

August 7, 2023

**VIA ELECTRONIC DELIVERY**

**City of Miami Beach Design Review Board**

c/o Mr. Thomas Mooney  
City of Miami Beach, Planning Department  
1700 Convention Center Drive  
Miami Beach, Florida 33131

**Re: FINAL Submittal / 72B Project / Letter of Intent for Design Review Board Application File No. DRB23-0928 (the “Application”) / Properties located at 600 72 Street, 650 72 Street, 7134 Carlyle Avenue, 7130 Carlyle Avenue, 7121 Dickens Avenue, 7116 Carlyle Avenue, 601 71 Street, and 621 71 Street, Miami Beach, Florida (collectively, the “Property”)**

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Dear Design Review Board Members:

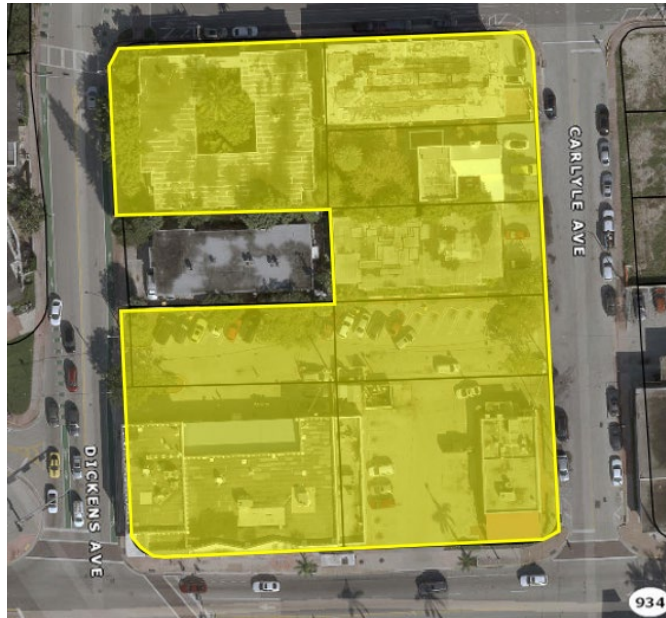
Our firm represents 72nd & Carlyle Investments, LLC, NDPRE #15 LLC and NDPRE 15B LLC (collectively, the “**Owner**” or “**Applicant**”), in connection with certain land use and zoning matters relating to the Property. This correspondence constitutes the letter of intent accompanying the Application requesting design review, waiver and variance approvals for the construction of a 19-story mixed use development as more fully detailed below (the “**Application**”). Additionally, this Application includes a request for a phased development permit pursuant to Section 7.2.14.6.d.i.2 and Section 2.5.3.5.d of the Miami Beach Resiliency Code (the “**Resiliency Code**”) for Phase I of the Project (defined herein), as reflected in Figure 2.<sup>1</sup>

**I. The Property**

The Property is located within the North Beach neighborhood and is generally bound by 72<sup>nd</sup> Street to the North, Carlyle Avenue to the East, 71<sup>st</sup> Street to the South, and Dickens Avenue to the West. See Figure 1, below. According to that certain A.L.T.A./N.S.P.S. Land Title Survey dated June 22, 2023, a copy of which is enclosed, the Property contains a total of 68,406 +/- square feet or 1.57 +/- acres of land.

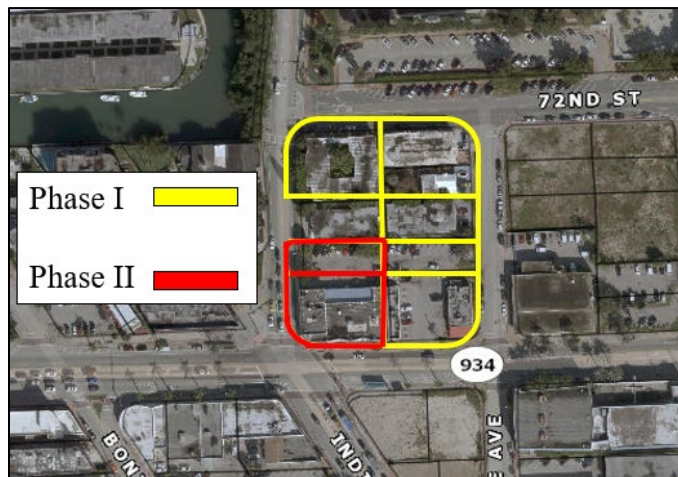
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<sup>1</sup> The Applicant will submit a future separate application for design review approval of the Phase II development located on the southwest corner of the Property, as shown in red in Figure 2, on the following page. Phase II contains the Navarro pharmacy which is subject to an existing and ongoing lease.



