

# Holland & Knight

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August 7, 2023

## **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 18, LLC / 1425 Bay Road  
Design Review Board Application No. DRB23-0946 (the "Application")  
Response Narrative**

Dear Mr. Mooney:

Please accept this letter on behalf of Pampa Sunbelt 18, LLC (the "Applicant") as the narrative in response to Staff's First Submittal Review Comments dated July 31, 2023, in connection with its Design Review Board ("DRB") Application for that certain  $\pm 0.13$  acre parcel of land located at 1425 Bay Road, as further identified by Folio No. 02-3233-016-0420 (the "Property"). The Applicant's responses are as follows:

### **I. DRB ADMINISTRATIVE REVIEW COMMENTS**

1. File documents must not exceed 25MB in size each.  
**RESPONSE: Noted. Final submittal documents do not exceed 25 MB.**
2. Please email Excel file of label owner list.  
**RESPONSE: Excel file of property owner's mailing list has been emailed.**
3. Application Form: Remove all duplicates pages.  
**RESPONSE: Duplicate application pages have been removed.**
4. Page 5 of Application: All members representing or speaking on behalf of the owner/applicant must be granted Power of Attorney -- Affidavit must be filled in and notarize.  
**RESPONSE: This information is provided with this submittal.**
5. Page 5 of Application: Contact for purchase must be filled out in its entirety.  
**RESPONSE: Completed contract for purchase form is enclosed.**

6. Page 6 of Application: Incomplete Disclosure: Please confirm, in writing, whether every individual holding a 5% or greater interest in the applicant/owner entities has been disclosed.

**RESPONSE: Complete disclosure information is provided with this submittal.**

## **II. PLANNING REVIEW COMMENTS**

### **1. APPLICATION COMPLETENESS**

- a. Upload property owner's list of the mailing labels and copy of original certified letter from provider.

**RESPONSE: Certified property owner's mailing list enclosed with this submittal.**

- b. Provide a copy of the previous recorded final order.

**RESPONSE: A copy of the Board Order for DRB file no. DRB18-0349 is enclosed.**

- c. The school concurrency application must be submitted in order transmit to Miami Dade County Public Schools. MDCPS will contact the applicant to pay the fee for the Initial evaluation. The applicant must provide proof that this Initial evaluation is paid as soon as possible in order to proceed and keep the item on the agenda, please note that MDCPS may require additional steps to satisfy school concurrency, this process needs to be finalized in order to obtain a building permit.

**RESPONSE: A school concurrency application is enclosed with this submittal.**

- d. Provide an axonometric plan showing the relationship from the ground to the third level.

**RESPONSE: An axonometric was provided with the first submittal on sheet A0.11. A second axonometric from opposing view is also being provided on sheet A0-12.**

- e. Provide color renderings from various elevations for further review.

**RESPONSE: Renderings from all four exterior sides were originally provided. See A4 series sheets. Two additional aerial renderings from opposing views have been added.**

- f. Vacant sites shall provide recent photographic evidence that the site is secured and maintained. The applicant shall obtain and post a No Trespassing sign from the City's Police Department.

**RESPONSE: The site is secured and maintained. See below photograph. The applicant will work on obtaining and posting the No Trespassing sign from the City's Police Department.**



2. **ARCHITECTURAL REPRESENTATION**

- a. Include the cost of estimate under a separate cover or in the letter of intent. **RESPONSE: This has been revised and is now consistent at 41'-3".**
- b. Add "FINAL SUBMITTAL" and DRB File No. to front cover title for heightened clarity. **RESPONSE: The front cover sheet has been updated to state "FINAL SUBMITTAL" and DRB File No. DRB23-0946.**
- c. Final submittal drawings need to be DATED, SIGNED AND SEALED. **RESPONSE: Final submittal drawings are dated and signed and sealed.**

3. **DESIGN RECOMMENDATIONS**

- a. Select a lighter color surface on the ground floor for the garage doors or wood slats. **RESPONSE: Garage doors have been changed to a light grey color. See A4 series renderings drawings.**

4. **ZONING COMMENTS**

- a. The first habitable level shall have a minimum floor-to-ceiling height of 12 feet in order to allow for the future retrofit and raising of the first habitable level, or if Design Flood Elevation (DFE) is adjusted upward in the future. **RESPONSE: First habitable level is located at +19'-8" NGVD. Way above and beyond from BFE+8 NGVD and freeboard. Ground or garage level (non-habitable) is at +7.62'NGVD, and the applicant is requesting a height clearance variance to 10' from BFE+1 to bottom of the slab as per the ground floor requirements under Sec. 142-155. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply: 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. Please refer to sheet A1-04.**
- b. The minimum yard elevation is future adjusted grade (the midpoint elevation between the future crown of the road and the base flood elevation plus minimum freeboard for a lot or lots). Provide a written confirmation from the City's Public Works Department to determine the future crown of the road for this site. **RESPONSE: The Applicant received written confirmation from the City's Public Works Department. A copy was provided via email and is also included hereto.**
- c. The maximum yard elevation is B.F.E. Provide the elevation of the required yard for further review. **RESPONSE: Yard elevation is set at 6.56NGVD, below B.F.E. (+8 NGVD) in compliance with the Development regulations and area requirements under Sec. 142-155 (a)(3). The required yard elevation is noted in the plans, sections, elevations and yard sections sheet.**

