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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 16, LLC / 1435 Bay Road & 1340 Flamingo Way
Design Review Board Application No. DRB23-0945 (the “Application”)
Amended and Restated Letter of Intent**

Dear Mr. Mooney:

This shall serve as the Letter of Intent on behalf of Pampa Sunbelt 16, LLC (the “Applicant”), for the above-mentioned City of Miami Beach, Florida (the “City”) Design Review Board (“DRB”) Application in connection with that certain ±0.25 acre parcel of land located at 1435 Bay Road & 1340 Flamingo Way, as further identified by Folio Nos. 02-3233-016-0310 and -0320 (the “Property”). With this Application, the Applicant seeks DRB review and approval of a modification to a previously issued DRB approval pursuant to File No. DRB0516-0027 (the “2016 DRB Approval”) with associated Declaration of Restrictive Covenants in Lieu of Unity of Title recorded in Official Records Book 30542, Page 4108 of the Miami-Dade County Public Records (the “Covenant in Lieu of Unity of Title”) and a waiver of the garage clearance height.

I. Property Information

The Property has a City Comprehensive Plan Future Land Use Map (“FLUM”) land use designation of Low Density Multifamily Residential (“RM-1”), and is zoned Residential Multifamily, Low Intensity (“RM-1”) on the City’s Zoning Map. The Property is also within the West Avenue Bay Front Overlay. Single-family attached or detached, townhouse, and multiple-family dwellings, among others, are 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 of Ordinances (“Code”) Section 142-152(a). Thus, the proposed townhome Project is consistent with the FLUM and Land Development Regulations.

The Property is a corner parcel located at the intersection of Bay Road and Flamingo Way.

Bay Road runs north/south for seven (7) blocks between 14th Street and the Collins Canal. Although near the shops and restaurants on Lincoln and Alton Road, this area is characterized by its tranquility and predominantly low-scale, low-intensity development. The Property is at the western end of the block, closest to the Residential Multifamily, High Intensity (“RM-3”) district, creating a unique opportunity to provide an adequate transition to the single-family homes on the east while remaining compatible with the numerous multifamily developments in the neighborhood along Bay Road on the same block and to the north and south.

In 2016, the Property obtained DRB approval for the construction of a new five (5)-story residential building, including variances, to replace the two (2) existing 1946 and 1947 single-family residences on the Property.

II. Modification to Covenant in Lieu of Unity of Title

With the 2016 DRB Approval, the Property, consisting of two (2) parcels, was unified pursuant to the Covenant in Lieu of Unity of Title to allow for the unified development of the site in substantial accordance with the approved site plan entitled “Bay House”. As such, the Applicant seeks to modify the Covenant in Lieu of Unity of Title to allow for the unified development of the site in substantial accordance with the proposed site plan entitled “1435 Bay Road and 1340 Flamingo Way Townhouses”. A draft of the proposed Modification of Covenant in Lieu of Unity of Title will be provided to the City Attorney’s Office under separate cover.

III. Proposed Project – Modification to 2016 DRB Approval

The Applicant is seeking to construct a new six (6)-unit, four (4)-story townhome development on the Property (the “Project”).¹ The two (2) existing residential structures on the Property will be demolished in order to construct the Project. As proposed, the Project results in a decrease in density and height from the 2016 DRB Approval. The design of the development, prepared by Gaviria Architects, embraces a modern yet sophisticated aesthetic featuring an elegant material palette of contrasting natural wood tones with soft neutral paint. The design incorporates upper level planters and balconies to emphasize movement. Privacy and access to open space are highlighted through the use pedestrian walkways, vehicular drives, and a fenced and landscaped roof deck for each unit. Additionally, a common rear yard area consisting of approximately 3,948 square feet of open space on the southeastern portion of the Property creates interesting functional and landscape opportunities for the residents’ enjoyment while minimizing the design’s volume and providing a buffer between the Property and adjacent lots. Lush landscaping on both street frontages will enhance the public streetscape at this corner and the neighborhood feel.

The Project will further beautify this neighborhood and will not impact neighboring properties, as the design is compatible with and complementary to the neighborhood’s unique residential character. The proposed Project is consistent with the applicable Land Development Regulations.

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

¹ The estimated cost of construction for the Project is \$4,450,000.

In connection with the Project, 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. The Project provides for a garage clearance height of ten (10) feet—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 Project contemplates a waiver of the garage clearance height, as authorized under City Code Section 142-155(a)(3)f.1.

- (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 requested garage clearance height waiver is appropriate and authorized under City Code Section 142-155(a)(3)f.1.

- (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.

Satisfied. The requested 2-foot reduction in garage clearance height is waivable under City Code Section 142-155(a)(3)f.1.

- (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 Project, situated on a corner lot and with units facing both street frontages, enhances the appearance of the block and surrounding community.

- (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.

- (19) The structure and site complies with the sea level rise and resiliency review criteria

in chapter 133, article II, as applicable.

Satisfied, see below.

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 northeastern corner, and lush landscaping has been provided to create an appropriate buffer from the street activity.

- (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 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.

- (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.

Satisfied.

- (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 has incorporated 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: Michael Belush, *Planning and Design Officer, Planning Department*