**Figure 1**

The Property consists of platted Lots 1 through 2 and 4 through 12, Block 4 of the Normandy Beach South Plat/Subdivision, as recorded in Plat Book 21, Page 54 of the Public Records of Miami-Dade County, Florida. While the Applicant has site control over the majority of the block, that certain abutting parcel located at 7125 Dickens Avenue (reference folio no. 02-3211-030-0001) is not within the scope of this Application (the “**Notch Out Parcel**”). The Property is zoned North Beach Town Center Core (TC-C), which is consistent with its designation of Town Center Core on the City Comprehensive Plan Future Land Use Map.



**Figure 2**

The Property is currently improved with several different uses, ranging from single family and multifamily residential structures, a pharmacy/commercial structure, restaurant and café. Note, from an access perspective the Property contains various curb cuts, including two (2) curb cuts

along Dickens Avenue, two (2) curb cuts along Carlyle Avenue and a large curb cut along 71<sup>st</sup> Street. Additionally, the Property contains an existing 2-lane, vehicular accessway from Dickens Avenue to Carlyle Avenue.

Please note, the Property also includes the existing pharmacy and surface parking lot located on the southwestern portion of the Property (along 71<sup>st</sup> Street and Dickens Avenue) that is subject to a lease agreement with a third party. In accordance with Section 7.2.14.6.d.i.2.I of the Resiliency Code, the Applicant has reserved approximately 14,113 +/- square feet of floor area for the Phase II development<sup>2</sup>. Upon the termination of the lease, Applicant will request design review approval and related entitlements from the Design Review Board for the Phase II development of the existing pharmacy portion of the Property.

## **II. North Beach Town Center History**

Over the past several years the residents of Miami Beach voiced their desire to improve and revitalize the North Beach area with high intensity, pedestrian-oriented mixed-use redevelopment. On November 7, 2017, the Miami Beach electorate demonstrated their support of this goal and voted in favor of increased FAR for the Town Center zoning districts (TC). Subsequently, in 2018, the City Commission adopted amendments to the Comprehensive Plan and Land Development Regulations permitting a maximum 3.5 FAR for the properties located within certain TC-zoning districts. Throughout a yearlong process of public engagement, the City Commission approved detailed development standards for the Town Center neighborhood, including increased height, increased density with diverse residential options and relaxed parking requirements that continue to encourage thoughtful and engaging mixed use development for this area. Since that time, the TC-C zoning development regulations have been memorialized in the City's updated Land Development Regulations adopted under Ordinance 2023-4537 (the "**Resiliency Code**"). Consistent with the City's vision for the North Beach Town Center neighborhood, the Applicant seeks to develop a high-quality, mixed-use development on the Property in compliance with the TC-C district regulations and intent, as provided in Section 7.2.14 of the Resiliency Code.

## **III. The Project - Design Review Approval**

As detailed in the plans prepared by Arquitectonica, dated August 7, 2023 (the "**Plans**"), the Applicant will develop the Property with a 19-story mixed use development comprised of ground floor commercial spaces, 125 upper-level residential units, a state-of-the-art amenities deck, and unique rooftop pool deck all provided within the center of the North Beach Town Center community (the "**Project**").

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<sup>2</sup> Please refer to the enclosed plans for detailed calculations ensuring the reservation of FAR for code compliant Phase II program.

