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VIA ELECTRONIC SUBMITTAL

December 3, 2023

Rogelio A. Madan, AICP
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: PB23-0638 - Letter of Intent - Lot Split for the Property Located at 6444 6450, and 6470 Allison Road, Miami Beach, Florida

Dear Mr. Madan:

This law firm represents Allison Road LLC, 6450 Allison LLC, and 6470 Allison Road Land Trust (collectively the "Applicants"), the owners of the properties located at 6444 Allison Road, 6450 Allison Road, and 6470 Allison Road, respectively (collectively the "Properties") within the City of Miami Beach (the "City"). Please consider this letter the Applicant's letter of intent in support of a lot split application that requests the reconfiguration of three (3) existing lots into two (2) lots for two (2) new single-family residences. Notably, this lot split will supersede the previously approved lot split for 6444 and 6450 Allison Road under Planning Board File Number PB23-0597.

The Property. The Properties are located on the west side of Allison Island along the Indian Creek Waterway. The Miami-Dade County Property Appraiser's Office identifies the 6444 Allison Road Property (the "6444 Lot") with Folio No. 02-3211-003-0410; the 6450 Allison Road Property (the "6450 Lot") with the Folio No. 02-3211-003-0400; and the 6470 Allison Road Property with Folio No. 02-3211-003-0390 (the "6470 Lot"). Notably, none of the existing lot lines follow the underlying platted lot lines of the original subdivision.

The Properties are zoned RS-3, Single-Family Residential District. The Properties are not located in a local or national historic district, nor classified as architecturally significant. The Applicant intends to separately submit a request to the Design Review Board ("DRB") for design review approval of the homes, or additions to the homes requiring such review, following the proposed lot split.

Existing Lot Sizes. The Planning Board approved of File No PB23-0597 on June 27, 2023 with respect to the 6444 Lot and 6450 Lot, which resulted in the following existing lot dimensions:

Property	Lot Area
6444 Lot	21,550 square feet*
6450 Lot	16,163 square feet*
6470 Lot	21,550 square feet

**Pursuant to File No. PB23-0597.*

Proposed Lot Split. The Applicants propose to aggregate the 6450 Lot into the 6444 Lot and the 6470 Lot, resulting in an overall reduction in density within the neighborhood. The 6444 and 6470 Lots will each absorb half of the 6450 lot, increasing the lot widths from 100 feet to 137.5 fee. The resulting lot dimensions are as follows:

Property	Lot Area
6444 Lot	Approx. 29,631 square feet
6470 Lot	Approx. 29,631 square feet

The requested lot split results in lot sizes consistent with the City's Resiliency Code and comparable with the immediately surrounding homes to the north and south of the Properties. Specifically, the lot immediately to the south of the 6444 Lot, located at 6420 Allison Road, is approximately 29,160 square feet in size. Similarly, the abutting property to the north of the 6470 Lot is 23,760 square feet in size. Further, the proposed lot sizes are compatible with other home sites in the surrounding area, including 6496 Allison Road, which is 43,200 square feet in size.[1]

It should be noted that many of the waterfront lots located across the Indian Creek Waterway from the Properties are similar in size, or even substantially larger than the Properties. Indeed, one of the lots located across the Indian Creek Waterway, located at 100 La Gorce Drive Circle, is 77,748 square feet in size. Further, the property located at

[1] The northern portion of Allison Island is zoned RS-2. Notwithstanding the difference in residential zoning category, the homes on the northern end of Allison Island are part of the overall neighborhood context.

6455 Pine Tree Drive Circle, directly across the waterway from the Properties, is 27,860 square feet size. Accordingly, the proposed lot sizes of 29,631 square feet are compatible with the context of the surrounding neighborhood.

Proposed Homes. The Applicants are in the process of developing two new homes on the 6444 Lot and the 6470 Lot that compliment the existing neighborhood context. The 6444 Lot is currently being developed with a new home pursuant to Building Permit No. BR2206430. The owner of the 6444 Lot intends to develop a two-story accessory guest home within the additional area gained by the proposed lot split to accommodate their growing family. The total unit size and lot coverage, including the proposed new construction on the proposed 6444 Lot, is approximately 13,284 square feet (44.8%) and 8,858 square feet (29.9%) respectively.

