



200 S. Biscayne Boulevard  
Suite 300, Miami, FL 33131  
[www.brzoninglaw.com](http://www.brzoninglaw.com)  
305.377.6236 office  
305.377.6222 fax

## VIA ELECTRONIC AND IN-PERSON SUBMITTAL

March 4, 2022

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

RE: **DRB21-0773** – Letter of Intent – Design Review of Proposed  
New Residential Building Located at 1771 Purdy Avenue,  
Miami Beach, Florida

Dear Mr. Belush:

This law firm represents SUHAMB, LLC (the "Applicant") in their application for design review of a new, 5-story residential building located at 1771 Purdy Avenue in the City of Miami Beach (the "City") and identified by Miami-Dade County Folio No. 02-3233-012-0570 (the "Property"). Please consider this the Applicant's letter of intent in support of Design Review Board ("DRB") approval and variance request for the construction of 5-story residential building and to allow the use of mechanical parking lifts (the "Project").

Property Description. The Property consists of approximately 3,750 square feet (0.08 acres) and is developed with one single-story commercial structure. The Property is located within the Sunset Harbour neighborhood and has a land use designation of Medium Intensity Commercial Category (CD-2) and is zoned CD-2.

Proposed Development. The Applicant proposes to construct an elegant, boutique residential building with single residences on each level and a penthouse unit and roof deck on the fifth level. The Project features a sleek futurist architectural style that evokes movement and interest along the façade levels. The frontage of the building contains sharp design features, varied balcony widths and infinity glass balustrades. The Project's frontage will appeal to pedestrians traveling along Purdy Avenue. The ground floor features vertical cladding and a glass façade, which serve as a welcoming entrance for residents and guests. The

rooftop is comprised of a tiled roof deck, pool, and features a trellis that will provide shade to users on the rooftop. In the rear, the Project will feature surface parking with three (3) mechanical parking lifts for residential use. The three (3) mechanical parking lifts, which provide a total of six (6) parking spaces, satisfies applicable parking requirements.<sup>1</sup>

*Estimated Cost of Construction.* The estimated cost of construction is \$3,800,000.00.

Variance Request. The Applicant is seeking the following variance request:

1. Trellis Variance – A variance from the requirements of Section 142-312(b)(3)(e) to provide a rooftop trellis with (1) a 0' setback where a 20' setback is required and (2) a combined area of 35% of the enclosed floor area immediately one floor below where 20% is the maximum permitted ("Trellis Variance").

The Applicant respectfully requests the Trellis Variance. The Applicant proposes to transform the Property from a one-story commercial structure into a modern residential building that will appeal to pedestrians traveling along Purdy Avenue. The rooftop trellis significantly contributes to the overall interest of the Project because the trellis is seamlessly configured along the Project's front façade, which creates an uninterrupted presentation from the streetscape. Aside from its setback and combined area, the rooftop trellis complies with all applicable Code requirements and contributes positively to the Project's design. The rooftop trellis complies with the applicable height requirements and will not negatively impact the Sunset Harbour neighborhood.

Practical Difficulty. The location of the Property is a practical difficulty inhibiting the Applicant from meeting all of the land development regulations in constructing the Project. The Property is uniquely located in that it overlooks Maurice Gibb Memorial Park and Biscayne Bay. Due to its unique location, users of the roof deck will naturally gravitate towards the Property's frontage along Purdy Ave to enjoy uninterrupted views of the park and waterway. The Trellis Variance is necessary to provide shade to users who will stand along the Property's frontage. Considering this difficulty, the Applicant has proposed the best development plan for the Property by placing the trellis near the Property's frontage so users can enjoy the unique positioning of the Property's location overlooking Maurice Gibb Memorial Park and Biscayne Bay.

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<sup>1</sup> The Project satisfies the criteria listed in Section 130-38(4)(a) to allow the Design Review Board to review a proposal for mechanical parking lifts. The Project is a residential building with less than 20 units, the mechanical lifts are located within an enclosed parking area, secure storage for alternative transportation is provided on-site, and the Project satisfies the review criteria of Section 138-38(5).

Satisfaction of Hardship Criteria. The Applicant's request 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;**

There are special conditions and circumstances that exist which are peculiar to the land and uses, such as the location of the Property and design of the Project. The Property is uniquely located in that it overlooks Maurice Gibb Memorial Park and Biscayne Bay. Due to its unique location, users of the roof deck will naturally gravitate towards the Property's frontage along Purdy Ave to enjoy uninterrupted views of the park and waterway. The Trellis Variance is necessary to provide shade to users who will stand along the Property's frontage. If the trellis is set back 20', the users of the roof deck, who stand along its front façade, will not be able to enjoy the unique positioning of the Property. Further, the trellis' location on the front property line significantly contributes to its design by providing a unique, seamless silhouette, which will distinguish the Project from other buildings in the City.

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

The Applicant did not create the location of the Property overlooking Maurice Gibb Memorial Park and Biscayne Bay. Placing the trellis along the front property line will enhance the roof deck experience as users can enjoy the special conditions of the Property by standing along the front property line and be protected from the sun. The Applicant's proposed trellis accommodates the futuristic and seamless design of the Project and provides functionality for the roof deck.

**(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;**

The Trellis Variance is consistent with the future of the neighborhood, the CD-2 district, and Comprehensive Plan. The Trellis Variance does not reduce the quality of the Project and will provide a new, unique apartment building for the Sunset Harbor neighborhood. The purpose of the CD-2 District is to provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which serve the entire City. The Trellis Variance achieves this purpose by enhancing

the Project's roof deck by providing a shaded structure to protect users who will stand on the roof deck along the front property line.

