

MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: December 01, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: Design Review File No. 23224
44 Star Island Drive – Single Family Home

The applicant, Shay Kostiner, is requesting Design Review Approval for the construction of a new two-story single family home to replace an existing pre-1942 architecturally significant two-story home.

RECOMMENDATION:
Approval with conditions

LEGAL DESCRIPTION:

Lot 44 of CORRECTED PLAT OF STAR ISLAND, according to Plat thereof, recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida.

HISTORY:

On March 03, 2015, a similar application, under DRB File No. 23143, was considered by the Board and continued to the April 07, 2015 meeting at the request of the applicant. On April 07, 2015, the application was heard by the Board; after a lengthy discussion and three motions, the item was continued to a date certain of July 07, 2015. On July 07, 2015, the application was withdrawn without prejudice by the applicant.

SITE DATA:

Zoning: RS-1
Future Land Use: RS
Lot Size: 49,473 SF

Grade: +6.76' NGVD
Flood: +10.00' NGVD
Difference: +3.24' NGVD
Adjusted Grade: +8.38' NGVD

Lot Coverage:

Existing: ±4,058 SF / 10%
Proposed: 14,825 SF / 29.96%
Maximum: 14,842 SF / 30%

Unit size:

Existing: ±7,002 SF / 14%
Proposed: 20,354 SF / 41.1%
Maximum: 24,737 SF / 50%
2nd Floor Volume to 1st: **69.7%**

Height:

Proposed: 28'-0" flat roof
Maximum: 28'-0" flat roof

EXISTING STRUCTURE:

Year Constructed: 1935
Architect: J. N. Bullen
Vacant: Yes
Demolition Proposed: Full

Surrounding Properties:

East: Two-story 1923 residence
North: Buoy Park
South: Biscayne Bay
West: Two-story 1981 residence

EXISTING STRUCTURE:

The existing house was constructed in 1923 and designed by J.N Bullen for John H. Levi, the creator of Star Island. Mr. Levi, a marine engineer, worked with Carl Fisher to develop the man-made islands, and many recreational and planning aspects of Miami Beach. Mr. Levi went on to become Mayor of Miami Beach, and to date, is the only Miami Beach Mayor featured on the cover of *Time Magazine*. Star Island was completed in 1922 by the Army Corps of Engineers.

THE PROJECT:

The applicant has submitted plans entitled "Kostiner Residence", as prepared by design architects **Ricardo Bofill** and **Beilinson Gomez** signed and sealed October 13, 2015.

The applicant is proposing to replace the existing structure with a new contemporary two-story residence. No waivers or variances are being sought.

COMPLIANCE WITH ZONING CODE:

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

1. The swimming pool at the roof level shall count towards the 25% combined roof deck area.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **residential use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; the applicant is proposing the removal of five Strangler Fig trees on the site. The existing landscaping shall be designated to remain and be protected.
2. 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.

Not Satisfied; the applicant is proposing the removal of five Strangler Fig trees on the site. The existing landscaping shall be designated to remain and be protected.

3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; the applicant is proposing the removal of five Strangler Fig trees on the site. The existing landscaping shall be designated to remain and be protected.
4. 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; as proposed, the massing of the home is not compatible with the surrounding properties.
5. 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.
Not Satisfied; the applicant is proposing the removal of five Strangler Fig trees on the site. The existing landscaping shall be designated to remain and be protected
6. 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.
Not satisfied; as proposed, the massing of the home is not compatible with the surrounding properties.
7. 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.
Not Satisfied; the applicant is proposing the removal of five Strangler Fig trees on the site. The existing landscaping shall be designated to remain and be protected
8. 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.

Not Satisfied; a segregated pedestrian access has not been provided.

9. 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

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Not Satisfied; the applicant is proposing the removal of five Strangler Fig trees on the site. The existing landscaping shall be designated to remain and be protected

11. 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

12. 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).

Not satisfied; as proposed, waivers from the Design Review Board will be required

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

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

Satisfied

15. 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).

Not Applicable

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied

17. 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

STAFF ANALYSIS:

DESIGN REVIEW

A similar application (DRB File No. 23143) for this site was presented to the Design Review Board on April 07, 2015. After lengthy discussions by the Board, which were predominantly focused on the on-site tree resources, the Board expressed very clear concerns regarding the further exploration of the retention of the existing strangler fig trees on-site, as well as concerns pertaining to the massing of the proposed new residence. The application was continued to the July 07, 2015 DRB meeting. At the July 07, 2015 DRB meeting, the applicant requested a withdrawal without prejudice of the application.

The applicant has resubmitted plans for a new two-story home on the subject property. The proposed home is basically the same design as what was previously presented. However, this design does not require any waivers from the Board and the landscape plan has been substantially modified from the previously presented plans.

The waterfront site is located on the southwestern tip of Star Island on a pie shaped lot—with a frontage of approximately 38' in width and a rear property measurement of approximately 200'. The site has an overall depth of approximately 400'. It should be noted that due to the flood elevation requirements of 10'-0" on Star Island, the first floor of the home is required to be located over three (3') feet above the elevation of the street (CMB Grade).

