

March 9, 2020

VIA ELECTRONIC DELIVERY

James Murphy
City of Miami Beach
Planning Department
1700 Convention Center
Drive, 2nd Floor
Miami Beach, FL 33139

**RE: Letter of Intent: North Beach Town Center East Lot DRB Final May 2020
Submittal Redevelopment Proposal**

Dear James,

North Beach Town Center Development, LLC, an affiliate of Pacific Star Capital, LLC (both hereinafter referred to as "Owner"), is proposing a comprehensive redevelopment of a significant stretch of the North Beach Town Center comprising of approximately 48,995 square feet of land (the "Land") located; south of 71st Street, east of Abbott Avenue and west of Harding Avenue. The Owner's goal is to implement the vision of Plan NoBe and to transform the area from an underutilized collection of single-use buildings and surface parking lots into a vibrant pedestrian-oriented town center with new retail and multi-family units for the surrounding community.

Background

Since the inception of Pacific Star Capital in June 2003, the Owner has developed and acquired a real estate portfolio totaling in excess of \$700 million. Recent major projects the Owner has successfully completed nationwide include: rehabilitation of an 1,100 unit apartment complex in Houston, Texas; renovation of a 265,000 square foot regional shopping center in Chicago, Illinois; development of an urban site for Whole Foods in Los Angeles; and renovation of a 116,000 square foot community shopping center in southern California. Locally, Pacific Star developed a 44,000 square foot Whole Foods-anchored shopping center at 123rd Street and Biscayne Boulevard in North Miami.

In April 2017, the Owner acquired the properties owned by City National Bank on the south side of 71st Street within the North Beach Town Center area. Dr. Aria Mehrabi, principal of Pacific Star, is a thoughtful leader in innovative development who serves as a Governor of the Urban Land Institute and is on the advisory board of the Lusk Center at the University of Southern California, one of the country's premier graduate real estate development programs.

The Project

The Owner purchased these parcels to develop a cohesive and transformative project for the North Beach community. This one-block swath of land in the heart of the Town Center represents a golden opportunity to inject new investment into the area and create a vibrant activity node. The Plan NoBe North Beach Master Plan ("NoBe Master Plan")¹ states that "***the Town Center is intended to be the center of activity for North Beach,***" and the Owner is committed to delivering a lively mixed-use project that can fulfill the directives of the NoBe Master Plan.

The Owner is proposing the following elements to realize this vision (collectively referred to

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as the "Project"):

- Redevelopment of Owner's properties between Abbott and Harding Avenues into a thriving retail and multi-family mixed-use center. The Owner is proposing ground floor retail shop space with harmonious pedestrian and vehicular access connecting the Avenues. The new development will include 217 structured parking stalls with 118 multifamily units above (the "New Development"). The structured parking stalls will be made available to occupants & guests of the Existing Buildings and the New Development.
- 300 & 326 71st Street (the "Existing Buildings") shall remain as-is; with their total floor area crediting against the total allowable FAR for the Land. The total floor area and its distribution between the Existing Buildings and the New Development is within the limits of TC-C and is further detailed on Architectural Sheet A2.1.
- The New Development will be over 125 feet in height. We plan to comply with Section 142-747.g – expedited development construction, in order to satisfy the required contribution to the public benefits program as detailed in Section 142-747 of the City of Miami Beach code. In the event Owner is unable to satisfy the expedited development construction, Owner will be required to contribute to the public benefits fund or satisfy one of the other public benefit options detailed in Section 142-747.
- Easements: per plans submitted to the City of Miami Beach Public Works Department, and reviewed by Aaron Osborne, this water main is to be cut, capped and abandoned upon new water meters being placed at the front of the affected properties. This easement is to be vacated upon completion of the above work.

The Project will expand off the local Art Deco architectural heritage and create a surrounding atmosphere like Purdy Avenue in Sunset Harbour. North Beach needs additional retail options and is lacking new multifamily product. The combination of these large and small businesses will generate a lively shopping and gathering space in the Town Center. Residents of the apartment units will enjoy exceptional ocean & bay views and the amenity of a rooftop pool & outdoor lounge.