Starting from the pedestrian realm, the Project is comprised of ground floor active uses along all major frontages of the Property. Specifically, the ground floor will contain over 10,000 +/- square feet of commercial and retail space (i.e. retail and food and beverage) of various sizes

along 72<sup>nd</sup> Street, 71<sup>st</sup> Street, Dickens Avenue and Carlyle Avenue. The articulated, ground floor lobby (designed with floor to ceiling, glass facades) is located at the northeast corner of the Property, fronting 72<sup>nd</sup> Street (Class A Street), and is conveniently situated alongside the landscaped drop off area reserved for vehicular and ridesharing purposes along Carlyle Avenue (Class C Street). The grand entrance lobby, coupled with the ground floor commercial spaces are strategically positioned to activate and encourage pedestrian activity along these abutting Class A and Class B streetscapes, while simultaneously providing convenient and covered drop off areas (along a Class C street) for future residents and visitors to access the Property.

The ground floor also contains strategically placed vehicular and service access to the Property. For example, most of the parking and vehicular access points are located along Carlyle Avenue (C Street). In addition to the dedicated drop off area, there is a separate residential drive aisle that provides upper level access directly from Carlyle Avenue. Bifurcated from the vehicular access on Carlyle Avenue, loading and back-of-house services for the ground floor commercial and retail uses are located along Dickens Avenue. While Dickens Avenue is a higher volume roadway, loading is a more limited operation given that the Project is designed with 125 residential units, whereas 235 residential units are allowed by zoning as of right. Note, a dock master is stationed at the entrance of this drive aisle for all loading, servicing and back of house operations. As part of the phased development, the existing through access between Dickens Avenue and Carlyle Avenue will remain and has been integrated into the design of the Project, so as to accommodate the vehicular, parking and loading needs of the existing pharmacy. However, as reflected in the Plans, this driveway along Carlyle Avenue will ultimately be removed during the Phase II redevelopment. Additionally, after several meetings with City Planning staff, the Applicant eliminated the existing curb cut along 71<sup>st</sup> Street thereby improving the ground level, pedestrian experience along this major corridor and Class A frontage.

Traveling vertically, the majority of the provided parking (239 parking spaces) is designed within the internalized parking garage and contains residential (along 72<sup>nd</sup> Street) and commercial liners (along 71<sup>st</sup> Street) in order to conceal the parking podium with active uses along these Class A frontages. Note, the garage is designed in a narrow footprint because of the Notch Out Parcel breaking the interior efficiency of the block. Levels 2 through 4 will each contain residential liners with views facing 72<sup>nd</sup> Street (North) and Dickens Avenue (West), as well as retail and office space facing 71<sup>st</sup> Street (South). The parking garage is uniquely designed with active residential and commercial liners, virtually eliminating the visual impact of vehicles from the public realm (North, West and South). This approach promotes a more pedestrian-friendly environment and ensures that the focus remains on the vibrant street-level activities and thoughtful design of the Project.

The fifth floor contains a spacious amenity deck, which is designed as a state-of-the-art facility for the residents. It features an indoor amenity area, a pool, a pool deck, a basketball court, and a pickleball court. This amenity deck provides space for residents to relax, socialize, and

engage in recreational activities. Furthermore, it offers panoramic views of the surrounding Miami Beach area, allowing residents to appreciate the urban landscape which uniquely contains a large abutting public greenspace to the North and water views to the East and West.

The hub of the residential programming, contained on Levels 6 through 19, features a variety of unit layouts and housing options for future residents - including 1-bedroom, 2-bedroom, 3-bedroom and penthouse units. At the pinnacle of the Project, the rooftop deck on the 19<sup>th</sup> floor is a standout feature that offers six (6) individual pools and provides breathtaking views of the City skyline, ocean, and nearby landmarks. This rooftop amenity serves as an exclusive retreat for these units, offering a serene and awe-inspiring setting within the heart of the North Beach neighborhood. Overall, the Project adheres to the vision and goals set forth for the North Beach Town Center neighborhood. It is designed to promote vibrant mixed-use spaces, enhance pedestrian-oriented development, feature high-quality urban design, and support the Town Center's role as a community hub. The Project furthers the purposes of the North Beach Town Center.

