

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Vanessa Madrid, Esq.
+1 305-789-6453
vanessa.madrid@hklaw.com

December 6, 2021

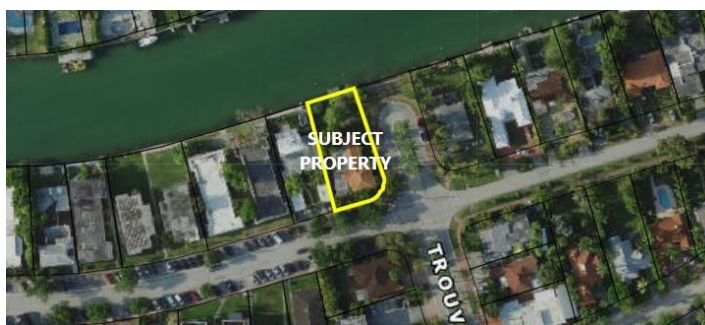
VIA ELECTRONIC DELIVERY

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

**Re: Pampa Sunbelt 5, LLC / 7300 Trouville Esplanade – Letter of Intent
Design Review Board Application No. DRB21-0721 (the "Application")
Second Amended and Restated Letter of Intent**

Dear Mr. Mooney:

Please accept this Second Amended and Restated Letter of Intent on behalf of Pampa Sunbelt 1, LLC (the "Applicant"), in support of its above-mentioned Application for the City of Miami Beach, Florida (the "City") Design Review Board ("DRB") approval in connection with that certain ± 0.25 acre parcel of land located at 7300 Trouville Esplanade at the corner of Trouville Esplanade and Calais Drive, as further identified by Folio No. 02-3210-010-0340 (the "Property"), as shown below:



This Second Amended and Restated Letter of Intent serves to clarify that with this Application the Applicant seeks DRB review and approval of a five (5)-unit townhome project (the "Project") on the Property with one (1) non-use variance of City Code of Ordinances (the "Code") Section 142-156(a) to allow a front setback of ten (10) feet, and one (1) waiver of Section 142-155(a)(3)f.1. of the City Code of Ordinances (the "Code") to allow an approximately two (2)-foot reduction of the minimum garage clearance height required, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab (BFE+5), as further discussed in Section III below.

I. Property Information

The Property has a City Comprehensive Plan Future Land Use Map ("FLUM") land use designation of Low Density Multi-Family Residential ("RM-1"), and is zoned Residential Multifamily, Low Intensity ("RM-1") on the City's Zoning Map. Single family detached dwellings, single family attached dwellings, townhouse dwelling, multiple family dwellings, and more are permitted uses on properties designated RM-1 on the City's FLUM. Likewise, the main permitted uses in the RM-1 zoning district include, but are not limited to: single-family detached dwellings, townhomes, apartments, apartment hotels, and bed and breakfasts pursuant to City Code Section 142-142(a). Thus, under both the Property's current land use designation and zoning district, the proposed townhome Project is a permitted use.

The Property is uniquely located along the Normandy Waterway on Normandy Isles at the intersection of Trouville Esplanade and Calais Drive. The waterfront location adds to the desirability of the Property's location, and the proposed townhome Project is consistent with numerous multi-family developments in the neighborhood along Calais Drive on the same block and to the west.

II. Proposed Project

The Applicant is seeking to construct a new five (5)-unit four (4)-story townhome development on the Property. The Property is currently developed with a single-family home built in 1949. The existing building will be demolished in order to construct the new project. The design of the development, prepared by Gaviria Architects and depicted on the enclosed presentation, embraces a modern yet sophisticated aesthetic and features an elegant material palette of warm tropical wood tones and architectural board-formed concrete. The design incorporates roof decks to enhance residents' private open space areas. A side garden area further creates interesting landscape opportunities, minimizes the volume of the design, and provides a buffer between the Property and adjacent lots. Lush landscaping will enhance both the public streetscape and the neighborhood feel. In addition, large cantilevering volumes will provide shaded outdoor living spaces. Together, these elements will result in a unique and interesting architectural design.

The Applicant strongly believes the proposed waterfront Project will further beautify this neighborhood and will not impact neighboring properties, as the design is compatible with other homes currently existing and under construction in the neighborhood. The proposed Project is compatible with the applicable Land Development Regulations.

III. Variance Request - Section 142-156(a)

In connection with this Application, the Applicant respectfully requests DRB approval of one (1) non-use variance of the City Code Section 142-156(a) to allow for a ten (10)-foot front setback along Calais Drive consistent with neighboring properties, as follows:

(a) The setback requires for the RM-1 residential multifamily, low density district [is] as follows:

At-grade parking lot on the same lot, Front: 20 feet.

The proposed Project enhances and improves the Property, and provides for an elevated and better use of the area. The Project has been thoughtfully designed with the existing character of the neighborhood in mind, and the front setback provides for efficient and non-intrusive ingress, egress, and use of the Property as well as internalized parking to minimize impacts to the surrounding neighboring properties.

The Application meets the criteria for variances set forth in City Code Section 118-353(d) of the Land Development Regulations as follows:

(d) In order to authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

- (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 Property is located on the corner of Trouville Esplanade and Calais Drive. The corner location creates primary frontage along the narrow Calais Drive boundary of the Property. The Applicant is proposing a front setback which is consistent with setbacks of neighboring properties along Calais Drive. The Applicant designed the Project according to staff recommendation, and positioned the building to be complement the existing visual dialogue in the neighborhood. Approval of this variance will facilitate a sophisticated and contemporary design with interesting visual variations across all facades as well as internalized parking and access driveways for each of the proposed townhome units.

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

The requested variance will assist in development of the Property according to its existing zoning district and land use designation. The proposed townhome Project is a permitted use and is consistent with other developments on the same block. The requested variance from the front setback requirement flows from the corner location of the Property, is consistent with other setbacks in the neighborhood, and does not result from the action of the Applicant.