Sea Level Rise and Resiliency Criteria.

The Owner's proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

1. A recycling or salvage plan for partial or total demolition shall be provided.
The Owner will provide a recycling or salvage plan during permitting.
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
The structure will have hurricane impact windows throughout the Property, as applicable.
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Passive cooling systems, such as operable windows & balcony doors, may be installed as appropriate.
4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided in accordance with Chapter 126 of the City Code.
All new landscaping will consist of Florida friendly plants.
5. The project shall consider the adopted sea level rise projecting 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.

In compliance with the TC-C land development code, the Project intentionally features outdoor activation with the rooftop pool & outdoor lounge amenity space. The Project will comply with all flood proofing requirements to maintain the ground floor area in accordance with the Florida Building Code. To build to BFE 8' NGVD, would require significant ramping & access. This would impede the ground floor 'activation' and be a significant detriment to the patrons of this Town Center Project. The Project has been designed with significant ground floor ceiling height to allow for future adaptation.

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public right-of-way's and adjacent land.

The City has not proposed to raise the roadways in the near future, nor any committed sources of funding to facilitate any road raising and infrastructure improvements. However, the Project is designed with future street raising in mind so the slope into ground floor spaces will not require significant revision.

The ramp to the parking garage is internal to the New Development and therefore will not be impacted by the potential raising of surrounding public streets.

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Where feasible, mechanical and electrical systems will be located above base flood elevation. Any mechanical and electrical systems located below base flood elevation will be floodproofed in accordance with Florida Building Code requirements.

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base floor elevation, plus City of Miami Beach Freeboard.

The Existing Buildings to remain are not proposed to have their existing finished floor elevation ("FFE") raised. The building at 300 71st Street has an FFE of 5.11' NGVD and the building at 326 71st Street has a FFE of 5.25' NGVD.

9. When habitable space is located below the base floor elevation plus city of Miami Beach Freeboard, wet or dry floor proofing systems will be provided in accordance with Chapter of 54 of the City Code.

The Project will feature wet or dry flood proof to the extent applicable.

10. As applicable to all new construction, stormwater retention systems shall be provided.

The Owner will study various water retention systems for the Project.

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

The Project will feature cool pavement material as necessary.

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

Not applicable.

Proposed Operational Plan:

Prior to the issuance of a building permit for the project, the Owner shall submit an operational plan and narrative for the operation of the parking garage. This operational plan and

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narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:

- a) That the garage may be in operation 24 hours per day, 7 days per week, as proposed by the Owner.
- b) There shall be monitoring of the garage during all hours of operation.
- c) Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently in a location, subject to the review and approval of staff.

The following shall apply to the operation of the entire facility:

- a) All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
- b) Adequate air-conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning staff. Doors shall remain closed and secured when not in active use.
- c) Trash dumpster covers shall be closed at all times except when in active use.
- d) Delivery trucks shall not be allowed to idle in loading areas or in the alley.
- e) Trash pick-ups and deliveries shall only take place between 10:00 AM and 6:00 PM on Mondays through Fridays; and 10:00 AM and 6:00 PM on Saturdays and Sundays.
- f) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers affixed to or otherwise located on the exterior of the building shall be permitted.

Description of Requests:

Waiver:

New Development:

The Owner requests a waiver from Section 142-745. f.3. to allow for a driveway on a Class B street.

Variances:

71st Street. Class A frontage.

- 1. **Variance.** Indicate building height minimum frontage of 35'-0" from 13.0' NGVD for 90% of the length from setback line. Project does not comply.
- 2. **Variance.** Do not comply with setback of 10'-0" required below 55'-0"
- 3. **Variance.** Do not comply with setback of 25'-0" required above 55'-0".
- 4. **Variance.** Do not comply with pedestrian path required.
- 5. **Variance.** Do not comply with minimum 70% clear glass with views to the interior.
- 6. **Variance.** Do not comply with minimum 90% of habitable space shall be 50'-0" in depth.
- 7. **Variance** to not provide a shade structure with a minimum of 5'-0".

Abbott Avenue. Class B frontage.

