

March 13, 2023

VIA ELECTRONIC DELIVERY

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

**Re: 10 Century LN, LLC – 10 Century Lane
Design Review Board Application No. DRB22-0847
Third Amended and Restated Letter of Intent**

Dear Mr. Mooney:

Please accept this Third Amended and Restated Letter of Intent on behalf of 10 Century LN, LLC (the "Applicant"), in support of Design Review Board Application No. DRB22-0847 (the "Application") for the design of a single-family home located on that certain ±3,010 square foot parcel of land located at 10 Century Lane, identified by Folio No. 02-3233-002-0100 (the "Property"), and as shown below:



The Property is located within the RM-1 District on the northwest portion of Belle Isle.

The Applicant seeks DRB review and approval of a new single-family home project on the Property, which is a platted non-conforming lot (both size and width). The Applicant is also seeking approval of one (1) non-use variance and one (1) waiver:

- Variance to permit parking within the front setback (in the driveway); and
- Waiver of the minimum floor height for the ground floor/underside of the second floor

slab to allow 10'-6".

Given the small size of the Property and its irregular shape, the above described variance and waiver are necessary in order to accommodate the footprint of a new home. The previously requested variance for the front building setback is hereby withdrawn.

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 dwellings, multiple family dwellings, and more are all permitted uses on properties designated RM-1 on the City's FLUM. Similarly, 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 single family home Project is a permitted use.

Century lane is a no outlet, alley-like street that serves only six (6) single-family homes on its east side and provides access to the service, loading, and parking areas for The Vistas Condominium on its west side. The Standard Hotel abuts the Property to the east.

The Property is almost half the size of a standard RM-1 lot and also an irregular quadrilateral, making it impossible for any new development to conform to the RM-1 development regulations. Nonetheless, the proposed single family home Project is stylistically and functionally consistent with numerous developments in the neighborhood along the same block.

II. Proposed Residence

The Applicant is seeking to construct a new four (4)-story single-family home on the Property to replace the existing single-family home. This residence will serve as a home for the Applicant, their family, and guests. The design for the residence was prepared by MGA Arquitectura, PGS Architect, and ARCHI Consulting. Project embraces a tropical mid-century modern aesthetic and features an elegant palette of natural materials, including warm tropical wood tones and architectural board-formed concrete. Unique wood design elements amplify the tropical mid-century modern aesthetic of the home. Together, these elements result in a harmonious and visually enticing architectural design. The design is compatible with the new homes, multi-family buildings, hotel, and chabad on Belle Isle and consistent with the applicable RM-1 regulations.

Lush landscaping will enhance the Property and the neighborhood's feel. Due to the limited frontage of the Property, the Applicant will contribute to the City's Tree Trust Fund to meet its street tree requirements.

The cost estimate for the construction of the residence is approximately \$1,475,000 based on a construction budget of \$400 per square foot.

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

In connection with this Application, the Applicant respectfully requests DRB approval of the non-use variance to permit parking within the front setback (in the driveway). Parking on Century Lane is limited and the Property is undersized. Thus, creating a hardship. It is impossible to provide adequate parking for the home that complies with the development regulations set forth in the RM-1 District, particularly, the setback requirements in this district, on the small, quadrilateral Property.

The Application meets the criteria for variance 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;

Located in the middle of Century Lane, the Property sits on a lot smaller than some of the apartments at The Vistas Condominium across the street. The Property's platted dimensions, close proximity to neighboring lots, and adjacency to The Standard hotel creates novel challenges in redevelopment. Sufficient width does not exist for the Property to meet the applicable setback requirements. Additionally, the setback variance will allow the Applicant to park a total of 6 vehicles onsite. This is a critical feature to ensure that Century Lane maintains its traffic flow.

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

The requested variance stems from the miniscule lot area. The variance will allow for modernization of the Property, while maintaining its original zoning district and land use designation. The variance flows from the unique spatial constraints of the Property, not from any action by 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 request will not confer any special privilege to the Applicant. The Land Development Regulations permit single family home developments, and the proposed setback variance is both appropriate for the neighborhood and necessary for the Applicant's fair use of the Property.

- (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 single family home use, would not be able to accommodate adequate parking onsite, nor appropriately meet modern home needs in a reasonable manner. Literal application of the setback requirements would foreclose appropriate and feasible development, enhancement, and improvement of the Property. Because of the Property's dimensions, a literal application of the regulations would result in undue hardship on the Applicant and a burden on the street for already limited parking availability.

