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VIA ELECTRONIC AND HARD-COPY SUBMITTAL

September 26, 2022

Rogelio A. Madan, AICP
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **REVISED** - Lot Split Request for the Property Located
at 320 W. Di Lido Drive, Miami Beach, Florida

Dear Mr. Madan:

This law firm represents 320 Aqua LLC (the "Applicant"), the owner of the property located at 320 W. Di Lido Drive (the "Property") within the City of Miami Beach (the "City"). Please consider this letter the Applicant's letter of intent in support of a lot split application to divide the existing building site into two individual building sites.

The Property. The waterfront lot is located south of the Venetian Causeway, on West Di Lido Drive. See Figure 1 below, Aerial. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3232-011-0230. See Exhibit A, Property Appraiser Summary Report. The Property consists of two, separately platted lots on the Plat of Di Lido, recorded in the Official Public Records of Miami-Dade County at Book 8, Page 36 (the "Plat"). See Exhibit B, Plat. According to the surveys prepared by Gunter Group, Inc. and included in the application materials, the Property is approximately 21,960 square feet in size, and each lot is approximately 10,980 square feet in size. Additionally, pursuant to the Building Card, the existing home on the Property was built in late-1958. See Exhibit C, Building Card.

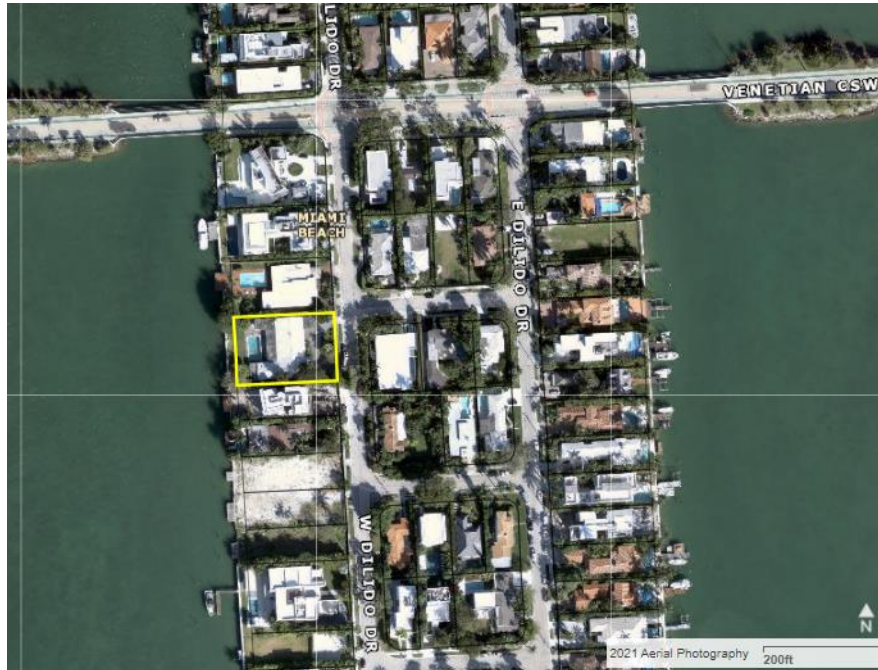


Figure 1, Aerial

The Property is zoned RS-3, Single-Family Residential District. The Property is not located in a local or national historic district, nor classified as having any historical significance. The Applicant will separately submit requests to the Design Review Board ("DRB") for the design review and approval of two (2), new replacement homes and associated design waivers.

Lot Split Request. The Applicant is seeking to split the Property into two (2) equally sized lots, consistent with the originally platted lot lines. The dimensions of the resulting lots will be consistent with the City's land development regulations, resulting in lots that will be more compatible with the properties within the surrounding area. The average lot size for the regular-shaped, waterfront-lots south of the Venetian Causeway is approximately 12,486 square feet and the most commonly found lot size is approximately 10,500 square feet.¹ Therefore, the requested lot split results in lots that are compatible with the existing neighborhood context.