#### **IV. Waivers**

The Applicant requests the following waivers for the Project (“**Waiver**”):

1) **Sec. 7.2.14.6.c.2: Building Height**

*“For lots that are greater than 50,000 square feet and located north of 71st Street, the design review board, in accordance with the design review criteria in Section 2.5.3 of these land development regulations, may waive the maximum height of 200 feet, in order to authorize up to an additional 20 feet of height, not to exceed 220 feet, based upon the merit of the design”*

The Applicant is requesting a Waiver pursuant to Section 7.2.14.6.c.2 of the Resiliency Code for the permitted building height of 220 feet. Per this section, properties greater than 50,000 square feet and located North of 71<sup>st</sup> Street may exceed the maximum height of 200 feet, up to an additional 20 feet in height, “based upon the merit of the design” of the Project. The Property contains approximately 68,406 +/- square feet of land and is located North of 71<sup>st</sup> Street. Consistent with the Resiliency Code, the size of the Property (notwithstanding the Notch Out Parcel) is ideal for the enhanced building height and can better accommodate and distribute the FAR and various amenities proposed for the Project. Specifically, the additional twenty (20) feet in height provides higher floor to ceiling heights for the amenity and certain residential levels. This additional area allows the Project to be designed with a diverse range of residential options and floorplans - including more spacious, residential units. As mentioned above, this project is not maxing out density and the higher volume allows for more spacious floor to ceiling heights within each unit.

Additionally, the Project demonstrates exceptional architectural features that significantly enhance the aesthetic appeal and visual interest of the building. The Project's innovative design elements, unique materials, and distinctive architectural style will contribute positively to the

urban context. Granting the extra height will allow for the full realization of these design features, resulting in a beautiful structure that enhances the city aesthetic.

2) **Sec. 7.2.14.6.c.i.6.c.: Class B Driveway**

*Driveways and vehicle access to off-street parking and loading shall be prohibited unless waived by the Design Review Board.*

The Applicant is requesting a Waiver pursuant to Section 7.2.14.6.c.i.6.c of the Resiliency Code to allow a loading driveway along Dickens Avenue, a Class B frontage. As mentioned above, the Project is designed with a proposed loading access on the northern portion of the Property to accommodate the loading and back-of-house services for the Project. This entry is intended to provide direct access to the five (5) dedicated loading spaces for the residential and commercial uses for the phased development. While there is a driveway along the southern portion of Dickens Avenue frontage, this is an existing driveway that will ultimately be eliminated for the Phase II approval and redevelopment.

The loading entrance and operations have been meticulously designed to ensure streamlined operations with minimized impact to the abutting right of ways. For example, there is appropriate maneuverability space which provides adequate area for loading trucks to enter and exit the building safely, without the need to back out onto Dickens Avenue. With the aid of a dedicated dock master, this will ensure that the loading trucks and all back of house operations are streamlined and organized, thereby reducing impact with the public areas and improving the overall vehicular efficiency at the Property. As previously mentioned, the configuration of the site as a result of the Notch Out Parcel in the center of the block creates design constraints limiting operations. However, Applicant's thoughtful design, given the limited residential development and the implementation of a dock master, alleviates these concerns and therefore respectfully request this Waiver.

3) **Sec. 7.2.14.6.c.i.1.III: Combined Driveways**

*Driveways for parking and loading shall be combined unless waived by the design review board.*

The Applicant is requesting a Waiver pursuant to Section 7.2.14.6.c.i.1.III of the Resiliency Code to allow separate driveways for the loading and parking needs of the Project. Providing separate, dedicated loading driveways allows for more efficient loading and service operations at the Property. As reflected in the Plans, each vehicular access point to the Property is strategically designed due to the site constraints and existing conditions. Maintaining a separate loading driveway for the Project is essential to ensure seamless loading maneuverability and minimal disruption to vehicular traffic patterns along the abutting thoroughfares. Further, by allowing a separate driveway for loading, the Applicant can optimize the site layout, loading arrangements, and building design to maximize functionality.