The 6470 lot holds a design review approval under File Number DRB22-0802 and approved building permit for a new home under Building Permit No. BR2207365.[2] The owner of the 6470 Lot intends to utilize the additional lot area to develop a larger home and accessory tennis court on the resulting 6470 Lot. The total unit size and lot coverage of the proposed new home on the resulting 6470 Lot is 14,815 square feet (50%) and 8,889 square feet (30%) respectively.

Both of the proposed homes are being developed for the Applicants and their growing families. The elegant designs of the proposed homes comply with the City's Resiliency Code and serve to augment the architectural context of the neighborhood through use of high-quality materials, abundant glazing and articulations on all elevations, as well as lush landscaped open space. The distribution of massing, additional setbacks, and high quality designs ensure that the proposed homes do not overwhelm this existing context of Allison Island, which generally features larger waterfront homes.

Pursuant to Section 7.2.2.3(b)(xi) of the Resiliency Code

> (9) *Lot split*. All new construction for homes on lots resulting from a lot split application approved by the planning board shall be subject to the review and approval of the design review board (DRB) or historic preservation board (HPB), as applicable. The following shall apply to all newly created lots, when the new lots created do not follow the lines of the original platted lots and/or the lots being

[2] The approved home on the existing 6470 Lot includes a 2'-0'' height waiver applicable to portions of the new home. The Applicants seeks to obtain a similar waiver approval for the proposed 6470 Lot.

divided contain an architecturally significant, pre-1942 home that is proposed to be demolished.

a. The maximum lot coverage for a new one-story home shall not exceed 40 percent of the lot area, and the maximum lot coverage for a new two-story home shall not exceed 25 percent of the lot area, or such lesser number, as determined by the planning board.

b. The maximum unit size shall not exceed 40 percent of the lot area for both one story, and two-story structures, or such less numbers, as determined by the planning board.

It must be noted that virtually none of the lots on Allison Island, including the Properties, follow the underlying platted lot lines of the original subdivision. As a result, any proposed lot split would trigger the provision limiting the unit size and lot coverage of a proposed home on resulting lots, even if the proposed lot split does not increase the density of the neighborhood, or, as here, the proposed lot split reduces density in the neighborhood. Given the fact that the proposed lot split results in a decrease in overall neighborhood density, and the proposed home designs utilize architectural techniques to eliminate any adverse impacts resulting from the scale of the proposed homes, the Applicant intends to seek relief from the limitations imposed on unit size and lot coverage when proposed lots do not follow the original underlying platted lot lines. The Applicants propose a maximum unit size of 50% and a maximum lot coverage of 30% for the proposed homes on the resulting 6444 and 6470 Lots, in accordance with the underlying RS-3 District regulations that would be applied to any other new construction in the vicinity of the Properties.

Lot Split Review Criteria. The proposed lot split is consistent with the criteria under Section 2.5.4.2 of the Code, as described further below:

(1) Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.

The lots will be divided in such a manner that exceeds the minimum requirements of the applicable land development regulations for RS-3 zoned properties. Section 7.2.2.3(b)(i) of the Resiliency Code provides that the minimum required lot area is 10,000 square feet. The proposed resulting lots will be greater than the minimum required at approximately 29,631 square feet. Section 7.2.2.3(b)(i) of the Resiliency Code also provide that the minimum lot width for waterfront lots is 50 feet in size.

The proposed resulting lots will be greater than the minimum required with each proposed lot being 137.5' wide.

(2) Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.

The resulting building sites will be consistent with the existing building sites and of the same character as the surrounding area. The building site immediately to the south of the 6444 lot is 29,160 square feet size, and the building site immediately to the north of the 6470 Lot is 23,760 square feet in size. Furthermore, lots located directly across the Indian Creek Waterway are between 27,860 square feet and 77,748 square feet in size. As a result, the proposed lot split does not result in a building site that is larger than the majority of building sites in the surrounding area.

(3) Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.

The scale of the proposed homes will be compatible with the as-built character of the surrounding area. The designs of the proposed homes masterfully distribute the massing of the homes within the lot to eliminate any visual impacts resulting from development of the proposed lots. As a result, the proposed new construction does not result in any adverse impacts to the neighborhood.

