

# Holland & Knight

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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 18, LLC / 1425 Bay Road  
Design Review Board Application No. DRB23-046 (the “Application”)  
Amended and Restated Letter of Intent**

Dear Mr. Mooney:

This shall serve as the Letter of Intent on behalf of Pampa Sunbelt 18, LLC (the “Applicant”), for the above-mentioned City of Miami Beach, Florida (the “City”) Design Review Board (“DRB”) Application in connection with that certain ±0.13 acre parcel of land located at 1425 Bay Road, as further identified by Folio No. 02-3233-016-0420 (the “Property”). With this Application, the Applicant seeks DRB review and approval of a four (4)-unit townhome project (the “Project”) on the Property, including a front setback variance 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 vacant corner parcel located at the intersection of Bay Road and 14th Terrace. Bay Road runs north/south for seven (7) blocks between 14th Street and the Collins Canal. The area is predominantly low-scale, low-intensity, and is an oasis of serenity considering its proximity to the vibrant lifestyle generated by shops and restaurants in Lincoln and Alton Road.

The Property is distinctively situated at the western end of the block, closest to the Residential Multifamily, High Intensity (“RM-3”) district, and surrounded by multifamily on the west and south, a future townhome development to the north (previously approved for a five (5)-story multifamily project), and single-family homes to the east, creating a unique opportunity to provide an adequate transition to the single-family homes on the east, while remaining compatible with the character of the neighborhood with numerous multifamily developments on the same block and to the north and south.

## **II. Proposed Project**

The Applicant is seeking to construct a new four (4)-unit townhome development on the currently undeveloped Property.<sup>1</sup> The Project’s design, prepared by Gaviria Architects, embraces the neighborhood’s personality and location and proposes symmetrical four (4)-level townhomes with a modern yet warm and sophisticated aesthetic. The Project’s design is elevated with the rhythmic play between balconies and planters, gracefully reaffirming its horizontality. Vertical elements furred with wood slats identifies the units whilst still creating a cohesive Project. The Project also emphasizes privacy at each level to enhance the experience of the future residents and protect the residential character of the neighborhood. Lush landscaping has been incorporated to create an adequate buffer between the units as wells as beautify the neighborhood’s public streetscape.

The thoughtful design of the Project will result in a valuable and complementary addition to the area. The proposed Project is consistent with the applicable Land Development Regulations.

## **III. Variance Request - Section 142-156(a)**

In connection with this Application, the Applicant respectfully requests DRB approval of one (1) non-use variance of the City Code Section 142-156(a) to allow for a sixteen (16)-foot front setback along 14th Terrace consistent with neighboring properties, as follows:

*(a) The setback requires for the RM-1 residential multifamily, low density district [is] as follows:*

*At-grade parking lot on the same lot, Front: 20 feet.*

The Property is an undeveloped 6,000 square-foot narrow corner parcel. When taking into account the character of the neighborhood, where same or similar setbacks are existing, and the Property’s size and dimensional restrictions, the requested variance is entirely appropriate. The Project has been thoughtfully designed to provide adequate separation between the front property line and the building without impacting the rear setback and minimizing intrusion to the surrounding properties.

The Application meets the criteria for variances set forth in City Code Section 118-353(d) of the Land Development Regulations as follows:

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<sup>1</sup> The estimated cost of construction for the Project is \$2,556,663.

(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;

**Special conditions and circumstances which are peculiar to the land’s resulting from its size, dimension, and location exist here. The Property is located on the corner of Bay Road and 14th Terrace. The corner location creates primary frontage along the narrow 14th Terrace boundary of the Property. Additionally, the Property is a narrow corner lot measuring 60 feet in width by 100 feet in depth, where a typical corner lot counts with a width of 100 to 115 feet. The Applicant is proposing a front setback of 16 feet, which is consistent with setbacks of neighboring properties along 14th Terrace, and which preserves the rear setback. The Applicant positioned the building and enhanced its façade to be complementary to the existing visual dialogue in the neighborhood. Approval of this variance will facilitate a sophisticated and timeless design with adequate separation between structures and property lines on all sides.**

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

**The requested variance from the front setback requirement stems from special conditions and that do not result from the action of the Applicant. Specifically, the Property’s corner location, size, and dimensional limitations. The requested variance will assist in development of the Property according to its existing zoning district and land use designation. The proposed townhome Project is a permitted use, is consistent with other developments on the same block, including their existing front setbacks.**

- (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 requests will not result in the any special privilege. The Land Development Regulations permit multi-family and townhome developments. The proposed front setback variance is the generally the same setback found on the block. This variance is consistent and appropriate for the character neighborhood and existing development in the area.**

- (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 townhome use and appropriately meet rear setback requirements to preserve the appropriate separation between**

**neighboring structures. Also, literal application of the setback requirements would foreclose appropriate and feasible development, enhancement, and improvement of the Property in an area where reduced setbacks (such as the one proposed) is common.**

- (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 timeless and attractive design that adds to the experience of the residential community, visitors and pedestrians. The requested variance merely allows for development of the Property according to a permitted use, and consistent with the existing setback along 14th Terrace as well as the overall character of the neighborhood.**

- (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

**The granting of the setback variance will have no detrimental impact to the area. The requested front setback variance is appropriate given the frontage on 14th Terrace and the preservation of the rear setback. Moreover, the Applicant intends to develop the Property in a manner that will benefit and enhance the area.**

- (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 townhome developments, and the proposed front setback allows for development according to the zoning district's permitted uses. Similarly, the proposed non-use variance request of the front setback is consistent with the comprehensive plan and does not reduce levels of service.**

- (8) 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 133, article II, as applicable.

**Confirmed.**

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

In addition to the above, 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. However, the Applicant is requesting front setback variance in a manner which will not impact the character of the surrounding neighborhood and will preserve the rear setback. Additionally, 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.

**Partially satisfied. The Project contemplates a front setback variance given the Property's size, dimensional, and location restrictions. Note that 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.

**With the exception of the one front setback 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.**

- (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, existing structures on 14th Terrace, and development trends in the area. In addition, the Project enhances the appearance of the Bay Road 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 western and southern boundaries, and lush landscaping has been provided to create an appropriate buffer ensure the privacy of the future residents and 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 site plan. 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 Property is vacant.**

- (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*