- (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;

Approval of the variance requests will not result in the any special privilege. The Land Development Regulations permit multi-family and townhome developments, and the proposed front setback variance is appropriate for the neighborhood and consistent with existing development in the area.

- (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;

Without the requested variance, the Property would not be able to be developed with the permitted townhome use and appropriately meet parking and access needs in a safe and reasonable manner. Also, literal application of the setback requirements would foreclose appropriate and feasible development, enhancement, and improvement of the Property.

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

The Applicant is committed to developing the Property with a modern and attractive design that adds to the experience of pedestrians, neighbors, and users of the Normandy Waterway. The requested variance merely allows for development of the Property according to a permitted use, and will permit the a sophisticated and unique corner development that shines as beacon for neighbors, visitors, and residents in the area.

- (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 setback variance will have no detrimental impact to the area. The Applicant intends to develop the Property in a manner that will benefit and enhance the area.

- (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 anytime prior to the board voting on the applicant's request.

RM-1 zoning allows for townhome developments, and the proposed front setback allows for development according to the zoning district's permitted uses. Similarly, the proposed non-use variance request of the front setback is inconsistent with the comprehensive plan and does not reduce levels of service.

IV. Waiver Request – Section 142-155(a)(3)f.1.

In addition to the above, the Applicant respectfully requests DRB approval of a waiver of City Code Section 142-155(a)(3)f.1., which reads as follows:

f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:

1. A minimum height of 12 feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The

design review board or historic preservation board, as applicable, may waive this height requirement by up to two feet, in accordance with the design review of certificate of appropriateness criteria, as applicable.

The Code grants the DRB the authority to waive certain design criteria, including ground floor height. As proposed, the Project provides for a garage clearance height that is within the waivable two (2)-foot deviation from the required twelve (12) feet pursuant to the City Code. Approval of this waiver allows for functional and conforming parking for all of the proposed townhome units, even if streets are raised in the future. The requested ground floor height waiver is appropriate and will allow for efficient off-street parking amenities that are proportionate to the scale of the Project.

V. Compliance with Design Review Criteria

The Project satisfies the design review criteria set for in Section 118-251 of the Land Development Regulations, as follows:

- (1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

Satisfied.

- (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.

Satisfied. The Applicant is requesting one (1) non-use variance of the front setback in a manner which will not impact the character of the surrounding neighborhood and will improve pedestrian experience of the rights-of-way.

- (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.

Satisfied.

- (4) The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in Section 118-252.

Satisfied.

- (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 article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.

With the exception of the one variance requested as part of this Application, the proposed site plan, and the location, appearance and design of new structures are in conformity with the standards of the City's Code. Please refer to the enclosed presentation.

- (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.

Satisfied. The proposed structure is sensitive to and compatible with the character of the neighborhood and development trends in the area. In addition, the proposed residence enhances the appearance of the surrounding community and the waterfront. Please refer to enclosed revised plans.

- (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.

Satisfied.

- (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 safety 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.

Satisfied.

- (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.

Satisfied.

- (10) Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied.

- (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).

Satisfied.

- (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.

Satisfied.

- (18) In addition to the foregoing criteria, subsection 118-104(6)(1) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a, wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable, none proposed.

VI. Sea-Level Rise and Resiliency Criteria

The Applicant has carefully considered sea-level rise protections and resiliency measures, and the proposed Project has been designed, and will be developed, to ensure resiliency and protection from sea-level rise and storm surges. The proposed Project complies with the criteria set forth in City Code Section 133-50, as follows:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.

A recycling or salvage plan for demolition of the existing structure will be provided as and when required.

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

Satisfied. All proposed windows have a Notice of Acceptance for High Velocity Hurricane Zones.

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

Satisfied. The Applicant is considering passive cooling systems where feasible and appropriate.

- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Satisfied. The Applicant is considering resilient landscaping, where feasible and appropriate, to incorporate into the landscape design. Special attention has been paid to the Property's western boundary, and lush landscaping has been provided to create an appropriate buffer ensure the privacy of the neighbors.

- (5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

Satisfied. Adopted Sea level rise projections in the Southeast Florida Regional Climate Action Plan, including a study of land elevation and elevation of surrounding properties, were considered and the appropriate principles were incorporated into the Project design.

- (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.

The ground floor, driveways, and garage ramping are adaptable to the raising of public rights-of-ways and adjacent land. The Applicant is planning to slope the grade to match the existing height of the neighboring yards. This requires steps for the home as shown in the enclosed presentation. The ground floor is raised in preparation for the Future Grade Elevations of Miami Beach.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied. All Mechanical and Electrical systems will be above the Design Flood Elevation (+12'NGVD).

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Not Applicable. The existing structure will be demolished.

- (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.

The only areas of the proposed residence to be below Design Flood Elevation will be the garages, which shall have proper flood vents and water-proofing systems that will be noted in the permit set.

- (10) Where feasible and appropriate, water retention systems shall be provided.

All storm water will be retained on the property as per City of Miami Beach requirements, which will be calculated and designed during the permit process.

- (11) Whether cool pavement materials or porous pavement materials shall be utilized.

The Applicant will consider cool pavement materials or porous pavement materials where feasible and appropriate.

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

Satisfied. The Applicant has designed the Project to minimize the heat island effects on-site, through the use of cooling massing and design materials, and addition of landscaping to provide further shade.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this Application. Thank you in advance for your considerate attention to this request. If you have any questions or require additional information, please feel free to contact me directly.

Respectfully submitted,



Vanessa Madrid, Esq.

Enclosures

cc: Florencia P. Montecchiarini
Tracy R. Slavens, Esq.