MARMOL RADZINER
AND ASSOCIATES AIA

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construction
landscape

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Los Angeles California 90025

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December 20th, 2023

City of Miami Beach

Subject: **Revised Final Submission - Plan Corrections Narrative**

Re: **DRB23-0974 – E 441 Rivo Alto Drive (currently grouped with 445 Rivo Alto Drive)**
Miami Beach, FL 33139-1251

DRB Admin Review

Item #			Sheet / Detail Ref.
1a.	**Comment**	Contextual elevation line drawings, corner-to-corner, across the street and surrounding properties shall be submitted.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 1c):*** The City has subsequently confirmed that only front elevations of the houses either side will be sufficient (email dated 12/6/23). This drawing has been added to the set.	A0.21 Exhibit D attached
1d.	**Comment**	Provide a section drawing that includes the elevations of all encroachments into the required yard.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 1c):*** This drawing has been added to the set.	A4.20
2a.	**Comment**	Add 'FINAL SUBMITTAL' and DRB File Number to title sheet.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 2a):*** Added.	A0.00
2b.	**Comment**	Final drawings to be dated, signed and sealed	
	Response	***This comment was previously addressed in our final submittal dated***	All drawings

		December 8th (item 2b): Date, signature & seal added to all drawings.	
4a.	**Comment**	Provide the dimension of the lot width from the required front setback line for further review of required side yard setbacks.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 4a):*** Dimension added to Site Plan.	A1.00
4b.	**Comment**	Delineate the property line on the exterior elevations and provide the maximum projection of roof overhangs and balconies.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 4b):*** Property lines have been added to the exterior elevations. Please note that as the site is trapezoidal in plan and the building is curved in plan, all reference of setbacks is best done on the plans and not on the elevations.	A3.00, A3.10, A3.20, A3.30
4c.	**Comment**	All parking, including required parking, shall be provided within the understory area, and shall be clearly delineated by a different surface finish or bollards.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 4j):*** The Understory Floor Plan has been updated to delineate a different surface finish for each parking space	A2.00
4d.	**Comment**	The lot coverage diagram is not counting the entire living area of the second floor. The lot coverage provided appears to be solely for the first-floor plan. The lot coverage diagram must include all floor plans overlaid. The lot coverage diagram shall include hatching for the first floor enclosed, and an overlay of the second floor with a different hatch of the enclosed area. After combining both the first and second floor, any overhangs that exceed 5' from that combined area must also be included in the lot coverage calculation.	
	Response	The lot coverage diagram has been corrected and illustrates compliance with lot coverage requirements.	A0.71
4e.	**Comment**	Include an axonometric plan that identifies the relationship between the first and second level.	
	Response	Axonometric views have been added to the set.	A5.30

4f.	**Comment**	The rear yard is 15% of the lot depth. Please revise the rear yard open space to consist of 27.45' from the rear lot line.	
	Response	Our understanding is that lot depth is measured from the front property line to the centerline of seawall, and this interpretation has been confirmed with Michael Belush. Based on this measurement the lot depth is 179'-2" and the depth of rear yard open space is 26'-10 ½" as currently shown.	A0.10, A0.72 Exhibit C attached (page 6)
4g.	**Comment**	Within the required rear or side yard, fences, walls and gates shall not exceed 7', as measured from grade, except when such yard abuts a public right-of-way, waterway, or golf course, the maximum height shall not exceed 5'.	
	Response	There are no fences, walls or gates that exceed 7' within the rear or side yards, and the yards to not abut a public right of way, waterway, or golf course.	A1.00
4h.	**Comment**	The minimum elevation of the understory ground shall be constructed no lower than the future crown of road as defined in chapter 54 of the City Code. Provide written confirmation from the Public Works Department of the future crown of road for this site.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 4k):*** The Public Works Department have provided written confirmation that the future crown of road for this site to be 4.4' NAVD (See attached email from Public Works Department dated 12/07/23). The minimum elevation of the understory ground is 4.4' NAVD / 5.96' NGVD.	Exhibit B attached A2.00, A4.00
4i.	**Comment**	All allowable decking, gravel, pavers, non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments located in the understory area shall be set back a minimum of 5' from each side of the underneath of the walls of the first habitable floor above, with the exception of driveways and walkways leading to the property, and access walkways and/or steps or ramps for the front and side area. The proposed pavers at the understory level do not comply with the minimum 5' setback.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 4l):*** We have added a diagram that shows the 5' setback and demonstrates compliance with this requirement.	A0.74