**4) Sec. 7.2.14.6.c.i.7.c.II – Class C Street Driveway Spacing**

*Driveways shall be spaced no closer than 30 feet apart on Class C street unless waived by the Design Review Board.*

Due to existing site conditions, such as the abutting Notch Out Parcel and existing drive-aisle configuration, with through access from Dickens Avenue to Carlyle Avenue, there are severely limited areas to provide upper level access to the parking garage on a C Street. As such, the residential parking garage ramp is spaced 19’5” from the existing cross through, drive aisle along Carlyle Avenue. Eliminating the existing cross through drive aisle would essentially inhibit vehicular and parking access to the existing pharmacy at the Property and put the existing tenant’s operation in conflict. It is also important to note that as part of the Project and consistent with the Resiliency Code, the existing curb cut along 71<sup>st</sup> Street will be removed to create uninterrupted, pedestrian connectivity along the 71<sup>st</sup> Street/Class A frontage. The removal of the 71 Street drive aisle, coupled with the future elimination of the commercial cross through access, justifies approval of this Waiver request given its limited duration to Phase I. Once Phase II is implemented, this Waiver becomes moot.

**V. Variances**

The Applicant requests the following variances for this Project (“**Variances**”):

**1) Sec. 7.2.14.6.c.i.5.b. II: Habitable Space along 72<sup>nd</sup> Street (Class A Frontage)**

*The ground floor shall contain habitable space with minimum depth of 50 feet from the building façade.*

Pursuant to Sections 7.2.14.6.c.i.5.b.II of the Resiliency Code, the ground floor space must be designed with 50-foot depth along 72<sup>nd</sup> Street, a Class A frontage. In this case, the Project contains over 4,000 +/- square feet of commercial space with a 2,500 +/- square foot lobby anchoring the northeast corner of this frontage, resulting in more than 200 feet (90%) of this façade designed with active, pedestrian-friendly uses.

However, due to the inherent physical constraints of the Property (i.e. the Notch Out Parcel) coupled with other Resiliency Code development requirements (i.e. setback and pedestrian circulation), the amount of developable area for the Project is reduced resulting in a very compact design with limited design alternatives for essential functions and operations of the Project. As a result, portions of the ground floor space abutting the loading and grand vehicular drop off areas require minimal relief. Specifically, the requested variances are only for those portions less than 50 feet. Note, the intent of the code is met as there is sufficient activation and depth along 90% of 72<sup>nd</sup> Street that will activate and bring life to this pedestrian realm. In addition, the Applicant has provided more than the code required setback at the ground level, bringing more outdoor activation in line with the code intent for robust active space at the ground level. However, the

TC-C code requirements are very rigid and does not allow for certain design constraints (relief required by the Notch Out Parcel) and novel design ideas (grand drop off along a Class C Street).

**2) Sec. 7.2.14.6.c.i.6.b.II – Habitable Space along Dickens Avenue (Class B Frontage)**  
*The ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 45 feet from the building façade for the minimum required length along the setback line.*

Pursuant to Sections 7.2.14.6.c.i.6.b.II of the Resiliency Code, the ground floor commercial space must be designed with 45-foot depth along Dickens Avenue, a Class B frontage. While a large portion of this frontage contains commercial space at the code required depth, two (2) of the code required loading spaces are tucked behind the active use liner in this location. Applicant has worked very closely with staff to ensure the loading operations are functional and safe. Therefore, a limited portion of this frontage depth is required for the loading operations in this location.

**3) Sec. 7.2.14.6.c – Building Setbacks**  
*Side, Interior Setback (Class C Street) – Lots greater than 110 feet wide/Tower (55 feet to max height): 30 feet*

The Applicant is requesting a variance to construct the Project with a 20-foot setback, where 30 feet is required, along the interior side setback for the portions of the building constructed above 55 feet. This same section of the Resiliency Code also requires a 0-foot minimum setback at the pedestal level (grade to 55 feet) along the same side interior lot lines. As previously mentioned, the Property has an irregular condition given the Notch Out Parcel's configuration along the interior portion of the site. The Notch Out Parcel essentially creates a gap/wedge in the middle portion of the Property.

Providing the required 30-foot setback at the tower level (above 55 feet) would encourage the Applicant to construct an "L" shaped building that traces the Notch Out Parcel and with a 0-foot setback at the pedestal level (as allowed per the Resiliency Code). Notwithstanding this allowance, the Applicant has designed the podium/tower component in such a way as to eliminate the 0' internal setback on the northern Notch Out Parcel boundary in favor of a 20' setback beginning at the ground level. This design provides more breathing room to the neighbor and allows for a more thoughtful and streamlined design. Essentially, this design allows for additional space, light and air in between the Notch Out Parcel and the proposed Project up to 55'. Above 55', the design continues vertically. Note, the Notch Out Parcel is non-conforming to the current zoning code. If/when the Notch Out Parcel is redeveloped to comply with the current code, the extra breathing room at the podium level will allow for a more compatible neighboring project.

