377.6231 office  
305.377.6222 fax  
mlarkin@brzoninglaw.com

## **VIA ELECTRONIC SUBMITTAL**

September 25, 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: **SUPPLEMENTAL LETTER OF INTENT - DRB25-1087**  
Modification of DRB24-1026 for the Property Located at  
94 Palm Avenue, Miami Beach

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 (2)-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. The Applicant requested modifications of the Original Approval, including four (4) variances. On June 12, 2025, the DRB granted one (1) variance, for the side yard setback and maximum height for mechanical equipment in the side yard and continued the remaining variances to a later meeting. See Exhibit B, Supplemental Order DRB25-1087.

Please allow this letter to serve as a supplement to our revised letter of intent dated August 24, 2025, providing clarity regarding the proposed air conditioned area within the understory and the concrete areas within the understory.

Design Evolution for Understory. The Applicant has requested a variance to provide certain, limited concrete areas within the understory for structural purposes surrounding support columns and pool area. The Applicant has carefully evaluated multiple design solutions to comply with Section 7.2.2.3(b)(6)(G) of the Miami Beach Resiliency Code (the "Code"), which requires all non-air-conditioned portions of the understory to consist of pervious or semi-pervious materials, with asphalt and similar materials expressly prohibited. While the Applicant can utilize pavers set on sand and other pervious materials for the majority of the understory, certain functional areas—such as those containing structural columns and the pool deck—require a different approach.

To address this, the Applicant proposes an innovative design that fully aligns with the intent of the Code while ensuring structural stability. The design incorporates a reinforced concrete grid for structural support, with voids between the concrete filled with compacted sand, resulting in 20–25% non-concrete areas. This solution achieves permeability, preserves the Code's objectives, and provides the structural integrity necessary to accommodate large 3.5' x 4' porous limestone pavers. Importantly, the system also prevents settling and protects the proposed underground cistern, which is a critical component of the Project's proactive stormwater management strategy.

Condition for Proposed Air-Conditioned Storage. The Applicant has requested a variance to allow an enclosed, air-conditioned storage area within the understory to house critical infrastructure. This space is designed to accommodate the residence's water filtration system with two (2) 1,500-gallon tanks, a cistern water treatment system, water heaters, elevated electrical panels (B.F.E. +1'), plumbing, water distribution lines, and general storage. The floors are intentionally sloped to direct water into the cistern, enabling proper discharge from filtration backwashing and routine maintenance. Air conditioning is essential to control heat and humidity, preventing condensation, corrosion, and reduced equipment lifespan, thereby ensuring the long-term reliability of these vital systems. As a condition, the Applicant commits that this enclosed, air-conditioned understory storage area will not be used for habitable purposes and will remain limited to the uses identified in the architectural plans.

Conclusion. Granting this design review application and associated variances will permit the development of an innovative, beautiful, and resilient single-family home that will add value to the surrounding neighborhood. The innovative design achieves permeability, protects critical stormwater infrastructure, and supports safe installation of large porous pavers. In addition, the air conditioned understory storage area is strictly limited to essential infrastructure and will never be used for habitable purposes.

Accordingly, we respectfully request your favorable review and recommendation with respect to the variance requests. 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, appearing to read "Michael W. Larkin".

Michael W. Larkin

#### Attachments

cc: Matthew Amster, Esq.  
Michael Yanopoulos, 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.

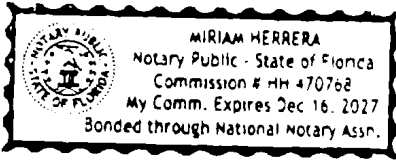
Dated 9/27/2024 | 12:22 PM EDT

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 )

DS  
*JH*

## EXHIBIT B

### DESIGN REVIEW BOARD City of Miami Beach, Florida

MEETING DATE: September 3, 2024

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

FILE NO: DRB25-1087

IN RE: An application has been filed requesting modifications to a previously approved Design Review Approval for the construction of a new two-story residence with an understory. Specifically, the applicant is requesting variances to provide an enclosed, air-conditioned storage area within the understory; to provide concrete areas within the understory; to exceed the maximum permitted lot coverage; for height and interior side setback for an increase in the height of mechanical equipment with screening within the interior side setback; including 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 contiguous 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

### S U P P L E M E N T A L O R D E R

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. All of the original conditions of approval by this Board, as reflected in the Final Order dated September 3, 2024, pursuant to DRB24-1026, shall remain in effect except as modified and approved herein.
- E. 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 revised design of the mechanical enclosure within the west side yard **shall be** approved as proposed.
    - b. The final design, materials and details of the revised mechanical enclosure 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.
    - c. 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.

**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):
1. A variance from of side yard setbacks in section 7.2.2.3.b.1. and section 7.2.2.3.b.12.F.II. to exceed by 4'-5" the permitted height of 5' above current flood elevation, with a maximum height not to exceed 10' above grade, for mechanical equipment and to exceed by 5'-7" for the screening elements the permitted height of 5' above current flood elevation, with a maximum height not to exceed 10' above grade. within the side yard at a height of 9'-5" above current flood elevation.
- 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 conditions based on its authority in Section 2.8.4 of the Miami Beach City Code:
1. **Variance no. 4:** 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.**

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

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- 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 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 April 4, 2025, 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.

7/2/2025 | 1:16 PM EDT

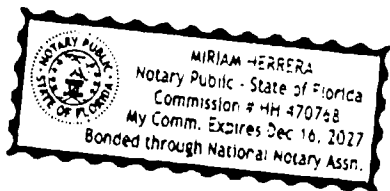
Dated \_\_\_\_\_.

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 3 day of July 2025 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: *HH470768*

Approved As To Form:



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City Attorney's Office: Farooq Andashewa ( 7/2/2025 | 12:08 ) PM EDT  
DocuSigned by:  
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Filed with the Clerk of the  
Design Review Board on Jessica Frelking ( 7/2/2025 | 1:18 ) PM EDT  
DocuSigned by:  
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