The proposed site plan is configured with the front and rear portions parallel to one another, while both sides of the structure taper at a continuous setback of 24'-0" to the exterior walls, and float above a shallow water feature with a wide ledge tracing around most of the structure's footprint. Upon entering the site from the main vehicular entrance, the driveway accesses a central round-about with a landscape island in the center. The driveway then continues to access the two attached 4-car garages configured from both of the side yards. The amount of pavement has been significantly reduced throughout the front of the property and the 8 surface parking spaces have been eliminated. Staff notes that the applicant is no longer proposing to retain any of the Strangler Figs existing on the site today even though the new driveway does not affect any the three trees located in the front of the property (Trees #3, #5, and #7). The front of the property is not required to be elevated to Base Flood Elevation (BFE) by the Florida Building Code or FEMA guidelines since no structures are within the first 181'-9" of the site. The site can be drained by utilizing a subsurface drainage system which will result in a greater storage capacity for rainfall and will decrease runoff and reduce possible erosion. This type of drainage system allows the land to be maintained relatively flat without having to create swale areas.

The applicant has redesigned the home to comply with all aspects of the Code—including the restriction of the second floor volume to 70% of the first floor and the open spaces

provided along the side elevations are fully landscaped areas minus the water feature that connects to the rear pool. Staff still has some concerns regarding the massing of the home—particularly the rear façade as seen from the causeway.

The existing home has a rear setback of 100' and has a rear elevation that is 64'-9" in width, yet from the causeway it appears much larger. The applicant has designed a very symmetrical home that follows the shape of the lot. Since the Lot is pie-shape and opens up in the rear, this creates a rear elevation that is 137' in width. Additionally, the applicant is proposing a rear setback of 51'-2". While the home complies with the Code in terms of setbacks, staff is concern with the massing of the proposed home particularly in the rear is excessive. Staff would maintain that the retention of Tree #11 will mitigate the massing of the home. This tree is not within the buildable area and therefore will not need to be elevated to meet flood.

LANDSCAPE REVIEW

There are several large specimen trees located on the site. Mature trees of this size are rarely found and their scale complements the proposed home. Staff has reviewed the horticultural consultant's report dated March 5, 2015, and conducted a field visit on March 12, 2015 to inspect the trees. After conducting the site visit, staff recommends that four (4) strangler figs—identified as Tree #3, #5, #7, and #11, be retained in their current location and that protection methods be utilized during construction. Staff is particularly concerned for the 36 year old strangler fig (Tree #11) located in the rear of the property and strongly recommends that it should be retained and preserved. In addition to being a significant tree resource and contributor to our City's overall tree canopy, its preservation and retention would provide strong visual mitigation of the massing of the two story building as viewed from the Causeway, by creating a green buffer between the home and the highly visible public views. Trees #5 and #7 are located in the front yard and are not affected by the proposed building footprint and are located close to the side property lines. The retention of these trees will not negatively impact the design of the home and will create a green archway that will frame the home from the entrance to the property which will serve to mitigate the scale of the home and also protect our green infrastructure.

Since the initial meeting with the architectural team, the applicant has refined the overall design of the project and has begun to address most of staff's design concerns. However, due to the highly visible nature of the site, staff would still recommend that the architect maintain many of the existing trees on the site.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and/or Practical Difficulty and Hardship criteria.

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

MEETING DATE: December 01, 2015

FILE NO.: 23224

PROPERTY: **44 Star Island Drive**

APPLICANTS: Shay Kostiner

LEGAL: Lot 44 of CORRECTED PLAT OF STAR ISLAND, according to Plat thereof, recorded in Plat Book 31, at Page 60, Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family house to replace an existing pre-1942 architecturally significant two-story home.

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 118-252(a) 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 1-10 and 12 in Section 118-251 of the Miami Beach Code.

- C. The project would be consistent with the criteria and requirements of Section 118-251 if the following conditions are met:
1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 44 Star Island Drive shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The proposed swimming pool at the roof deck level shall be counted towards the 25% combined roof deck area, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. A bronze plaque, which includes a brief history of the original home, along with an engraved photo of either the street front or water front elevation, shall be provided in an area at the front of the property, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. Color photos and measured drawings, including floor plans and elevations of the existing home, shall be provided.
 - d. 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.
 - e. 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.
 - f. 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, and corresponding site plan, 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 plan 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. Trees identified on the 'Existing Tree Survey' and 'Tree Disposition Plan' as #3, #5, #7 and #11, shall be designated to remain in their existing location and be protected. No construction or excavation shall be

permitted within the dripline of these trees, and the hardscape plans shall be modified subject to staff review and approval.

- c. Those portions of the proposed driveway, parking and swimming pool, which are in conflict with the retention of Trees #5, #7, #11, shall be redesigned in a manner that does not conflict with the retention of such trees, 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 proposed planters along the perimeter of the roof shall be planted with a low planting material that will not exceed 12" above the main permitted height of the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. 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.
- f. 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.
- g. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
- h. 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.
- i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. 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.
- k. 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-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- I. 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 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

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

- A. During Construction of the new home, the Applicant will maintain gravel at the front of the construction site within the first 15'-0" of the required front yard to mitigate disturbance of soil and mud by related personal vehicles existing and entering the site and with an 8'-0" high fence with a wind resistant green mesh material along the front of the property line. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way. All construction vehicles shall either park on the private property or at alternate overflow parking sites with a shuttle service to and from the property. The Applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.

- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of 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 "Kostiner Residence", as designed by **Ricardo Bofill** and prepared by **Beilinson Gomez Architects P.A.** signed, sealed and dated October 13, 2015, 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 Chapter 118 of the City Code, 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 118 of the City Code, 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 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH J. TACKETT
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

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

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