4j.	**Comment**	The minimum yard elevation is future adjusted grade. Future adjusted grade means the midpoint elevation between the future crown of road and the base flood elevation plus minimum freeboard. Provide written confirmation from the Public Works Department that identifies the future crown of road for further review.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 4n):*** This comment contradicts previously received direction from the City which confirms that there is no minimum yard elevation for understory homes and that yards may be lower than the understory elevation (see email from City dated 09/27/23).	Exhibit C attached (page 1)
4k.	**Comment**	Walkways within required yards have been reduced to 44" in width.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 4s):*** Walkways within required yards have been reduced to 44" in width.	A1.00, A2.00
4l.	**Comment**	There shall be a min 7'-6" setback from the rear property line to the water's edge of the swimming pool or to the waterline of the catch basin of an infinity edge pool.	
	Response	***This comment was previously addressed in our final submittal dated December 8th (item 4u):*** The swimming pool complies with this requirement. No part of the swimming pool is less than 7'-6" from the rear property line. See drawings for setbacks.	A1.00, A2.00

Dan Brill

From: Belush, Michael <MichaelBelush@miamibeachfl.gov>
Sent: Wednesday, December 6, 2023 6:04 AM
To: Dan Brill; Deschamps, Giselle
Cc: Patrick Conner; Avery Don; Vanessa Arriagada
Subject: Re: 441 Rivo Alto Residence

Hi Dan,

You should have one unfolded elevation that shows the front elevation from Rivo Alto, including both homes to either side. You should request the permit files for the home on the one side, and you have the information for the home on the other side that is part of the same folio. If you need more time to provide that elevation, that will be acceptable.

MIAMIBEACH
Michael Belush, *Planning & Design Officer*
PLANNING DEPARTMENT
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We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.
It's easy being Green! Please consider our environment before printing this email.

From: Dan Brill <brilld@marmol-radziner.com>
Date: Tuesday, December 5, 2023 at 1:53 PM
To: Belush, Michael <MichaelBelush@miamibeachfl.gov>, Deschamps, Giselle <GiselleDeschamps@miamibeachfl.gov>
Cc: Patrick Conner <connerp@marmol-radziner.com>, Avery Don <dona@marmol-radziner.com>, Vanessa Arriagada <arriagadav@marmol-radziner.com>
Subject: 441 Rivo Alto Residence

[THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS]

Hi Michael

We recently received a number of plan correction comments in response to our DRB application, many requesting information that was not included in the original DRB checklist that was provided. Wherever possible we are now adding this information to our Final Submission.

When we previously discussed the project, you confirmed that it would not be necessary to include contextual elevation line drawings of all surrounding properties either side (corner to corner) and across the street. You confirmed that it would be acceptable to instead include photos of each property, which is what we included in our submittal.

Contextual elevation line drawings of all surrounding properties either side (corner to corner) and across the street are again being requested (comment 1c attached). Is this a new requirement, as is this really required? If so what level of accuracy is expected, as we will not have Owner permission to access and survey every property on the street. We would be grateful if you could please confirm requirements & expectations.

Please also confirm that it will be acceptable to receive our final paper submittal by 12/22/23 in order to hit the February 6th meeting date (as confirmed in the plan corrections report, which differs from the DRB Application Guide). We will be submitting our revised final electronic submittal this Friday, December 8th.

Kind regards,

Dan Brill NCARB AIA ARB
Project Manager

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M 310 883 4656
brilld@marmol-radziner.com
www.marmol-radziner.com

Dan Brill

From: Patrick Conner
Sent: Wednesday, September 27, 2023 12:28 PM
To: Vanessa Arriagada; Aista Sobouti; Dan Brill; AJ Canfield; Avery Don
Subject: FW: Miami Beach RS-3 - Bayside - Inquiry

Follow Up Flag: Follow up
Flag Status: Flagged

FYI. So I am interpreting this to mean we can potentially stick with our approx. 6'-0" understory height and adjacent yard does not need to pop up to future adjusted grade.