**4) Sec. 7.2.14.6.c.i.6.b.II – Driveway (loading) Width**  
*Driveways on a Class B Street may be approved by Waiver for lots over 260', provided such driveway shall be limited to 12'.*



The Applicant is requesting a variance to allow a limited loading driveway on Dickens Avenue. Note, without the companion Waiver, the driveway is allowed to be up to 22'. However, because the Applicant is seeking a design Waiver the driveway must not exceed 12'. This driveway will be restricted in use as the Phase 2 pharmacy contains its own loading and the commercial and residential uses are limited relative to the size of the assemblage and the location of their access points (this is not a shared driveway for regular vehicles). However, from an operational safety perspective, a driveway larger than 12' is required to service this area.

The requested Variances should be approved as they are in accordance with the standards of review for a Variance application, as provided in Section 2.8.3.a and 2.8.3.b of the Resiliency Code, and support the intent of the TC-C regulations. Note, the TC-C regulations are essentially form based and dictate large components of the design options for a project. As a result, each project contains Waiver and Variances to allow specific design and operational features to be utilized on a project by project basis. Without this relief, most projects would not be able to meet the intent of the code. In this case, the shape of the Notch Out Parcel creates a practical difficulty and hardship in achieving internal compliance with depth and maneuverability requirements, as well as the tower location and design.

Variances shall be approved upon demonstration of the following:

- (i) *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.*

**Satisfied;** As mentioned above, the Property includes all the lots on this City block, with the exception of the Notch Out Parcel. The Notch Out Parcel contains an existing non-conforming multifamily structure located in the center of this block along Dickens Avenue. As a result, the Property contains a unique C-shaped configuration; this configuration limits the ability to design a code compliant building and is the driver of all of the proposed Variances for the Project.

- (ii) *The special conditions and circumstances do not result from the action of the applicant.*

**Satisfied;** As mentioned above, the Applicant does not own the Notch Out Parcel and is therefore not within the scope of the Project. The proximity and abutting nature of the Notch Out Parcel, creates the irregular geometry of the Property, and is a special condition that is not the result of any action or inaction of the Applicant.

- (iii) *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.*

**Satisfied;** The requested Variances will not confer any special privilege on the Applicant, that would be otherwise denied or detrimental to similarly situated properties within the Town Center zoning district. The requested Variances are unique in that the abutting Notch

Out Parcel and existing site conditions (Phase 2) are the direct causes for the requested Variances. Furthermore, the design of the Project mitigates against these variances by allowing safe vehicular maneuverability and self-imposed spacing between neighbors to allow for a better spacial massing and relationship between parcels. Furthermore, Applicant's traffic analysis confirms the driveways are designed to reduce the impacts on the public realm.

- (iv) *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.*

**Satisfied;** Failure to approve the requested Variances will create a hardship on the Applicant, as the Applicant would be forced to eliminate essential operations and services and sacrifice key project design elements to the detriment of the community. Specifically, it would require the removal of, or the very least, a significant reduction of the size of the garbage rooms, code required loading spaces and drop off area (located along Carlyle Avenue). After working with staff, reducing these areas would stifle residential services and place additional burdens on the public roadway systems (the Project is designed to bring all loading and queuing on site. Eliminating these variances would place operations in conflict and likely result with traffic and loading conflicting with the public realm). Additionally, the grand drop off area design, while not code required, creates a unique architectural feature increasing the quality of the projects in this area.

As it relates to the proposed setback variance, the Resiliency Code allows a 0-foot setback to the Notch out Parcel up to 55-feet in height, and 30 feet thereafter. In other words, the literal interpretation of the Resiliency Code would allow the Project to be constructed at the Property line – facing all three (3) facades of the existing multifamily building at the Notch Out Parcel. Taking this into consideration, the Project is instead designed with greater setbacks at the ground floor level (ranging from 6 feet to 20 feet) that provide more breathing room between the properties while simultaneously providing a lighter design/massing for the Project.

