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VIA ELECTRONIC SUBMITTAL & HAND DELIVERY

Michael Belush, Chief of Planning and Zoning
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **DRB21-0709** – Letter of Intent – Design Review of Proposed Multi-Family Residential Project at 800 84 Street Miami Beach, Florida

Dear Mr. Belush:

This law firm represents 6BM, LLC (the "Applicant") in its application for design review of a new residential tower located at 800 84 Street (the "Property") in Miami Beach (the "City"). This letter serves as the required letter of intent in support of the requested design review, waiver, and variance necessary to achieve the proposed project.

Property Description. The Property is located south of 84 Street between Hawthorn Avenue to the west and Crespi Boulevard to the east in the North Beach ("Nobe") neighborhood, and is identified by Miami-Dade County Folio No. 02-32-02-008-1570. It is approximately 5,650 square feet (0.13 acres) in size and currently consists of vacant unimproved land. The Property is designated Low Density Multi-Family Residential by the City's Future Land Use Map of its Comprehensive Plan and is zoned RM-1 – "Residential Multi-Family Low Intensity," which permit a maximum of 60 dwelling units/acre. Based on the size of the Property, it can be developed with a maximum of approximately 8 units (0.13 acres x 60 du/acre = 7.8 units).

Proposed Development. The proposed development is a beautifully designed three-story multi-family building featuring four (4) high quality modern residential units. Each unit is two (2) and include two covered parking spaces and a private rooftop

terrace. The design responds appropriately to the narrow 50-foot wide site by utilizing unique curved structural columns and horizontal projecting concrete brise-soleils that break up the massing of the structure. The abundant fenestration on all elevations allow air and light to flow into the units and through the structure, which further breaks up massing improves energy efficiency, and provides for aesthetically pleasing design. To achieve the proposed design on the narrow lot, the project requires a variance from the required ground floor residential pursuant to Section 142-156(b)(1) of the City Code of Ordinances ('Code"), and a waiver the required elevation of the first-floor slab pursuant to Section 142-155(a)(3)(f)(1). These requests are further explained below.

Project Valuation. The Applicant estimates the project cost of construction to be approximately $800,000.00.

Requests. The Applicant seeks the following requests in order to achieve the proposed design:

1) Request for design review approval of the proposed three-story multi-family building;

2) Request for a waiver of the required first floor slab elevation pursuant to Section 142-155(a)(3)(f)(1) of the Code to permit a first-floor slab elevation of 11'-5'' where 12'-0'' inches is required; and

3) Request for variance to waive the required 18'' required setback between the structural columns and the drive aisle pursuant to Section 130-63; and

4) Request to waive residential uses on the first floor along a street side for a property less than 60' in width pursuant to Section 142-219(3).

Design Review Approval. The project proposes to develop vacant unimproved land with a modern three-story structure that is consistent and compatible with the exiting built context of the area. The design of the building, including pedestrian and vehicular circulation, landscaping, and architectural treatments are consistent with the City's Design review Criteria. Overall, the proposed design brings a low intensity multi-family building that is consistent with the Code and remains sensitive to the existing built context of the area.

Waiver for Elevation of First Floor Slab. Pursuant to Section 142-155(a)(3)(f)(1), the minimum height above Base Flood Elevation ("BFE') plus Freeboard and the underside of

the first-floor slab is 12'. The Design Review Board, may waive this height requirement by up to two (2) feet, in accordance with the design review criteria. The project proposes a height of 11-5'' for the first-floor slab above BFE plus Freeboard.

The existing grade of+4.50' (NGVD) for the relatively small Property creates a condition where the maximum vertical rise of the 20' driveway is only two feet (2'). This is the maximum vertical rise that can be provided based on a maximum slope ratio of 10% without utilizing ramps. The narrow 50' width and 112' depth of the Property cannot accommodate ground floor ramping. Accordingly, the highest elevation of the ground floor parking area is +6.50' (NGVD). The Applicant has designed the access stairways to the units with as many vertical risers as the building footprint will allow, which results in a maximum elevation of the underside of the first-floor slab. Considering the constraints of the Property, this is the maximum elevation possible for the first-floor slab for a building that responds appropriately to the site and is consistent with the City's Design Review Criteria.

Wavier of Residential Uses on First Level. The proposed design seeks to waive the requirements to provide residential uses at the first level facing a street, sidewalk, or waterway in order to provide parking for residents at the ground floor. Notably, Section 130-32(6)(a) waives the parking requirement for RM-1 zoned apartment buildings on lots that are 65' in width provided that secure storage for alternative forms of transportation are provided. However, the Applicant's review of neighborhood conditions in Nobe reveals a chronic shortage of on-street parking spaces, which makes apartment units with two (2) included covered parking spaces a highly desirable amenity that reduces the strain on City-owned parking spaces in the area. In addition to the chronic parking shortage, the small lot size, and low elevation make it virtually impossible to provide marketable residential units on the ground floor. Section 142-219(3) of the Code is intended to provide flexibility with respect to the ground floor residential liner requirement for properties, such as the Property, that are less than 60' wide. This request seeks to provide zero (0) residential units on the ground floor, but proposes substantial architectural screening and landscaping to meet the intent of the Code.

