

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: December 10, 2024

PROPERTY/FOLIO: **310 South Coconut Lane 02-4205-002-0580**

FILE NO: DRB24-1051

LEGAL: See 'Exhibit A'

IN RE: An application has been filed requesting Design Review Approval for a two-story residence with an understory, including one or more waivers, to replace an existing residence.

APPLICANT: Pierre De Agostini

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 consistent with the Design Review 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 consistent with Sea Level Rise Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations.
- D. The project will remain consistent with the criteria and requirements 2.5.3.1 and/or Section 7.1.2.4(a)(i) with the following conditions:
 1. Revised elevation, site plan, and floor plan drawings for the proposed new home at 310 South Coconut Lane shall be submitted, at a minimum, such drawings shall incorporate the following:
 - a. The maximum height of the home **shall be** 28 feet.
 - b. The side (south) open space requirement **shall be** waived as proposed.

- c. The pond within the understory area shall be setback 5 feet from the north exterior side of the underneath of the first habitable floor above.
 - d. The mechanical equipment enclosure proposed on the roof level, shall not be approved as proposed. The enclosure walls shall be lowered to a height that does not exceed the height of the equipment being screened.
 - e. The applicant shall work with staff to refine front screening structure and landscape to improve rhythm and language that ties to the rest of the house.
 - f. 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.
 - 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. 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. No variance(s) were filed as part of this application.

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 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 architectural plans, entitled "Coconut Lane Residence" as designed by **Praxis Architecture Design** dated September 6, 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 set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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 1/24/2025 4:46 PM EST

DS


DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

DocuSigned by
Rogelio Madan
1B127347C09640F

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 29 day of January 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.



Notary: *Miriam Herrera*
Print Name *Miriam Herrera*
Notary Public, State of Florida
My Commission Expires: *12-16-27*
Commission Number: *HH470768*

{NOTARIAL SEAL}

Approved As To Form: _____
City Attorney's Office: _____ (*Feroat Rudashevna*) 1/24/2025 4:04 PM EST

Filed with the Clerk of the
Design Review Board on _____ (*Jessica Gonzalez*) 1/27/2025 7:36 AM EST

DS
PM

'Exhibit A'

All of Lot 3 in Block D2 of AMENDED RIVIERA FIRST AND SECOND ADDITION, according to the plat thereof, as recorded in Plat Book 32, at Page 37, of the Public Records of Dade County, Florida; also a 20.00 foot strip of land contiguous to the Westerly boundary line of said Lot 3, lying between the Westerly extensions of the Northerly and Southerly boundary lines of said Lot 3; also that part of Lot 4 in Block D2 of Amended Riviera, which is described as follows: Beginning at a point which is the intersection of the dividing line between Lots 3 and 4 of said Block D2 and the Westerly line of South Coconut Lane, run Westerly along the dividing line between said Lots 3 and 4 of said Block D2, a distance of 30.78 feet to a point; thence deflecting to the left $84^{\circ}12'00''$ run Southerly a distance of 6.82 feet to a point; thence run in an easterly direction a distance of 32.40 feet to a point on the Westerly line of said South Coconut Lane; thence run in a Northerly direction along the Westerly line of said South Coconut Lane a distance of 10.54 feet to the Point of Beginning of the tract of land herein described.

Together with the following parcel described as Parcel "B"; A part of Lot 4, Block D2, AMENDED RIVIERA, FIRST AND SECOND ADDITIONS, recorded in Plat Book 32, at Page 37, of the Public Records of Dade County, Florida, said Parcel "B" described as follows:

Commence (P.O.C.) at the Northeast corner of Lot 4, also being the Southeast corner of Lot 3, and run on an assumed bearing of due West, along the dividing line between Lots 3 and 4, a distance of 30.78 feet to the Point of Beginning (P.O.B.) of Parcel "B" thence run South $5^{\circ}48'00''$ West, a distance of 3.93 feet to a point; thence run North $85^{\circ}13'18''$ West, a distance of 47.26 feet to an intersection with the dividing line between said Lots 3 and 4; thence run due East along said dividing line, a distance of 47.50 feet to the Point of Beginning (P.O.B.).

Less the following parcel described as Parcel "A". A part of Lot 4, Block D2, AMENDED RIVIERA, FIRST AND SECOND ADDITIONS, recorded in Plat Book 32, at Page 37, of the Public records of Dade County, Florida, said Parcel "A" described as follows: Commence at the Northeast corner of Lot 4 of the above reference subdivision and run Southeasterly along the Easterly line of Lot 4, along the arc of a circular curve having a radius of 210.00 feet, through a central angle of $2^{\circ}52'34''$ a distance of 10.54 feet to the Point of Beginning of said parcel "A" thence run Northwesterly along the Easterly line of Lot 4, along the arc of a circular curve having a radius of 210.00 feet, through a central angle of $0^{\circ}49'07''$, a distance of 3.00 feet to the Southerly face of a 0.50 wide stucco wall; thence run North $83^{\circ}23'17''$ West, along an assumed bearing, along the Southerly face of said wall, a distance of 31.52 feet; thence run South $5^{\circ}48'00''$ West a distance of 2.89 feet; thence run South $83^{\circ}15'25''$ East, a distance of 31.95 feet to the Point of Beginning (P.O.B.).