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## **VIA ELECTRONIC FILING**

December 23, 2020

Thomas Mooney, Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: Conditional Use Permit for Mechanical Parking – 2901-11 Indian Creek Drive.

Dear Tom:

This firm represents 29 ICD, LLC (the "Owner"), the successor in interest to the original applicant and owner of the property located at 2901-2911 Indian Creek Drive, Miami Beach, Florida (the "Property"). Please consider this letter the Owner's letter of intent for a Conditional Use Permit to allow the Applicant to use mechanical parking within an innovative residential development on the site. The proposed redevelopment plan is one of the first private developments to incorporate the principles of the City's "Buoyant City" study. The study, as you know, encouraged raising of existing historic structures in the Collins Waterfront Historic District as a counter to the impact of sea level rise.

Property's Existing Development. The 2901 Indian Creek Drive parcel is 8,550 square foot in size and is improved with an 8,968 square foot two-story apartment complex, comprised of 15 units. The building was constructed in 1962 and is a typical post-war apartment arrangement, with an open catwalk along the northern side of the building. A second floor walkway linking the 2901 Indian Creek Drive building to the western building at 2911 Indian Creek was constructed at the same time. The construction of the 1962 building resulted in a re-orientation of the site that obscured the pre-war construction behind it.

The 2911 Indian Creek Drive parcel is 8,600 square foot in size and is improved with two (2) two-story buildings comprising 6,796

square feet and 16 apartment units. Both buildings, unlike the 2901 Indian Creek Drive building, are pre-war construction. The western building is the more elegant of the two, including curved stairways that face each other across a central patio. The eastern building is a simple cube with few distinguishing architectural elements.

Given the age of the development, it should be little surprise that the existing buildings are significantly below the current base flood elevation. As shown on the submitted plan, the Property is currently at elevation 1.35 NAVD. Base flood elevation is 6.44 feet NAVD. There is also no parking on-site.

Previous Approvals. In 2006, the Historic Preservation Board (File 3479) approved a Certificate of Appropriateness for the demolition of the building located at 2901 Indian Creek Drive, the partial demolition and renovation of the two buildings located at 2911 Indian Creek Drive, and the construction of a new seven story multifamily building. That project was never completed.

In 2015, through HPB File No. 7518 AND PB File No. 2246, the Owner's predecessor in interest secured approvals for a unified residential development that included the following: (1) the partial demolition of the building at 2901 Indian Creek and the development of a one-story addition with rooftop deck to that building; (2) the restoration of the western building at 2911 Indian Creek; (3) the demolition of the eastern building at 2911 Indian Creek; (4) the development of a new seven story building with rooftop deck on the eastern portion of the Property; and (5) the incorporation of a robotic/mechanical parking system into the development. That project also did not go forward.

Indian Creek Drive Road Project. The City is in the midst of a significant roadway modification project along Indian Creek Drive. As applied to the Property, the City's project will involve the raising of both Indian Creek Drive and 29 Street significantly. As shown on our plan submittal, the Indian Creek Drive sidewalk will be raised over two feet from its current location. 29 Street will be similarly raised in order to harmonize that street with the new Indian Creek Drive elevation.

Given the location and elevation of the existing structures on the site, the City's road project will have a significant impact on the construction and operation of the Property. The City's road project will significantly alter the manner in which the Property relates to the public right of way, especially the 1962 structure at 2901 Indian Creek, which has a minimal setback from 29<sup>th</sup> Street. Given the roadway project underway, the western edge of the 1962 building will be literally under the street elevation.

Condition of 1962 Building. The submitted engineer's report indicates that the 1962 building is currently in poor condition. As noted by the reviewing structural engineer, Youssef Hachem, "[a]ll the wood members of the building such as the roof, floor joists on all floors, and interior stud walls are in very poor and failing condition. concrete members of the building are cracked, and spalled. Moreover, reinforcing rebars of the concrete members also are in poor condition."

Proposed Development. The Owner proposes to develop the Property with an unified residential development that includes the following: (1) the demolition of the 1962 building at 2901 Indian Creek; (2) the restoration, relocation, reorientation, and raising of the western building at 2911 Indian Creek; (3) the demolition of the eastern building at 2911 Indian Creek; (4) the development of a new six-story building with rooftop deck on the eastern portion of the Property; and (5) the incorporation of a mechanical parking system. The new building is intended to be consistent with the historic built environment while, at the same time, being a first-rate modern architectural example.

Mechanical Parking System. The 2015 approval contemplated the incorporation of a sophisticated robotic parking system into the development. Thanks to the reduction of proposed density of development, the Applicant has been able to simplify the proposed mechanical parking system to seven (7) Klaus Trinity 3015 lifts. As the name implies, the Trinity 3015 system allows for the storage of three vehicles stacked vertically. One surface space will be kept open for accessible access and maneuvering.

The system will be operated 24/7 by valet staff. In the unlikely event of an emergency, building staff will be trained in the proper procedures to remove people and property from danger cause by a malfunction. The system will be subject to inspection and necessary maintenance at least twice per year. The building will include a back-up electrical generator to permit the continued operation of the parking system in case of a power outage.

Compliance with Relevant Code Standards. We believe the application, as submitted, is consistent with all of the relevant criteria of the City's Land Development Regulations. This letter will address each relevant criterion in turn.

