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VIA ELECTRONIC AND HARD COPY SUBMITTAL

April 10, 2023

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

Re: **DRB22-0900** - Design Review Approval, One Waiver
and Three Variances for the Property Located at 700-710
82 Street, Miami Beach, Florida

Dear Mr. Belush:

This law firm represents Biscayne Point Developments LLC (the "Applicant"), the owner of the property located at 700-710 82 Street (the "Property") within the City of Miami Beach (the "City"). Please allow this letter to serve as the letter of intent in connection with a request to the Design Review Board ("DRB") for design review of the proposed new multifamily development on the Property, as well as a request for a waiver of the 12' ground floor height requirement, and a request for three non-use (3) variances. The requested variances would allow the building to have an average interior unit size of 783 feet, and a front setback of 21" for the entire building. The requested variances would further allow for a compact parking space.

Property Description. The Property consists of two (2) parcels of land identified by the Miami-Dade County Property Appraiser's Office by Folio Nos. 02-3202-008-0920 and 02-3202-008-0930. See Exhibit A, Property Appraiser Summary Report. The Property is 11.250 square feet (0.258 acres) in size. The Property is located within the RM-1, Residential Multifamily, Low Density Zoning District.

Proposed Development. The Applicant proposes to construct a beautifully designed modern five-story

multifamily development, consisting of 14 units (the "Project"). The Project will cover approximately 3,364 square feet of the Property, amounting to a 30% lot coverage. The Project will have a building height of 52 feet and an average unit size of approximately 784 square feet. The Project will have a yard elevation of 6.56 feet NVGD. The Project will also incorporate notable landscaping, planters, and flowers throughout the ground floor and throughout the balconies and facades of each level. The species of trees included throughout the design will include the Montgomery Plum, Giant Bird of Paradise, Silver Buttonwood, Winin Palm, Miami Supreme Gardinia, and the Jacaranda. The Applicant's goal is to improve the sustainability and resiliency conditions of the Property and provide a beautiful new development that will improve the surrounding area.

The Applicant's design complies with the current City of Miami Beach Code of Ordinances (the "Code") requirements for setbacks, unit size, lot coverage, and parking with the exception of the one waiver and three variance requests. This ensures minimal impact on the abutting neighbors. The Project will include 14 total parking spaces, including an ADA parking space and compact parking spaces.

Waiver Request. The Applicant seeks the following waiver request:

1. A waiver from the requirement of Section 142-155(a)(3)(f)(1) to provide a 10' ground floor where 12' is required ("Waiver Request").

The Applicant respectfully requests Design Review Board approval of the Waiver Request, to permit a ground floor height of 10' where 12' is required. The Waiver Request is feasible and compatible with the Project. The Applicant is providing ample space and clearance for parking and is requesting the Waiver Request to fit the building envelope within the maximum height of 55' permitted in the RM-1 zoning district. Approval of the Waiver Request will contribute positively to the design of the Project as the building envelope will fit seamlessly within the allowable height of 52'.

Variance Requests. The Applicant's proposal substantially complies with the RM-1 land development regulations. The variances requested are necessary for the proposed new multifamily development.

1. A Variance of Code Section 142-155(b), to waive 16 square feet of the minimum required average unit size of 800 square feet in order to construct the proposed multifamily development with an average unit size of 784 square feet.

2. A Variance of Code Section 142-155(a), to permit a front setback of 21 feet for the 2 feet above 50 feet, when an additional setback of one foot would be required for every one foot in height above 50 feet.
3. A Variance of Code Section 130-61(1), to permit Parking Space 02 to be a length of 16 feet, when 18 feet is required.

Satisfaction of Hardship Criteria. The variance requested satisfies the hardship criteria pursuant to Section 118-353(d) of the City Code, 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 proposed building and its use, particularly, the large balconies that incorporate planters and flowers on every façade. The proposed residential units are sustainable and resilient and the design of the structure allows for units that are spacious with ample interior and exterior living space.

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

The special circumstances, in this case, do not result from the actions of the Applicant. The proposed building could not be built in a way that would allow full use of its top residential floor or sufficient parking for all of its residents without the requested variances. The Applicant is proposing to build a compatible and resilient multifamily development with ample interior and exterior living area to meet increased residential demand in the neighborhood.

- 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 Code allows property owners to seek similar variances to accommodate sensitive development. The variances requested are necessary to provide ample exterior living space and sufficient parking spaces for the Property's residences.

- 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 the provisions of the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. The variances requested are necessary to provide ample exterior living space and sufficient parking spaces for the Property's residences.

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

The variances sought are the minimum variances that will make possible the reasonable use of the building. The variance to waive 16 square feet of the minimum required average unit will allow each unit to have ample interior and exterior living area. The front setback variance will allow the top four residences to enjoy the same amount of outdoor space as the other residences in the building. The parking dimension variance will allow for use of a compact car.

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 of the variances will be in harmony with the general intent and purpose of these land development regulations and will not be injurious to the area or otherwise detrimental to the public welfare. The variances seek *de minimis* relief from the regulations to allow for the development of an attractive fourteen-unit multifamily structure with ample interior and exterior living area to meet increased residential demand in the 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 variance requested is consistent with the comprehensive plan and will have no impact on the levels of service for the Property.

Sea Level Rise and Resiliency Criteria. The new home advances the sea level rise and resiliency criteria 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 and salvage plan for demolition of the existing home will be provided at permitting.

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

Hurricane proof impact windows will be provided.

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

The Applicant will provide, where feasible, passive cooling systems.

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

All landscaping will be Florida friendly and resilient.

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.

The Applicant is proactively addressing sea level rise projections by providing the yard at 8.0 NGVD.

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 driveways and garage are designed with future roadway elevation projects in mind. The ground floor will be 13' NGVD, and clearance will be 10'-8".

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

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

The proposed home is entirely new construction located above base flood elevation.

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.

No habitable space is located below base floor elevation.

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

Where feasible, water retention systems will be provided.

11. Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement materials or porous pavement materials will be utilized where possible.

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

The proposed design provides landscaped open spaces throughout to strategically minimize the potential for heat island effects on the site.

Conclusion. Granting this design review application will permit the development of a compatible and resilient multifamily development that will add value to the surrounding neighborhood. The modern design features a variety of beautiful and interesting architectural moments, materials, and lush landscaping. With the exception of the waiver, and three variance requests, the Project complies with all other unit size, lot coverage, and required setbacks, ensuring a minimal impact on abutting neighbors.

We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6231.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, flowing line that starts with a small loop and ends with a horizontal stroke.

Michael W. Larkin

Enclosures