Patrick Conner
Studio Director
Associate

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From: Belush, Michael [mailto:MichaelBelush@miamibeachfl.gov]
Sent: Wednesday, September 27, 2023 6:57 AM
To: Patrick Conner <connerp@marmol-radziner.com>
Subject: RE: Miami Beach RS-3 - Bayside - Inquiry

HI Patrick,

We do not require minimum yard elevations for understory homes. The yards may be lower than the understory elevation.

MIAMIBEACH

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It's easy being Green! Please consider our environment before printing this email.

From: Patrick Conner <connerp@marmol-radziner.com>
Sent: Tuesday, September 26, 2023 8:34 PM
To: Belush, Michael <MichaelBelush@miamibeachfl.gov>
Cc: Dan Brill <brilld@marmol-radziner.com>; Vanessa Arriagada <arriagadav@marmol-radziner.com>; Aista Sobouti <soboutia@marmol-radziner.com>; AJ Canfield <canfielda@marmol-radziner.com>; Avery Don <dona@marmol-radziner.com>
Subject: RE: Miami Beach RS-3 - Bayside - Inquiry

[THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS]

Hi Michael,

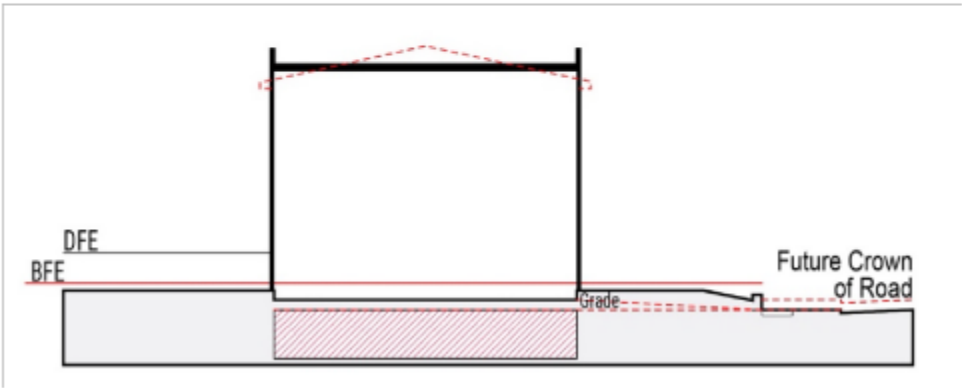
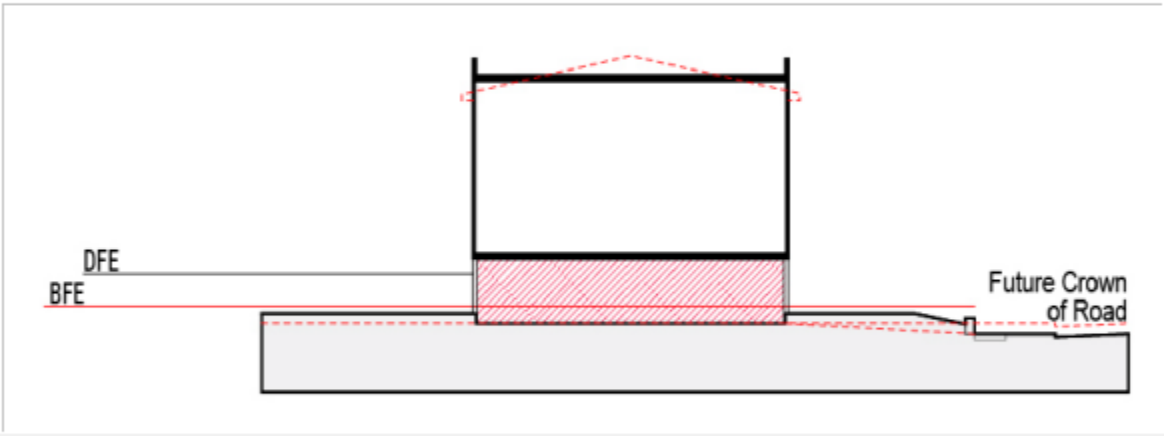
Thank you for supporting our efforts to clarify code nuances. We very much appreciate it. We have an additional question that has come up from the resiliency code that we could use your help interpreting.