**(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;**

A literal interpretation of Section 142-312(b)(3)(e) of the Code would require the trellis to be set back 20' and have a combined area of no more than 20% of the enclosed floor area immediately one floor below. This would deprive the Applicant of a viable roof deck to service the residential unit on the fifth floor and reduce the architectural integrity of the Project's design. The trellis satisfies the Code requirement in regard to height, while allowing for viable development that will benefit the surrounding area.

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

The Trellis Variance request is the minimum variance necessary to allow for the Project while still satisfying the intent of the Code and allowing for successful redevelopment of the Property to serve the community.

**(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 Trellis Variance will be in harmony with the intent and purpose of the Code as the proposed structure is designed to break up the scale and massing of the building, while providing a seamless design. The roof deck and trellis provide a development opportunity that enhances the desirability and quality of the Property and services the Sunset Harbor neighborhood.

**(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 Trellis Variance is consistent with the City's comprehensive plan and does not reduce the levels of service as set forth in the plan.

Satisfaction of Mechanical Parking Review Criteria. The Applicant's request satisfies the mechanical parking review criteria and guidelines as described in Section 130-38(5):

**(1) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

The nearby area contains numerous buildings of similar scale and massing.<sup>2</sup> The high-quality development and street activation are in line with the desired direction for the neighborhood, and the project's size is consistent with the buildings already existing in the immediate vicinity. The Project's size and design ensure that the Project's massing does not impact the context and scale of the surrounding built environment.

**(2) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

The proposed use of mechanical parking results in the improvement of design characteristics and compatibility with the surrounding neighborhood. Specifically, the use of the mechanical parking allows the Project to maximize the uniquely sized 3,750 square foot lot.

**(3) 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 proposed use of mechanical parking does not result in an increased density or intensity over that which could be constructed with conventional parking methods. See the alternative parking analysis in the plans submitted as part of this application. The proposed Project aims to meet the City's off-street parking requirement and desires to accomplish this with the addition of mechanical parking.

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<sup>2</sup> In 2018, the DRB approved a five-story mixed-use project with ground floor retail, including a 5-foot height waiver, for the property located adjacent to the Project. See DRB Order DRB17-0198. In May 2021, the DRB approved to increase the height of the mixed-used project to 65 feet. See DRB Order DRB20-0549. The Lofts, located at 1701 Sunset Harbor Drive, consist of eight (8) stories with a building height of 75 feet. Sunset Harbor Towers (North and South), located at 1800-1900 Sunset Harbor Drive, consist of twenty-five (25) stories, each with a building height of 228 feet. The Sunset Harbor Garage and Retail, consisting of four (4) stories, is 58 feet.

**(4) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

The proposed mechanical parking lifts will be located on the ground floor at the rear of the Project, which is completely out of view, and within an enclosed structure along the rear property line. Vehicles will not be visible as the structure has solid elevations to both screen and provide a sensitive elevation along the alley.

**(5) 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 proposed mechanical parking lifts will be used for self-parking. Accordingly, a restrictive covenant will be proffered by the Applicant through the building permit and certificate of occupancy processes.

**(6) 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.**

Not applicable as the proposed mechanical parking lifts will be used for self-parking.

**(7) 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.**

A traffic study is provided which addresses the details of the mechanical parking facility.

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

An operations plan will be provided with the application materials.

**(9) 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.**

The proposed parking plan is meant to service the required parking for the residential development. The use of mechanical parking lifts will provide for ample on-site parking and ease of use. The operations plan included with the Application will describe the functions of the development.

**(10) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

There are similar size structures in the Proposed Development's vicinity, including residential and commercial structures within the Sunset Harbour neighborhood. Notably, the Project is appropriately buffered to be compatible with the area and will not create any adverse impacts, especially as all required parking will be provided on-site.

**(11) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed.**

There will be no cumulative effect from the Project with adjacent and nearby structures.

Sea Level Rise and Resiliency Criteria. The 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 Applicant will provide a recycling or salvage plan during permitting.

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

The Project will feature hurricane impact windows.

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

The design of the Project features sliding glass balcony doors and will include operable windows where appropriate. Further, the abundant landscaping and permeable materials contribute to passive cooling, which represents a significant improvement from the existing condition.

**(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.**

The Project features no residentially habitable space below base flood elevation. The finished floor elevation of 9' NGVD is 1' higher than BFE to provide even greater flood and sea level rise protection.

**(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 driveways and ground floor parking lot are designed with future roadway elevation projects in mind. In addition, the increased Finished Floor Elevation of the Project from the existing condition makes the Property more 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.**

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 design of the Project does not feature any habitable space below base flood elevation plus Freeboard.

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

The Project will retain all stormwater on-site.

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

The Applicant proposes a substantial increase in cool and/or porous pavement materials, including a 100% permeable surface parking lot.

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

The Applicant proposes a roof terrace with abundant landscaping. These features serve to minimize heat island effect.

Conclusion. The Applicant's Project offers a beautiful, modern residential building. The Project complements the existing styles of the Sunset Harbour neighborhood, is consistent with the intent of the Code, and improves resilience of the Property. We

Michael Belush, Chief of Planning and Zoning

March 7, 2022

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therefore respectfully request your favorable review and recommendation. If you have any questions or comments, please call me at 305-374-5300.

Sincerely,



Michael W. Larkin

cc: David Butter, Esq.