



PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: January 8, 2026

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **DRB25-1146**
1 Ocean Drive

An application has been filed requesting Design Review Approval for the construction of new two-story building including restaurants, café, children's center, health and wellness center, retail areas, swimming pool and beach club concession facility and adjacent public restrooms and requesting variances to exceed the minimum and maximum pedestal setback for the required front and side facing the street backs, including one or more waivers, to replace the existing restaurant and concession facility.

RECOMMENDATION:

Approval of the design

Approval of the variances 1,2 and 3

LEGAL DESCRIPTION:

Lots 1,2,3,4,5,6,7, and 8 of Block 112, Ocean Beach FLA. Addition No 4, According to the Plat Thereof, as recorded in Plat Book 3, Page 151, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	GU Government Use District
Future Land Use:	Recreation and Open Space (ROS)
Lot Size:	152,332 SF / 3.49 acre
FAR:	0.16 - 24,000 SF
Permitted FAR:	2.0 – 304,664 SF
Proposed Height:	44'-0" 2 stories
Permitted Height:	70'-0" (Average of 40'-0" C-PS1 and 100'-0" R-PS4)

ADJACENT LAND USES:

North: Hotel and commercial
South: Residential and commercial
East: Atlantic Ocean
West: Residential and commercial

THE PROJECT:

The applicant has submitted plans entitled "PIER PARK" as prepared by **KOBI KARP**. The applicant is proposing a new two-story building including restaurants, a café, a children's center, a health and wellness center, retail areas, a swimming pool and a beach club concession facility and adjacent public restrooms.

The applicant is requesting the following variances:

1. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required front setback (Collins Avenue). The proposed setback is 121'-0".
2. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required side facing the street setback (First Street). The proposed setback is predominantly 2'-6"; however, portions of the structure are setback further, including the portion of the main building where the Mediterranean restaurant and primary entrance are located.
3. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required side facing the street setback (South Pointe Dr.). The proposed setback varies from 9'-11" to 16'-5".

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, based on the plans and documents submitted with the application, staff has concluded that the requested variances comply with the following hardship criteria in Section 2.8.3 of the LDRs:

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;
2. The special conditions and circumstances do not result from the action of the applicant;
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;
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;
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
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;
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; and

8. 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.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the applicable provisions of the Land Development Regulations of the City Code (LDRs), aside from the requested variance(s). This 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.

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

- 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. However, the applicant is requesting three variances related to setbacks.

- 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

- 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.

Not applicable

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

Partially satisfied, staff is recommending conditions to address this.

- 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.

Not applicable

- 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.

Partially satisfied, the applicant is requesting three variances related to setbacks.

- 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 complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

Satisfied

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 or salvage plan will be submitted for building permit..
- (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 applicable

- (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.

Satisfied.

- (10) In all new projects, water retention systems shall be provided.

Satisfied.

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied.

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Satisfied.

STAFF ANALYSIS:

Design Review

The applicant is proposing to construct a new two-story beach club facility to replace the existing facility at the same location per a Concession Agreement that was approved by the City Commission on October 18, 2023 (Resolution 2023-32825). The new beach club is designed in a contemporary style and is organized around a central access point.

The building is proposed to be setback approximately 119 feet from Ocean Drive, allowing for an open entrance court. The open court accommodates pedestrian access, thereby satisfying the regulations in section 7.2.15.2.g.(2) and 7.2.15.3.f.(3) which require that "For lots greater than 100 feet in width the front setback shall be extended to include at least one open court with a minimum area of 3 square feet for every linear foot of lot frontage." This setback also accommodates the public surface parking that was required by the Concession Agreement,

The proposed structure contains two levels: i. the ground level accommodates back of house and service functions, including vehicular parking, a loading bay area, scooter and bicycle parking, trash room and rest rooms; ii. the second level (main level), which is accessed via a prominent staircase facing Ocean Drive and opens into an interior courtyard, includes all of the actual uses proposed. The kids club and restaurants are located on the north and south wings of the second level, and the courtyard connects to open-air terraces with outdoor dining areas; these terraces are linked by walkways that gradually descend to the main pool deck.