It should be noted that Section 142-105(b)(9) of the City Code of Ordinance (the "Code") provides:

¹ This analysis does not take into consideration the eight (8) foot wide strip added to the waterfront edges of the properties.

(9) *Lot split.* All new construction for homes on lots resulting from a lot split application approved by the planning board shall be subject to the review and approval of the design review board (DRB) or historic preservation board (HPB), as applicable. The following shall apply to all newly created lots, *when the new lots created do not follow the lines of the original platted lots and/or the lots being divided contain an architecturally significant, pre-1942 home that is proposed to be demolished.*

- a. The maximum lot coverage for a new one-story home shall not exceed 40 percent of the lot area, and the maximum lot coverage for a new two-story home shall not exceed 25 percent of the lot area, or such lesser number, as determined by the planning board.
- b. The maximum unit size shall not exceed 40 percent of the lot area for both one story, and two-story structures, or such less numbers, as determined by the planning board.

(emphasis added).

With respect to this Lot Split application, the newly created lots follow the lines of the original platted lots. Also, as noted, the existing home was constructed after 1942. Therefore, the development limitations provided in Section 142-105(b)(9) of the Code are not applicable. The new homes, as will be reviewed and approved by the DRB, will be consistent with the maximum permitted development limitations provided in Section 142-105(b)(1) of the Code, as varied due to practical difficulties. Based on the proposed designs of the two (2) replacement homes, Applicant anticipates seeking a design related Waivers to permit an additional two feet (2') of additional height for Lots 14 and 15. The additional height is needed to comply with the minimum understory elevation and height. The additional height will allow for a more resilient design and functional understory and will be properly mitigated with the larger lot sizes and lot widths of the newly created lots.

Lot Split Review Criteria. According to Section 118-321(B) of the Code, the Planning Board shall apply the following criteria to the review of any lot split application:

(1) Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.

The lots will be divided in such a manner that actually exceeds the minimum requirements of the applicable land development regulations for RS-3 zoned

properties. Section 142-105(b)(1) of the Code provides that the minimum required lot area is 10,000 square feet. The proposed resulting lots will be greater than the minimum required at approximately 10,500 square feet. Section 142-105(b)(1) of the Code also provide that the minimum lot width for waterfront lots is fifty (50) feet in size. The proposed resulting lots will be greater than the minimum required at sixty (60) feet in width.

(2) Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.

The resulting building sites will be consistent with the existing building sites and of the same character as the surrounding area. Specifically, of the thirty-seven lots analyzed, the most commonly occurring lot size is 10,500 square feet, which is equal to the proposed building site.

(3) Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.

The scale of the proposed homes will be compatible with the as-built character of the surrounding area. In fact, if the Property, as a double lot, were to be redeveloped as a single site, a significantly larger home could be constructed that would be incompatible with the surrounding area. The Applicant has included detailed architectural drawings of the proposed new homes with the application materials. The detailed architectural drawings show that the structures, with the height waiver due to practical difficulties incorporating understories, would be permitted under the current land development regulations.

(4) Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.

The Property is currently developed with a single-family home which is expected to be demolished. Thus, the resulting homes will fully conform to the requirements of the Code. The lot split will not result in any nonconformities that would require mitigation.

(5) Whether the building site that would be created would be free of encroachments from abutting buildable sites.

The building sites created by the lot split will be free of encroachments from abutting buildable lots. There are no existing or proposed encroachments.

(6) Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 142-108(a).

The Property contains a post-1942 home with no historical significance.

(7) The structure and site complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

The proposed replacement homes will fully comply with sea level rise and resiliency review as summarized below.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria provided in Section 133-50(a) of the Code as follows:

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

A recycling or salvage plan for demolition will be provided at permit.

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

All new windows will be hurricane proof impact windows.

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

Where feasible, passive cooling systems will be provided.

(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.

Resilient, Florida-friendly landscaping will be provided.

(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 Applicant has considered the adopted sea level rise projections and the land elevations of the subject property and surrounding properties.

(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 proposed designs will be adaptable to the raising of public rights-of-ways and adjacent land.