- d. The retaining wall that is within the front and side yard shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present. Provide a detail section of the retaining wall as measured from existing sidewalk elevation, 3.24' N.G.V.D.

**RESPONSE: See detail 4 on sheet A3-03. The top of the retaining wall does *not* exceed 30" limit.**

- e. At the property line, the maximum height of retaining walls shall not exceed BFE.

**RESPONSE: Noted. Retaining walls against property lines are set on the south, east and west sides. Detail 3 on sheet A3-01 outlines the condition along the street R.O.W, where the top of the retention wall is set at +5.74' NGVD, below BFE. Detail 2 on sheet A3-01 outlines the condition with the abutting property along the east edge. Note that no retaining wall is proposed along the north edge, as the neighboring site will be developed concurrently (DRB23-045) and the same yard elevation is proposed.**

- f. Provide the location of the mechanical equipment and include the setbacks from all property line(s).

**RESPONSE: The location of all mechanical equipment as well as setback dimensions from property lines has been added to sheets A1-01 and A1-02.**

- g. The roof overhang, balconies, and planters cannot exceed 25% of the required front and side yard.

**RESPONSE: Lines establishing 25% max. encroachment into side and rear yards have been included on sheets A1-02 thru A1-04. None of the projected balconies or roof overhangs exceed said limit.**

- h. Provide the maximum projection of the balconies located on the north side.

**RESPONSE: See sheets A1-01 and A1-02. Maximum projection of balconies extends over 2'-0" and 2'-6" from building within the limits set forth by 25% maximum projection over setbacks.**

- i. Driveways and parking areas that are open to the sky within any required yard shall be composed of porous pavement or shall have a high albedo surface consisting of a durable material or sealant, as defined in Section 1.2.1 of this Code.

**RESPONSE: Noted. All driveway areas open to the sky are to be covered with pervious concrete. See notes on sheets A0-03 and A1-01.**

- j. Porches, platforms and terraces up to 30 inches above the adjusted grade elevation of the lot, as defined in Section 1 of these Land Development Regulations. In this case, the platform to enter the units cannot exceed a maximum elevation of 8.12' N.G.V.D. (30" above grade, 3.24' N.G.V.D.) and cannot exceed 25% of the required yard.

**RESPONSE: Platform previous to foyer has been lowered and currently is shown at +8.12' ngvd.**

- k. Planters, not to exceed 4 feet in height, when measured from the finished floor of the primary structure.

**RESPONSE: Noted. None of the planters exceed said limit. Refer to sheets A2.**

- l. The patio deck shall be setback a minimum of 7'-6" from the interior side lot line.

**RESPONSE: All rear patios have been slightly setback to match 7'-6" from side**

**property line.**

- m. The deck that is within the front yard shall be setback at a minimum of 20' from the front property line.

**RESPONSE: It has been updated and setback 7'-6" from side property line.**

- n. The proposed height that is noted in the building elevations and sections are inconsistent with the zoning data sheet. Please revise the zoning data sheet so that the height is consistent with the drawings.

**RESPONSE: This has been revised and is now consistent at 41'-3".**

- o. Provide the DRB file number in the zoning data sheet.

**RESPONSE: Zoning data sheet has been updated to reference DRB file no.: DRB23-0946.**

- p. As per the survey provided, the grade elevation is 3.24' N.G.V.D. and the adjusted grade is 5.62' N.G.V.D. Please revise zoning data sheet.

**RESPONSE: Revised.**

- q. Provide a written narrative with responses upon the final submittal.

**RESPONSE: This letter constitutes the written narrative with responses.**

### **III. LANDSCAPE REVIEW COMMENTS**

1. Refer to the Chapter 46 Tree Preservation ordinance and calculate the number of required replacement/mitigation trees.

**RESPONSE: See Landscape sheet provided L-01 thru L-04. The tree mitigation chart is provided on sheet L-02.**

2. Provide a completed landscape legend form with the required open space information.

**RESPONSE: See Landscape sheet provided L-01 thru L-04. The "City of Miami Beach Landscape Legend" with open space information is also provided on sheet L-02.**

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*