- (v) *The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

**Satisfied;** The Variances are the minimum required to develop the Project in accordance with the intent of the TC-C zoning district regulations. The current design of the Project is the result of a strong operations plan that seeks to enhance the commercial activation at the ground floor while providing safe and streamlined vehicular and loading access to and

from the Property, with minimal impact to the abutting streetscapes and corridors. The Project, unlike many neighboring developments, is significantly under its allowable density (125 units provided whereas 235 is allowed) and is one of the first projects to activate the 71<sup>st</sup> Street corridor. Most nearby projects, as part of their Phase I, do not activate 71<sup>st</sup>

Street. Applicant believes this activation will further incentivize neighboring developments to activate and improve the 71<sup>st</sup> Street corridor.

- (vi) *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.*

**Satisfied;** The proposed Variances do not negatively impact the surrounding neighborhood, as the Property contains the majority of the lots on this City block. In fact, the proposed Project is designed to minimize any detrimental impacts on the abutting neighbors (increased setbacks) and public right of ways (distributing traffic flow to mitigate any impact on roadway systems). Additionally, the Project is surrounded on the West by church uses, on the North by city park, the East by a similarly situated and compatible development and on the South by 71st Street and a future mixed use development.

- (vii) *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.*

**Satisfied;** The requested Variances will allow for the redevelopment of the Property consistent with the City Comprehensive Plan and will not reduce levels of service.

- (viii) *The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable*

**Satisfied;** Please refer to the Sea Level Rise and Resiliency Review provided below.

## **VI. Sea Level Rise and Resiliency Review**

Section 7.1.2.4.a of the Resiliency Code provides review criteria for compliance with the City's recently adopted sea level rise and resiliency criteria.

- (i) *A recycling or salvage plan for partial or total demolition shall be provided.*

A recycling plan will be provided as part of the submittal for a partial/total demolition permit to the building department.

- (ii) *Windows that are proposed to be replaced shall be hurricane proof impact windows.*

The windows and glass balcony system will be hurricane impact windows.

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

Passive cooling systems, such as operable windows and balcony doors, may be installed as appropriate.

- (iv) *Resilient landscaping (salt tolerate, highly water absorbent, native or Florida friendly plants) will be provided.*

All new landscaping will consist of Florida friendly species.

- (v) *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.*

Adopted sea level rise projections were considered through consultation with City staff.

- (vi) *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 City has not yet committed to raise the roadways in the near future. Notwithstanding, the Project is designed with future street raising in mind.

- (vii) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation with room to raise.*

Where feasible, mechanical and electrical systems will be located above BFE. Any such facilitates located below BFE will be floodproofed in accordance with Florida Building Code requirements.

- (viii) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation, plus freeboard.*

The pharmacy, located on the southern portion of the Property, is an existing structure. The Applicant plans to redevelop this portion of the Property as Phase II, and at such time, will develop Phase II in compliance with the code criteria, including minimum flood elevations.

- (ix) *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.*

To the extent applicable, Applicant will wet or dry flood proof as appropriate.

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

The Applicant will explore various water retention systems for the Project.

- (xi) *Cool pavement materials or porous pavement materials shall be utilized.*

The Applicant has provided unique ground floor materials compliant with City Code and supportive of the landscape efforts along the streetscape.

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

Applicant is utilizing various tools to reduce the heat island effect of the project, including shade canopy trees and covered systems along the roof (pools, greenspace, etc.).

## **VII. Conclusion**

The Applicant is requesting design review approval for the Project, including the phased development of the Property. We are pleased to submit the enclosed Application detailing the mixed-use design with substantial ground floor commercial and upper-level housing options for the North Beach Town Center neighborhood. The approval of this Project, located in close proximity to similarly situated projects, brings further activation and implementation of the Town Center goals of revitalizing the North Beach Town Center area with high quality, urban developments designed to provide a live, work, play environment. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Ethan B. Wasserman, Esq.

BEW:db

Enclosures:

cc: Devon Vickers, Esq.  
David J. Butter, Esq.

ACTIVE 688792666v10