We note that per chapter 7.1.2.2.a of the code, the understory elevation cannot be less than the future crown of road. Per our previous conversations, it was established that for 441 E. Rivo Alto, it was likely that the future crown of road would be 6'-0", and the final elevation determination would be made by the City at a later date. An understory elevation a little higher than 6'-0" with a base flood elevation of 10'-0" as established by our survey would give us enough clearance to plan for parking and a stair up to the habitable first floor.

However, we have also noted that per chapter 7.1.2.3.b of the code, there are minimum and maximum yard elevation requirements. These elevations are set to the Future Adjusted Grade. Per our calculations, our Future Adjusted Grade for the site is 8'-6", or just a few inches shy of 2'-6" higher than our minimum allowable understory elevation. It is also our understanding that the understory floor elevation needs to be higher or equal to adjacent grade for a minimum of two entire sides of the understory, which would make setting an understory less than 8'-6" on our narrow lot challenging.

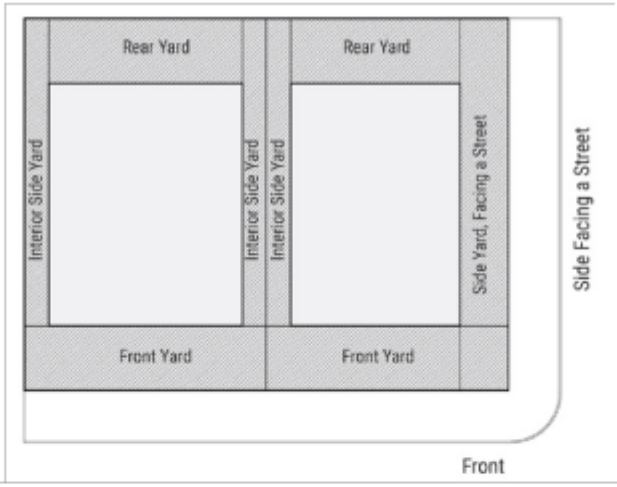
Additionally, we are confused as setting the understory to 8'-6" with the 10'-0" base flood elevation will only give us 6'-6" of clearance making the understory itself inaccessible. When an understory is used, are yard elevations controlled instead by the understory height itself, and the Future Adjustable Grade calculation is not applicable?

Snips of the code in question below:

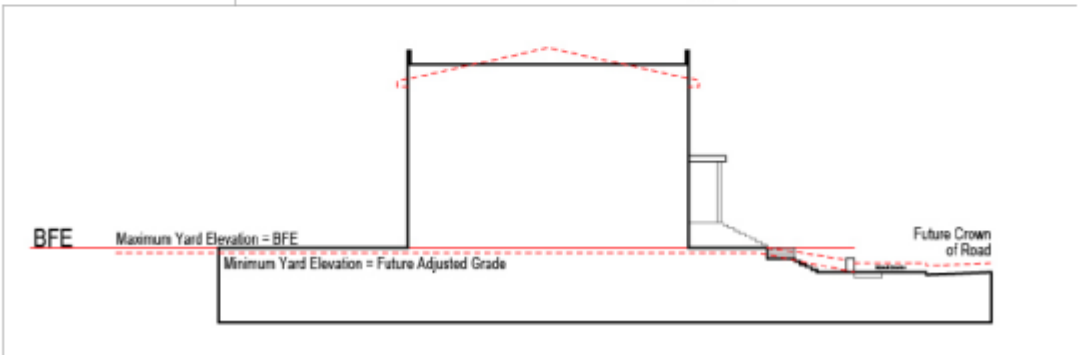
LOWER LEVELS OF A BUILDING DEFINITION'S TABLE
SUBTERRANEAN LEVEL (SL)
Subterranean means that portion of a building or structure which is equal to or less than Grade. Subterranean levels shall only be permitted in the event that the space is purposed and designed as part of a stormwater management plan, including, but not limited to, stormwater collection and cisterns for reuse of captured water. 
UNDERSTORY LEVEL (UL)
Understory means the non-air-conditioned space(s) located below the First Habitable Level (FHL). Notwithstanding the foregoing access to the First Habitable Level (FHL) may be air-conditioned. The Understory ground level should not be lower than the Future Crown of the Road for single-family residential structures and Base Flood Elevation (BFE) plus minimum Freeboard for multi-family residential structures. 
RESIDENTIAL FIRST HABITABLE LEVEL (FHL) (NEW CONSTRUCTION)
First Habitable Level above the Design Flood Elevation (DFE) Design Flood Elevation (DFE) = BFE + Freeboard