- 8. **Variance.** 10'-0" pedestrian path is not continued.
- 9. **Variance.** Do not comply with setback of 10'-0".
- 10. **Variance.** Façade does not comply with minimum height of 35'-0" for 90%.
- 11. **Variance.** Do not provide a shade structure with a minimum of 5'-0" is required.
- 12. **Variance.** To allow a driveway when there is a frontage C that allows combined driveway.
- 13. **Variance.** Parking and loading areas at the ground level shall be concealed from pedestrian path with required habitable space. The valet pick up shall be located behind the habitable space.

Harding Avenue. Class C frontage.

14. **Variance.** Do not comply with setback of 10'-0".
15. **Variance.** Façade does not comply with minimum height of 35'-0" for 85%.
16. **Variance.** Do not comply with minimum 70% clear glass with views to the interior.
17. **Variance.** Do not comply with pedestrian path required.
18. **Variance.** Parking shall be setback 20'-0" and screened from pedestrian path with habitable space.
19. **Variance.** Do not provide a shade structure with a minimum of 5'-0".
20. **Variance.** Parking and loading areas at the ground level shall be concealed from pedestrian path with required habitable space.
21. **Variance.** Revise calculations of building frontage. The required depth of 45'-0" for habitable space for 90% of the façade cannot include the package area. Portions of the retail does not comply. Provide length of habitable space only on the area that complies on Page A2.7
22. **Variance.** Do not comply with on floor for 85% of the façade.
23. **Variance.** Do not comply with providing habitable space with minimum depth of 2' for 85% of the length of the façade.

Section 118-353.d. of the City's LDRs delineates the standards of review for a Variance application. A Variance shall be approved upon demonstration of the following:

(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;

Satisfied; The Land is unique due to its size and the Project's commingling of the Existing Buildings and the New Development. The Existing Buildings have been there since 1972 (300 71st Street) & 1948 (326 71st Street). Owner is focused on building the New Development in accordance with the design development program contemplated by this new TC-C code. The Existing Buildings cannot be substantially modified due to existing long-term leases.

(2) The special conditions and circumstances do not result from the action of the applicant;

Satisfied; Owner acquired the Existing Buildings with their long-term leases. The New Development has limited access points due to the Existing Buildings. The proposed site plan is the highest and best, while maintaining functional access, within the TC-C code & Existing Building parameters.

(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;

Satisfied; The requested Variances will not confer any special privilege on the Owner, that would be otherwise denied or detrimental to similarly situated properties within the Town Center 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;

Satisfied; The above Variances are the minimum requested in order to successfully develop the Project. The Project would not be possible if the code were interpreted literally.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

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Satisfied; Yes. The requested Variances will not negatively impact the surrounding neighborhood. The New Development is unique in its relation to the Existing Buildings. The Existing Buildings cannot be modified due to reasons already mentioned.

(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;

Satisfied; We believe this Project is in harmony with the NoBe Master Plan vision and that it successfully incorporates the Existing Buildings with the New Development. The Project will help revitalize North Beach into a thriving Town Center.

(7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board voting on the applicant's request.

Satisfied; The requested Variances will allow for the redevelopment of the Land consistent with the City Comprehensive Plan and will not reduce levels of service.

¹ See Page 1.5 of the NoBe Master Plan, adopted by the City Commission on October 19, 2016.

² The Project lying between Abbott and Harding Avenues contains the following properties: 02-3211- 002-0890, -0880, -0870, -0920, -0860, -0850, -0930,.


Conclusion

In sum, this is an exciting and unique opportunity for the Owner to comprehensively redevelop a significant stretch of 71st Street in the North Beach Town Center. The Project will address and follow many of the recommendations in the NoBe Master Plan, to make the Town Center a true center of activity for North Beach. In addition to removing underutilized and economically stagnant parking lots for better quality development, the Project will celebrate the architectural heritage of the area and create new opportunities for the entire neighborhood to enjoy.

For all of the aforementioned reasons, we look forward to working with the City to bring the Project to the North Beach community.

Sincerely,

Aria Mehrabi

By: 
Name: Aria Mehrabi
Title: Manager