Standard Conditional Use Criteria. Every conditional use application requires the Planning Board to determine an application's consistency with seven (7) criteria. Those criteria, codified in Section 118-192(a), are below, along with a description of the application's consistency with each:

1. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

*The proposed condominium use is consistent with the policies of the City's comprehensive plan.*

2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

*The use of mechanical parking here will help reduce the impact of the project on the surrounding area by providing parking in a district in which it is not required.*

3. Structures and uses associated with the request are consistent with these land development regulations.

*Both the proposed building and the uses within it are consistent with the RM-2 zoning regulations.*

4. The public health, safety, morals, and general welfare will not be adversely affected.

*The proposed development will have no impact on the public's health, safety or welfare.*

5. Adequate off-street parking facilities will be provided.

*The development plan proposes to construct sufficient parking to serve the uses within the building, which, as noted above, is not required in the historic district.*

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

*The proposed use will create no issues for neighboring property owners. Property values will be enhanced by the redevelopment of this decaying site and the reduction in parking impacts associated with the mechanical system.*

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

*The proposed use is not of a type that would create a negative impact through concentration.*

Mechanical Parking Standards. Along with the criteria codified in Section 118-192(a), the City's Land Development Regulations also require the Planning Board to review eleven additional criteria when the application seeks approval of a mechanical parking. Those criteria, from Section 130-38(4), are listed below, along with a description of the application's consistency with each:

- (a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;

*The use of mechanical lifts will allow the parking pedestal to be smaller than would otherwise be expected. It will also remove surface parking and ramps, resulting in an improvement to neighborhood aesthetics.*

- (b) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood;

*The use of mechanical parking will help facilitate a better quality development, increasing the compatibility with the surrounding area.*

- (c) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking;

*The use of the mechanical parking system will not result in an increase of density or intensity.*

- (d) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;

*The parking system will not be visible from the exterior of the proposed building.*

- (e) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner;

*The nature of the system will not make it necessary to assign spaces to a specific unit owner.*

- (f) In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues;

*Valet service will be required at all times.*

- (g) Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way;

*The Applicant has prepared and submitted a traffic study detailing these issues. Given the limited nature of the development, excessive stacking is very unlikely.*

- (h) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided;

*The system will be available and staff twenty-four hours per day. The proposed lifts have minimal noise impacts and will be enclosed in the building.*

- (i) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed;

*There are no proposed uses accessory to the parking garage as the garage serves the condominium use.*

- (j) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated;

*Special care has been taken to shield the adjacent residential uses from any impacts of the garage use. The garage has been designed not to permit light from vehicle headlamps to escape.*

- (k) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;

*The proposed use will not be a publicly accessible garage and therefore will not lead to cumulative impacts.*

Sea Level Rise and Resiliency. Section 133-50(a) of the Land Development 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.

*The plan will be provided at the time of building permit.*

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

*All windows in the development will be hurricane proof.*

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

*Operable windows are being retained where possible. Large sliding doors are proposed for new balconies to allow for passive cooling.*

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.

*The proposed landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area.*

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.

*The project has been designed with sea level rise in mind. As noted above, the Owner is proposing to raise the 1936 building over five (5) feet as contemplated by the City's Buoyant City plan.*

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way 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 additional feet in height.

*The project has been designed with future road raising in mind. Moreover, the development plan was largely a function of needing to response to current road raising.*

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.

*Both the new construction and the restoration work have been designed to meet this requirement.*

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

*The Owner is proposing to raise the 1936 building to base flood elevation – over five (5) feet above its current elevation.*

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 54 of the city Code.

*The 1936 building improvements have been designed to accommodate this requirement.*

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



*The underlying project has been designed with stormwater retention as required/*

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

*The plan incorporates significant new porous materials.*

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

*The underlying project has been designed with to avoid the heat island effect.*

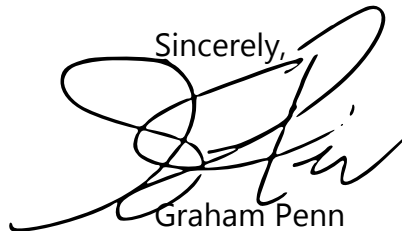
Variances. As part of the Historic Preservation Board application for the design of the development, the Owner has made the following variance requests:

1. Front pedestal setback variance to permit the relocated historic building to locate at 15'8" where 20' would be required (15.16' existing)
2. Interior north side pedestal setback variance to permit 8'4" where ten (10) would be required.
3. Sum of the sides pedestal setback variance to permit 18'-10" where twenty (20) feet would be required.
4. Rear tower setback variance to permit the new tower to locate fifteen (15) feet from the east property line where 22'6" would be required.
5. Interior north side tower setback variance to permit new tower to locate at 12'2" where 12'-7" is required.
6. Variance of the maximum pedestal balcony projection for the north side to permit a balcony to extend to 8'7" into the setback where 2'6" would be permitted on the new building.
7. Variance of the maximum pedestal balcony projection for the south side to permit a balcony to extend to 8'2" into the setback where 2'6" would be permitted on the new building.
8. Variance of the maximum pedestal balcony projection for the east side to permit a balcony to extend to 8'2" into the setback where 3'9" would be permitted on the new building.
9. Variance of the maximum tower balcony projection for the north side to permit a balcony to extend to 8'7" into the setback where 3'1 would be permitted on the new building.
10. Variance of the maximum tower balcony projection for the south side to permit a balcony to extend to 8'2" into the setback where 2'6" would be permitted on the new building.

11. Variance of the maximum tower balcony projection for the east side to permit a balcony to extend to eight 8'2" into the setback where 3'9" would be permitted on the new building.

Conclusion. The Owner is excited to bring this new development to a property that has been ignored for too long. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Penn', written over the word 'Sincerely,'.

Graham Penn

cc: Jason Halpern  
Sebastian Velez  
JJ Wood