MINIMUM AND MAXIMUM YARD ELEVATION REQUIREMENTS		
	Minimum	**Maximum**
Front Yard	Future Adjusted Grade (1) (2) (4)	Base Flood Elevation (BFE) (1) (3) (4)
Side, Facing a street Yard		
Side, Interior Yard		Base Flood Elevation (BFE) (1) (3)
Rear Yard - Non Waterfront		
Rear Yard - Waterfront		Base Flood Elevation (BFE) plus maximum freeboard (1) (3)

YARD LOCATIONS (FOR REQUIREMENTS ONLY)



YARD ELEVATION



Freeboard, maximum shall be as defined in section 54-35 in General Ordinances.

Freeboard, minimum shall be as defined in section 54-35 in General Ordinances.

Full building permit means the full and complete building permit allowing construction of the entire project, and requiring submission of all plans required and approved by the design review board, the historic preservation board, the planning board or the board of adjustment. A full building permit shall not be merely a demolition, electrical, foundation, mechanical or plumbing permit or any other partial permit that does not include all plans for the entire project as submitted, required and approved by the design review board, the historic preservation board, the planning board or the board of adjustment; except that projects that have been approved for phased development by the design review board, the historic preservation board, the planning board or the board of adjustment may obtain a phased development permit instead of a full building permit.

Garage, accessory means an accessory building designed or used for parking for the main permitted structure.

Grade means the city sidewalk elevation at the centerline of the front of the property. If there is no sidewalk, the elevation of the crown of the road at the centerline of the front of the property shall be used.

Grade, adjusted means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.

Grade, average existing means the average grade elevation calculated by averaging spot elevations of the existing topography taken at ten-foot intervals along the property lines.

Grade, future adjusted means the midpoint elevation between the future crown of the road as defined in the city's stormwater master plan, as may be amended, and the base flood elevation plus minimum freeboard for a lot or lots.

Thanks,
Patrick

Patrick Conner
Studio Director
Associate

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connerp@marmol-radziner.com
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From: Belush, Michael [mailto:MichaelBelush@miamibeachfl.gov]
Sent: Monday, September 25, 2023 12:28 PM
To: Avery Don <dona@marmol-radziner.com>
Cc: Patrick Conner <connerp@marmol-radziner.com>; Dan Brill <brilld@marmol-radziner.com>; Vanessa Arriagada <arriagadav@marmol-radziner.com>
Subject: Re: Miami Beach RS-3 - Bayside - Inquiry

Hi Avery,

No portion of submerged land can be used for lot coverage or and setback or lot area calculations. If the property line extends into the water, the lot area is taken at the midpoint of the seawall. Setbacks are also taken from the mid point of the seawall. Understory homes require 70% open space in front, other homes are 50%.

MIAMIBEACH

Michael Belush, *Planning & Design Officer*
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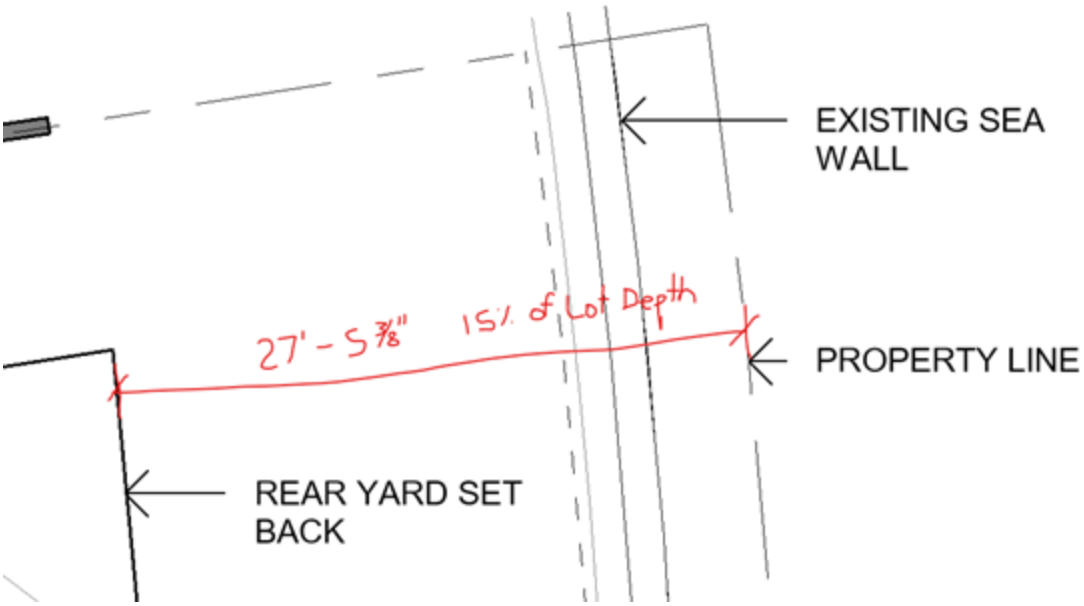
From: Avery Don <dona@marmol-radziner.com>
Date: Monday, September 25, 2023 at 3:23 PM
To: Belush, Michael <MichaelBelush@miamibeachfl.gov>
Cc: Patrick Conner <connerp@marmol-radziner.com>, Dan Brill <brilld@marmol-radziner.com>, Vanessa Arriagada <arriagadav@marmol-radziner.com>
Subject: Miami Beach RS-3 - Bayside - Inquiry

[THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS]

Hi Michael,

You have spoken to my colleagues Vanessa and Dan in the past about a single-family residence in Miami Beach. I have a quick question for you in regard to the required yard open space calculation from sections 142-105 and 146-106 Code of Ordinances.

- Section 105 requires 70% of the front yard to be sodded or landscaped pervious open space, while section 106 requires only 50%. Are we intended to follow the stricter minimum requirement?
- For the rear yard open space, where should our bayside area measurement stop as our property line is within the bay? See the graphic below. In order to determine if we are meeting the 70% or 50% requirement accurately, should the total available setback area for the pervious open space include the area of seawater that lies within the property line? Or would we only calculate the setback within the existing sea wall?

- 

Thank you,

Avery H. Don
Job Captain

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dona@marmol-radziner.com
www.marmol-radziner.com

Vanessa Arriagada

From: Osborne, Aaron <AaronOsborne@miamibeachfl.gov>
Sent: Thursday, December 7, 2023 8:39 AM
To: Vanessa Arriagada
Cc: Dan Brill; Patrick Conner; Avery Don
Subject: RE: Miami Beach Residence: Future Crown of Road
Attachments: Project Prioritization 200401 Map.pdf

Good morning Vanessa,

- The future Crown of the Road elevation adjacent to 441 E Rivo Alto Drive, Miami Beach, is projected at 4.4 feet NAVD.

In 2020, the City Commission adopted a new road elevation strategy which considers sea level rise (SLR) projections and tidal flooding. Since the SLR projections vary with time, so are the proposed elevation of the roads. We are currently using the 2025 projected values (see Table 1 below), and thus the elevation of the roads at the edge of pavement for *non-state roads* like E Rivo Alto Drive at the referenced address is projected to be approximately 4.2 feet NAVD (and 4.4 feet NAVD at the crown of the road for a typical two-lane road with 10-foot-wide lanes).

Table 1- Future Edge of Pavement Elevation (in feet NAVD) per Adopted Road Elevation Strategy (Road Elev 200228 reduced.pdf)

Project Start Date	2020	2025	2030	2035	2040
State Roads	4.8	5.2	5.7	6.2	6.7
Non-state Roads	3.9	4.2	4.5	4.9	5.3

Please note that the projected future road elevation is only a *target* and *can be adjusted* to ensure proper harmonization. Harmonization refers to the transition in elevations between the private property and the right of way, including the driveway and pedestrian access as well as the front and side yard transitions.

Based on the prioritization of projects (see attached map), the above subject property falls within the Venetian Islands A Neighborhood Improvement Project (NIP), and it is not expected to be raised within the next few years.

Feel free to contact me if you have any questions.

Best regards,

MIAMIBEACH

Aaron Osborne, *Project Engineer*
PUBLIC WORKS DEPARTMENT, Engineering Division
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7080 x 26110 / Fax: 305-673-7028
www.miamibeachfl.gov

Public Works Department Mission
We are a multi-disciplined department comprised of Operations, Engineering, Sanitation, and Greenspace Management divisions. Together, these divisions ensure the technologically advanced design, maintenance, functionality, delivery, and cleanliness of the City's water services and resources, roadways and greenways.