The pool area is surrounded by landscaped spaces and a variety of amenities including cabanas, outdoor bars, and a health and wellness center. A gated access point connects the pool area to the beach walk.

The maximum allowable height in this district (GU) is 70'-0" which is the average of the surrounding zoning districts C-PS1 (40'-0") and R-PS4 (100'-0"). The main building has a proposed height of 44'-0", with the remaining portions of the development at a lower in height.

The proposed building features a stucco exterior, with a darker gray tone applied to the lower level and a lighter tone above. The main level includes arched and rectangular windows, while the lower level uses paired rectangular windows. All windows frames are finished in bronze ionized aluminum.

The main façade (west) is symmetrical in shape featuring a rounded central atrium that complements the rectilinear volumes on each side. The adjacent volumes have flat stucco surfaces with windows, while the end sections are more solid and defined by vertical stucco scoring. The north and south elevations are primarily flat stucco with some areas showing texture or patterns as indicated in the submitted elevations. However, some materials and details remain unclear. Staff is recommending conditions to clarify these elements and ensure consistent visual quality, including the following:

- Provide details on the painted stucco finish and pattern, as well as the roof material and design, for the one-story structure (Sadelle's) shown on the east and south elevations.

- Clarify the painted stucco finish and pattern for the two-story structure housing the bathrooms, lockers, and fitness club, as shown on the north elevation.
- Specify whether the window glass is tinted or transparent.

The proposed roof design features a flat surface enclosed by a parapet, which conceals the mechanical equipment in some areas. Staff has expressed concern that the large flat roof may have a negative visual impact from the taller buildings in the surrounding area. To address this, staff recommends that the applicant explore the use of a green roof to activate the space. This could incorporate passive uses such as space which provide views toward the ocean. Additionally, staff recommends that the mechanical area be screened with top horizontal louvers to improve its appearance from above and maintain a cohesive visual quality.

Variance Review

The applicant is requesting the following variance(s):

1. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required front setback (Collins Avenue). The proposed setback is 119'-11".(per page A2.00)
 - Variance requested from:

7.2.16.3 Development Regulations (GU)

The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.

7.2.15 PERFORMANCE STANDARD DISTRICT (PS)

District	Side Facing a Street	Front
CPS-1	0	0
RPS-4	5	5
Average	2.5	2.5

All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and the pedestal side yard facing a street setback, which shall be considered as both a minimum and maximum requirements.

The applicant is requesting this variance to accommodate 72 public parking spaces as required by the Concession Agreement. In addition to this, the proposed building is located closer to the front property line than the existing building, which decreases the degree of non-conformity to the minimum and maximum setback required per City code. Due to the practical difficulties associated with providing public parking on the site, and the reduction in the degree

of non-conformance associated with the existing building, which mitigates the variance request, as well as satisfaction of the applicable hardship criteria, staff is supportive of the granting of the requested variance.

2. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required side facing the street setback (First Street). The proposed setback is predominantly 2'-6"; however, portions of the structure are setback further, including the portion of the main building where the Mediterranean restaurant and primary entrance are located.

- Variance requested from:

7.2.16.3 Development Regulations (GU)

The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.

7.2.15 PERFORMANCE STANDARD DISTRICT (PS)

District	Side Facing a Street	Front
CPS-1	0	0
RPS-4	5	5
Average	2.5	2.5

All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and the pedestal side yard facing a street setback, which shall be considered as both a minimum and maximum requirements.

The Applicant is requesting this variance to facilitate the redevelopment of the site, as stipulated in the Concession Agreement. Constructing a building directly on the setback line with a limited floor area ratio (FAR) of 0.16 on such a large site presents significant practical difficulties, given that large areas must be set aside for on-street parking and amenities. Additionally, the required setback would minimize the potential for articulation of the façade. Due to the practical difficulties associated with providing on street public parking on the site, and the potential impact on the design of the proposed building, which mitigates the variance request, as well as satisfaction of the applicable hardship criteria, staff is supportive of the granting of the requested variance..

3. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required side facing the street setback (South Pointe Dr.). The proposed setback varies from 9'-11" to 16'-5" .

- Variance requested from:

7.2.16.3 Development Regulations (GU)

The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.

7.2.15 PERFORMANCE STANDARD DISTRICT (PS)

District	Side Facing a Street	Front
CPS-1	0	0
RPS-4	5	5
Average	2.5	2.5

All required setbacks shall be considered as minimum requirements except for the pedestal front yard setback and the pedestal side yard facing a street setback, which shall be considered as both a minimum and maximum requirements.

The Applicant is requesting this variance to facilitate the redevelopment of the site, as required by the Concession Agreement. Constructing a building directly on the setback line with a minimal floor area ratio (FAR) of 0.16 on such a large site presents significant challenges. Additionally, the southern property line is located south of the public sidewalk (within the property boundary); this east-west public sidewalk provides a key public access point to the beach. As a result, compliance with the required 2'-6" side setback requirement would result in the structure blocking the public sidewalk. Due to the practical difficulties associated with maintaining the public sidewalk on the south side of the property, as well as satisfaction of the applicable hardship criteria, staff is supportive of the granting of the requested variance.

SUMMARY

The application before the DRB is limited solely to the proposed design and site planning of the project, as well as the requested variances. As noted herein, staff believe that the overall design concept has been well developed and with some minor adjustments and additional information, as more specifically outlined in the conditions of the draft order, the application can move forward. Additionally, as more specifically described above, the hardship and practical difficulty criteria have been satisfied, allowing for the granting of the requested variances.

RECOMMENDATION:

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

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: January 08, 2025

PROPERTY/FOLIO: **1 Ocean Drive.**
02-4203-012-0011
02-4203-012-0010
02-4203-012-0012

FILE NO: **DRB25-1146**

IN RE: An application has been filed requesting Design Review Approval for the construction of new two-story building including restaurants, café, children's center, health and wellness center, retail areas, swimming pool and beach club concession facility and adjacent public restrooms and requesting variances to exceed the minimum and maximum pedestal setback for the required front and side facing the street backs, including one or more waivers, to replace the existing restaurant and concession facility.

LEGAL: Lots 1,2,3,4,5,6,7,and 8 of Block 112, Ocean Beach FLA. Addition No 4, According to the Plat Thereof, as recorded in Plat Book 3, Page 151, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Boucher Brothers Pier Park, 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 Miami Beach Code. 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 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 concession facility shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment. The mechanical area be screened with horizontal louvers to improve its appearance from above, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The applicant shall explore incorporating a green roof or other architectural elements on the main building in order to improve views of the rooftop from adjacent buildings, subject to the review and approval of staff, consistent with the Design Review Criteria and/or the directions from the Board.
 - c. In addition to condition (1)(b) above, if the applicant decides to activate the roof area and lighting is implemented the lighting shall be contained within the roof areas. In a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The final color, design and details, including samples and color selection, on the painted stucco finish and pattern, as well as the roof material and design, for the one-story structure (Sadelle's) shown on the east and south elevations. 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 color, design and details, including samples and color selection, on the painted stucco finish and pattern, for the two-story structure housing the bathrooms, lockers, and fitness club, as shown on the north 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 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.
 - g. 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.

- h. 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. 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.
 - b. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
 - c. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
 - d. 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.
 - e. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - f. 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.
 - g. 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.
 - h. 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.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
1. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required front setback (Collins Avenue). The proposed setback is 119'-11".
 2. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required side facing the street setback (First Street). The proposed setback is predominantly 2'-6"; however, portions of the structure are setback further, including the portion of the main building where the Mediterranean restaurant and primary entrance are located.
 3. A variance to exceed the minimum and maximum pedestal setback of 2'-6" for the required side facing the street setback (South Pointe Dr.). The proposed setback varies from 9'-11" to 16'-5".
- 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. 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. 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.
- 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. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- D. 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.
- E. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- F. 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.

- G. 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 "La Gorce Country Club" as designed by **KOBI KARP**, dated November 09, 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.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

For the Chair

[illegible]

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ 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:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the
Design Review Board on _____ (