(4) Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.

The 6444 Lot is currently being developed with a home that is setback 10' from the south property line, consistent with the regulations applicable to construction of a new home on the existing 6444 Lot (100' wide x 10% of lot width = 10'). By virtue of the increased lot width resulting from this Application, the required setback

would increase to 13.75' (137.5' wide x 10% of lot width = 13.75'), making the south interior side yard setback of the nearly completed home on the 6444 Lot legally nonconforming. Although the requested lot split results in a legally nonconforming southern side yard setback on the 6444 Lot, it should be noted that the proposed home on the 6444 Lot will remain substantially setback from the southern property line (10'), and no new construction is proposed on the south side of the proposed 6444 Lot. Moreover, the proposed home will comply with the minimum required sum of side yard setback by providing larger than required setbacks on the north side of the proposed 6444 Lot.

With respect to the 6470 Lot, the proposed lot split will not result in existing structures becoming legally nonconforming. The design of the proposed home on the 6470 Lot will conform with the required setbacks and other applicable regulations under the City's Resiliency Code. It should be noted that the owner of the 6470 Lot intends to seek a waiver to permit a 29-0' building height from the Design Review Board, in addition to variances to permit unit size and lot coverage in accordance with the standard RS-3 zoning district regulations.

(5) Whether the building site that would be created would be free of encroachments from abutting buildable sites.

The building sites created by the lot split will be free of encroachments from abutting buildable lots. There are no existing or proposed encroachments.

(6) Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 7.2.2.4(a) of the Resiliency Code.

The existing home on the 6450 lot was developed in 1953 and is not architecturally significant.

Although the existing home on the 6470 Lot was developed in 1935, it has not been deemed architecturally significant. Moreover, the owner of the 6470 Lot holds an approved permit for replacement of the existing 6470 Lot It should be noted that the existing home on the 6470 Lot has been substantially modified since it was originally constructed and is developed at a finished floor elevation of only

6.35' NGVD, which is well below Base Flood Elevation (BFE) in this area. Accordingly, demolition of the home on the 6470 Lot is appropriate.

The 6444 Lot is currently being developed with a new home. Therefore, there are no adverse impacts to architecturally significant pre-1942 homes on the Properties.

(7) The structure and site complies with the sea level rise and resiliency review Section 7.1 of the Resiliency Code.

The proposed replacement home will fully comply with seal level rise and resiliency review as summarized below.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria provided in Section 7.1.2.4(a) of the Code 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 structures on the 6460 Lot will be provided prior to building permits for new construction.

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

All new windows will be hurricane proof impact windows.

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

Where feasible, passive cooling systems will be provided.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

Resilient, Florida-friendly landscaping will be provided.

(5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

The Applicant has considered the adopted sea level rise projections and the land elevations of the subject property and surrounding properties. The finished floor elevation of the proposed home is 11' NGVD, which is Base Flood Elevation plus 3' of Freeboard, where a minimum of 1' is required and a maximum of 5' is permitted.

(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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.

The proposed designs, developed at Base Flood Elevation plus Freeboard, will be adaptable to the raising of public rights-of-ways and adjacent land.

(7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

All critical mechanical and electrical systems are proposed to be located above base flood elevation.

(8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

New construction will be elevated up to base floor elevation, plus Freeboard.

(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.

Habitable space will be located above base flood elevation plus Freeboard.

(10) As applicable to all new construction, stormwater retention systems shall be provided.

Stormwater retention systems will be provided where feasible.

(11) Cool pavement material or porous pavement materials shall be utilized.

Cool pavement material and porous pavement materials will be utilized.

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

The new home will minimize the potential for heat island effects on site with ample and lush greenspace and landscaping, and opportunities for non-air conditioned living spaces.

Conclusion. Approval of the application will permit the development of two appropriately scaled and resilient single-family homes on Allison Island. The Proposed lot widths, lot sizes, and new construction are be compatible with the character of the existing built context of the Allison Island neighborhood. Accordingly, the Applicant respectfully requests your favorable review and recommendation of this Lot Split Application. If you have any questions or comments, please give me a call at (305) 377-6231.

Sincerely,

Michael J. Marrero

Enclosures

cc:
Nicholas J. Rodriguez, Esq.