We place the utmost importance in valuing our employees and ensuring all are trained to be the most reliable, knowledgeable, environmentally-conscientious and solutions-oriented professionals who provide for the City's stakeholder needs and concerns in an efficient and socially-responsible manner to foster a better, safer, and healthier community for all to live, work, and play.

Public Works Department Vision
To be the most proactive, innovative, and dependable network of highly knowledgeable professionals who are skilled in providing stakeholders optimal service and solutions to our community's most pressing infrastructure and environmental needs.

Please do not print this e-mail unnecessarily

From: Vanessa Arriagada <arriagadav@marmol-radziner.com>
Sent: Wednesday, December 6, 2023 11:42 AM
To: Osborne, Aaron <AaronOsborne@miamibeachfl.gov>
Cc: Dan Brill <brilld@marmol-radziner.com>; Patrick Conner <connerp@marmol-radziner.com>; Avery Don <dona@marmol-radziner.com>
Subject: RE: Miami Beach Residence: Future Crown of Road

> You don't often get email from arriagadav@marmol-radziner.com. Learn why this is important

[THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS]

Hi Aaron,

Following up on my email from last week. Will you be able to provide the requested confirmation by this Friday?

Thank you,

Vanessa Arriagada
Job Captain

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arriagadav@marmol-radziner.com
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From: Vanessa Arriagada
Sent: Thursday, November 30, 2023 11:30 AM
To: aaronosborne@miamibeachfl.gov
Cc: Dan Brill <brilld@marmol-radziner.com>; Patrick Conner <connerp@marmol-radziner.com>; Avery Don <dona@marmol-radziner.com>
Subject: Miami Beach Residence: Future Crown of Road

Hi Aaron,

Thank you for speaking with me on the phone this morning . As I mentioned, the Design Review Board is requesting written confirmation from the Public Works Department that identifies the future crown of the road of the site for further review of compliance the minimum yard elevation.

We are intending to electronically submit our final DRB document on **Friday, December 8, 2023**. Can you confirm if we will be able to receive this in time for our submittal? Please let me know if you have any questions or need any additional information.

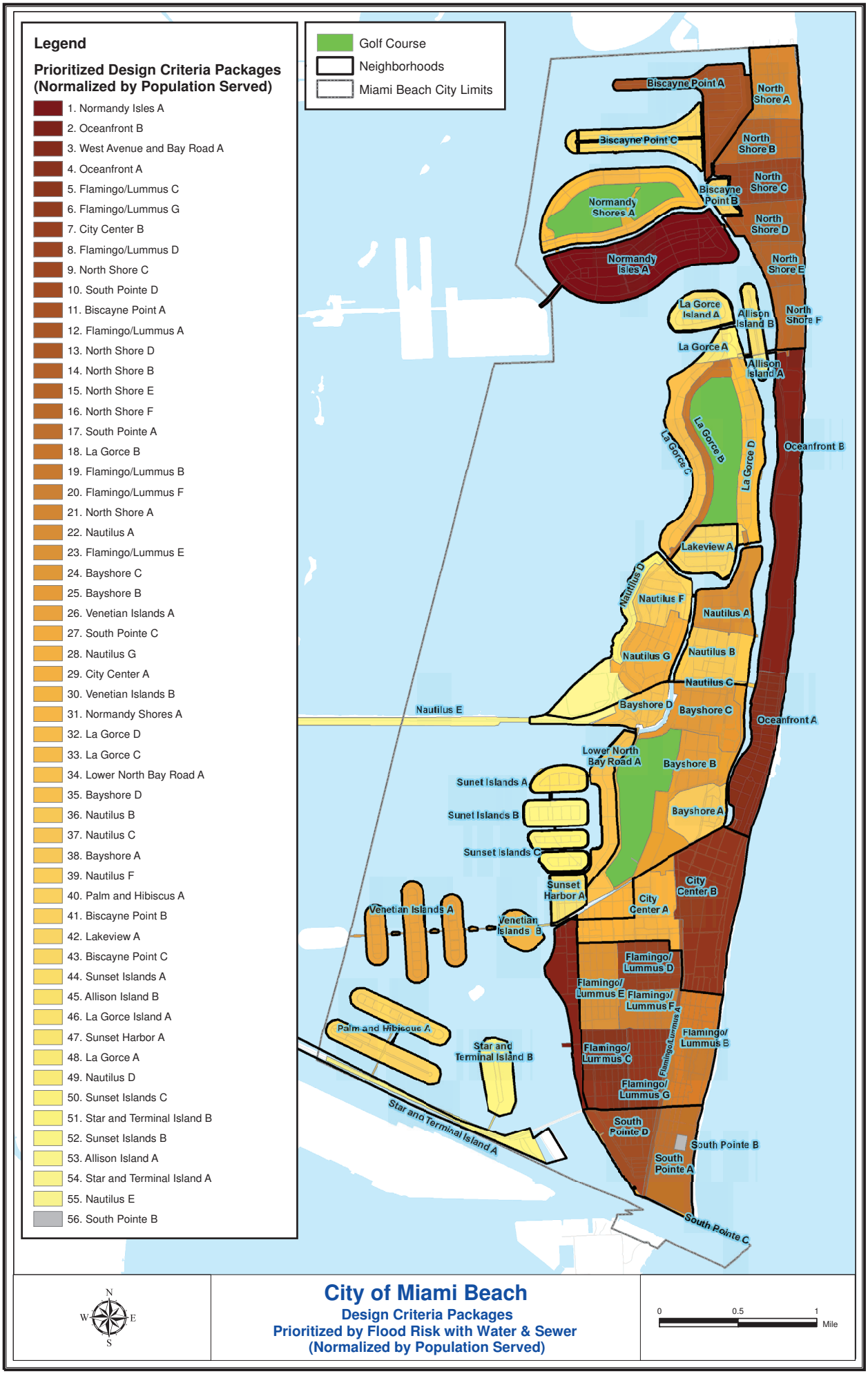
Site Address: E 441 E Rivo Alto Drive, Miami Beach, FL 33139-1251 (currently grouped with 445 E Rivo Alto Drive)
Parcel #: 0232330010530
File #: DRB23-0974