(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.

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.

New construction will be elevated up to base floor elevation, plus Freeboard.

(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.

Habitable space will be located above base flood elevation plus Freeboard.

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

Stormwater retention systems will be provided where feasible.

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

Cool pavement material and porous pavement materials will be utilized.

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

The new homes will minimize the potential for heat island effects on site with ample and lush greenspace and landscaping, and opportunities for non-air conditioned living spaces.

Conclusion. Approval of the application will permit the development of two appropriately scaled single-family homes on the Property that will be compatible with the character of the residential neighborhood. Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this Lot Split Application. If you have any questions or comments, please give me a call at (305) 377-6231.

Sincerely,



Michael W. Larkin

Enclosures

cc: Philippe Harari
Emily K. Balter, Esq.



EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 4/4/2022

Property Information	
Folio:	02-3232-011-0230
Property Address:	320 W DI LIDO DR Miami Beach, FL 33139-1166
Owner	320 AQUA LLC
Mailing Address	1680 MICHIGAN AVE STE 913 MIAMI BEACH, FL 33139 USA
PA Primary Zone	0800 SGL FAMILY - 1701-1900 SQ
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	7 / 7 / 0
Floors	1
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	6,433 Sq.Ft
Lot Size	21,000 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2021	2020	2019
Land Value	\$9,030,000	\$7,770,000	\$7,770,000
Building Value	\$640,718	\$641,003	\$646,310
XF Value	\$35,376	\$35,401	\$35,427
Market Value	\$9,706,094	\$8,446,404	\$8,451,737
Assessed Value	\$9,706,094	\$1,273,344	\$1,244,716

Benefits Information				
Benefit	Type	2021	2020	2019
Save Our Homes Cap	Assessment Reduction		\$7,173,060	\$7,207,021
Homestead	Exemption		\$25,000	\$25,000
Second Homestead	Exemption		\$25,000	\$25,000
Widow	Exemption		\$500	\$500
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

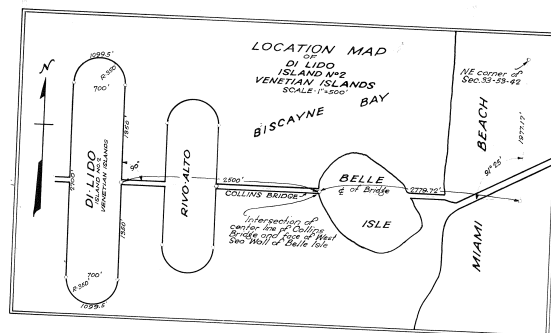
Short Legal Description
32 53 42 DI LIDO ISLAND PB 8-36 LOTS 14 & 15 & 8FT STRIP CONTIG TO SAME ON BAY BLK 2 LOT SIZE 120.000 X 175

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$50,500	\$50,500
Taxable Value	\$9,706,094	\$1,222,844	\$1,194,216
School Board			
Exemption Value	\$0	\$25,500	\$25,500
Taxable Value	\$9,706,094	\$1,247,844	\$1,219,216
City			
Exemption Value	\$0	\$50,500	\$50,500
Taxable Value	\$9,706,094	\$1,222,844	\$1,194,216
Regional			
Exemption Value	\$0	\$50,500	\$50,500
Taxable Value	\$9,706,094	\$1,222,844	\$1,194,216

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
01/13/2021	\$11,800,000	32306-1999	Unable to process sale due to deed errors
05/19/2015	\$100	29631-3450	Corrective, tax or QCD; min consideration

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



W. C. BLISS, ENGR. JANUARY, 1923
SCALE: 1"=100'

EXHIBIT C

Owner Irving Cypen
 Lot 14,15 Block 2 Subdivision DiLido Island
 General Contractor Bing Kossoff Construction Corp.
 Architect R. J. Schneider
 Zoning Regulations: Use RD Area 20
 Building Size: Front 95 Depth 101
 Certificate of Occupancy No. #3723 March 2, 1960
 Type of Construction CBS III Foundation Spread Footings
 Use RESIDENCE: 4 Brms, 4 Baths, Maids Room & Bath, Den and Powder Room (Total of 6 Brms, 5 Baths)
 Roof Gable, Flat Date Dec. 3, 1958