- (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 tropical mid-century modern design that enhances the visual experience of Belle Isle. The requested variance merely allows for development of the Property according to a permitted use (notable, the least intensive permitted use available), and will permit a sophisticated and unique home that visually entices neighbors, visitors, and local residents.

- (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

Granting the setback variance will have no detrimental impact to the area, as it will still be sufficiently far from the property line to achieve the regulation's desired effect and cars will still be able to park safely within the Property. The Applicant intends to develop the Property in a manner that will benefit and enhance the residential harmony as it is their home too.

- (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 single family home developments, and the proposed setbacks allow for development according to the permitted uses. Thus, the variance request is consistent with the comprehensive plan and does not reduce levels of service.

IV. Waiver

To achieve a superior design and maximize functionality for the proposed Project, the Applicant is seeking approval of a waiver of the minimum floor height for the ground floor garage level/to the underside of the second floor slab.¹ The Code grants the DRB the authority to waive certain

¹ City Code Section 142-155(a)(3)f.1.:

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:

design criteria, including nonconforming lot size, and ground floor height. As proposed, the design of the residence provides for a garage and ground floor height that is 10'-6", which is within the waivable two (2)-foot deviation from the required twelve (12) feet pursuant to the City Code. Approval of this waiver still allows for functional and necessary parking for the single-family home, even if streets are raised in the future, and allows for a design that is in scale with the abutting single-family home currently under construction. The requested ground floor height waiver is appropriate and will provide a proportionate human scale for the Project.

The Property since the time of purchase was a legally established nonconforming structure because it does not meet the lot frontage, lot width, lot depth, and lot area requirements of the current zoning district. Because the nonconformity existed at the time of platting, the City Code does not prohibit the continuation of this legally established nonconformity, per section 118-390(d)(1).

V. Compliance with Design Review Criteria

The Project satisfies the design review criteria set forth 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. The Applicant is incorporating tropical vegetation, trees, and planters all throughout the Property from the driveway to the rooftop swim spa.

- (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 a setback variance to accommodate a structure on the Property. However, these will not impact the character of the surrounding neighborhood and will improve the street's level of service and functionality.

- (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. The design of the home is reasonable and seeks a variance only where necessary to accomplish an appropriate residence for a family and provide adequate parking.

- (4) The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments

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.

requiring a building permit in areas of the city identified in Section 118-252.

Satisfied. The structure and landscaping have been designed with a tropical mid-century modern aesthetic that will enhance the character of Belle Isle.

- (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 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 congruent with the character of the neighborhood, including recent design trends in the area. In addition, the proposed residence enhances the lush and tropical appearance of the surrounding community and the waterfront. Please refer to enclosed plans. Support letters from surrounding property owners have been submitted in connection with this application that further demonstrate the design's enhancement of the area.

- (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. The design of the home proposes the most efficient use of the Property while providing for the safety and security of its occupants.

- (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 safely 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. The Property is located across from the parking and loading area for a multi-family building. The design of the garage and pedestrian access is appropriate for the single-family character of the residence, while balancing the mix of uses abutting the Property.

- (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. The proposed lighting will provide security for the residence, while enhancing its design and respecting the various uses in the immediate vicinity.

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

Satisfied. The landscaping and paving have been designed specifically to enhance the overall site plan.

- (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. The Applicant's vehicles will be parked in the home's garage with additional accommodation for parking provided in the driveway.

- (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. The design of the home is wholly compatible with the pattern of development in the area and consistent with the RM-1 development regulations.

- (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. This is a single-family home located in an area characterized by a mix of single-family, multi-family, and hotel uses. The architectural treatments and buffering yield an integrated design that enhances the abutting street character.

- (14) The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied. All mechanical equipment, stairwells, and elevator bulkheads are properly screened.

- (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. The existing structure will be demolished.

- (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. The design is appropriate for the single-family character of the structure.

- (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. All design, screening, and buffering has been designed to ensure that there are no impacts on adjacent properties.

- (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 eastern boundary, and lush landscaping has

been provided to create an appropriate buffer to 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 BFE.

- (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 54 of the City Code.

Not Applicable.

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

All stormwater 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 at tslavens@lsnlaw.com or (305) 673-2585.

Respectfully submitted,

LSN LAW, P.A.

A handwritten signature in blue ink that reads "Tracy Slavens". The signature is fluid and cursive, with the first name "Tracy" and last name "Slavens" clearly legible.

Tracy R. Slavens, Esq.

Enclosures