Variance Request. The Applicant seeks a variance from the required 18'' setback between the drive aisle and the columns of the building pursuant to Section 130-63 of the Code.

Satisfaction of Hardship Criteria. The Applicant's requested variances satisfies all hardship criteria as follows:

(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;

The narrow 50' wide lot and low existing grade elevation of only 4.50' (NGVD) are special conditions and circumstances peculiar to the land involved. The relatively small 5,650 square foot Property is located in a district that permits low-scale apartment buildings such as the proposed building. However, the narrow lot width, limited lot depth, and low elevation are unique circumstances that are inapplicable to other properties in the area.

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

The existing lot conditions do not result from any action of the Applicant. The Property is consistent with its originally platted condition as part of the Biscayne Beach Subdivision Plat recorded in Plat Book 44, Page 67 of the Public Records of Miami-Dade County. Accordingly, no action of the Applicant caused the existing confined lot conditions that necessitate the variance request.

(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;

Granting the requested variance does not confer any special privilege on the Applicant denied to other lands, buildings, or structures in the same zoning district, as the requested variance merely facilitates a highly desirable modern design that is consistent with the City's Design Review Criteria. The requested variance facilitates the provision of badly needed off-street parking for residents in the Nobe neighborhood. While the provision of off-street parking is not required for certain properties in the same zoning district, granting the variance to allow the design to include off-street parking is not a special privilege that is denied to other similarly situated developments.

(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;

Literal interpretation of the land development regulations works and unnecessary and undue hardship on the Applicant by failing to acknowledge the narrow lot width, shallow lot depth, and

lack of available parking in the neighborhood. Denial of the requested variance would result in a substantially modified design that could not accommodate off-street parking, and would impact the location and means of ingress and egress to the residential units above.

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

The requested variance is the minimum variance that makes possible a modest development with off-street parking. The proposed project provides only four (4) units where a maximum of eight (8) units are permitted, and provides two (2) parking spaces per unit. The proposed design is therefore a reasonable and beneficial use of the Property, and the requested variance is the minimum variance that facilitates the proposed design.

(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; and

The granting of the variance will be in harmony with the general intent and purpose of the Code, as the proposed design provides appropriate spacing between the drive aisle and the building columns walls when considering the size of the Property.

(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 of adjustment voting on the applicant's request.

The variance request is consistent with the City's Comprehensive Plan and does not reduce the levels of service as set forth in the plan.

Practical Difficulty. The proposed design is minimally impactful and recognizes the existing confined conditions of the Property that create practical design challenges for development. In response to the practical challenges associated with the existing site conditions, the Applicant provides appropriate spacing between the drive aisle and building columns. Approving the requested variance recognizes the need for off-street parking in Nobe. These design challenges created by the existing site conditions are practical difficulties that justify the minor variance request.

Sea Level Rise and Resiliency Criteria. The 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.

Not applicable, the Property is vacant.

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

New exterior windows and doors shall be hurricane-proof impact windows.

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

Most exterior windows shall be operable. The proposed building is narrow and main rooms have operable fenestrations on two, or even three sides for cross ventilation. In addition, tall ceilings and internal open stairways inside dwelling units allow for vertical draft and movement of warmer air in the upper part of rooms, further increasing comfort and energy efficiency. Deep overhangs on the North and South facades provide ample shadow over windows and doors in social rooms, which are those mostly used during the daytime, while a smaller amount of window area on the East side façade, and the combination of vertical and horizontal projecting concrete brise-soleil decorative elements reduce thermal gain at the most unfavorable orientations.

(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 Applicant has worked with a landscape architect to provide landscaping that is appropriate for the Property, with plant species that are native, salt-tolerant, and Florida-friendly. The proposed plantings are appropriate for the area and specifically selected to increase flood resilience and improve stormwater drainage on the Property.

(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.

All habitable spaces shall be above minimum freeboard (BFE + 1 Ft), and both the Parking Garage and means of egress stairs shall be adaptable to future increases in elevation, in response to future raising of public rights-of-way and adjacent land.

(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 up to three (3) additional feet in height.

The elevation of all habitable spaces in the proposed building and the distribution of ground floor driveways make the design adaptable to future road raising projects.

(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.

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

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

Not applicable. New construction proposed.

(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.

Interior finishes at the portion of interior stairways below FEMA's Base Floor Elevation shall be built out of flood-resistant materials, as required and recommended by FEMA's Technical Bulletin No. 2.

(10) As applicable to all new construction, water retention systems shall be provided.

Perimeter retention walls and adjoining swales shall be provided as part of a more comprehensive water retention strategy on site.

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

The Applicant proposes to utilize cool and/or porous pavement to increase permeability and reduce heat island effect.

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

The Applicant proposes cool pavement, a light-colored roof and extensive landscaping that will minimize the potential for heat island effects.

Conclusion. The proposed design is substantially consistent with the requirements of the Code and the city's Design Review Criteria. The modest residential project provides new high-quality residences in Nobe within a masterfully designed low-scale structure.

The requested waiver and variance are necessary due to the existing site constraints and facilitate and design that improves the quality of residential real estate in the City.

In light of the foregoing, we look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6234.

Sincerely,

Nicholas J. Rodriguez-Caballero

Attachments

cc: Gaston Pedretti
Enrique Pardo-Fernandez
Michael Larkin, Esq.