Permit No. 58026 Cost \$60,000.00
 Address 320 W. DiLido Drive
 Bond No. 6564
 Engineer 3232-11-0230
 Lot Size 120 x 180
 Height 12 Stories 1
 Sewer Connection 2 Date Dec. 11, 1958
 Temporary Water Closet 1

Water Closets 7
 Lavatories 7
 Bath Tubs 4
 Showers 1
 Urinals
 Sinks 1
 Dish Washing Machine 1
 Laundry Trays 1
 Laundry Washing Machines
 Drinking Fountains water service 1
 Floor Drains
 Grease Traps
 Safe Wastes
 Swimming Pool Traps
 Steam or Hot Water Boilers
 ROUGH APPROVAL OK 2/26/59 Rothman
 FINAL APPROVAL OK 4/30/59 Rothman
 GAS Contractor
 Gas Ranges
 Gas Water Heaters 2
 Gas Space Heaters
 Gas Refrigerators
 Gas Steam Tables
 Gas Broilers
 Date
 Gas Frylators
 Gas Pressing Machine
 Gas Vents for Stove

AIR CONDITIONING Contractor #58428 Airko Air Cond: 2-5 HP pkg air conditioners- \$3000 - 2/9/59 OK 8/1/60 Plaag
 SEPTIC TANK Contractor
 OIL BURNER Contractor
 SPRINKLER Contractor

ELECTRICAL Contractor Burns & Jaeger #59316 Date 2/20/59/58 (Burns & Jaeger Inc. 12/10/58)
 Switches 63 Ranges 1
 OUTLETS Lights 63 Irons 1
 Receptacles 142 Refrigerators 1
 Fans 2
 Motors 1(1HP), 1(2-5HP)
 HEATERS Water Appliances
 Space 3
 FIXTURES 63 Electrical Contractor Date

Temporary Service #53093 (1) O. J. Fidler 12/12/58
 Neon Transformers
 Sign Outlets
 Meter Change
 Centers of Distributions
 Service 1
 Violations

FINAL APPROVAL

By Newbold

Date 5-20-59

Alterations or Repairs—Over

Spot Survey - TJJ

ALTERATIONS & ADDITIONS

Building Permits:

#58069 Vic Polk Pools Inc. : 20' x 40' concrete pool.....\$4,200...December 10, 1958

#76190 Dick Turpin Refr.: Replace 2 - 5 ton a.c. units - \$3,000 - 4/26/66 OK Plaag 5/5/66

#02609-Owner-Repairs-\$1000-2-27-73

#23039 11/10/82 Capital Roof - reroof 90 sqs \$17,000.

#23555 3/11/83 Sal. Gonzalez - interior and exterior painting \$1,900.

#91508 5/2/85 D.E. Harrell Const - room addition to house, spa & sauna 300 gal \$15,500.

#26951 5/30/85 Capital Roofing - reroof 6 sqs use driveway only \$1,000.

#MO7371 6/12/85 InterCool Inc - central heating, 11 ton air cond central

#MO7646 9/27/85 J & T Air Cond - 1-2 hp air cond wind

Plumbing Permits:

Electrical Permits:

#3509 Dixie Elec: 1 switch outlet, 1 light outlet, 1 fixture, 1 motor (1HP)- April 10, 1959

#63662 Dick Williams Electric Serv: 3 motors, 0-1 hp; 2 motors, 2-5 hp - 7/13/66

~~#69139 - Manuel de J Perea - 15 switch outlets - 12 light outlets - 52 receptacles - 1 range outlets
1 refrigerator outlets 10/4/71~~

#80262 6/3/85 Allied Elect - 4 switch, 6 light outlets, 2 recept, 1 motor 0-1 hp, 2 motor 1-3 hp, 1-8 kw strip heater
6 fixtures, above is hot tub & sauna