Thank you,

Vanessa Arriagada
Job Captain

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Figure ES-1


Legend
Prioritized Design Criteria Packages
(Normalized by Population Served)
1. Normandy Isles A
2. Oceanfront B
3. West Avenue and Bay Road A
4. Oceanfront A
5. Flamingo/Lummus C
6. Flamingo/Lummus G
7. City Center B
8. Flamingo/Lummus D
9. North Shore C
10. South Pointe D
11. Biscayne Point A
12. Flamingo/Lummus A
13. North Shore D
14. North Shore B
15. North Shore E
16. North Shore F
17. South Pointe A
18. La Gorce B
19. Flamingo/Lummus B
20. Flamingo/Lummus F
21. North Shore A
22. Nautilus A
23. Flamingo/Lummus E
24. Bayshore C
25. Bayshore B
26. Venetian Islands A
27. South Pointe C
28. Nautilus G
29. City Center A
30. Venetian Islands B
31. Normandy Shores A
32. La Gorce D
33. La Gorce C
34. Lower North Bay Road A
35. Bayshore D
36. Nautilus B
37. Nautilus C
38. Bayshore A
39. Nautilus F
40. Palm and Hibiscus A
41. Biscayne Point B
42. Lakeview A
43. Biscayne Point C
44. Sunset Islands A
45. Allison Island B
46. La Gorce Island A
47. Sunset Harbor A
48. La Gorce A
49. Nautilus D
50. Sunset Islands C
51. Star and Terminal Island B
52. Sunset Islands B
53. Allison Island A
54. Star and Terminal Island A
55. Nautilus E
56. South Pointe B
Golf Course
Neighborhoods
Miami Beach City Limits
Biscayne Point A
North Shore A
Biscayne Point C
North Shore B
North Shore C
Biscayne Point B
Normandy Shores A
North Shore D
Normandy Isles A
North Shore E
La Gorce Island A
Allison Island B
North Shore F
La Gorce A
Allison Island A
La Gorce C
La Gorce B
La Gorce D
Oceanfront B
Lakeview A
Nautilus D
Nautilus F
Nautilus A
Nautilus G
Nautilus B
Nautilus C
Nautilus E
Bayshore D
Bayshore C
Oceanfront A
Lower North Bay Road A
Bayshore B
Sunset Islands A
Sunset Islands B
Bayshore A
Sunset Islands C
Sunset Harbor A
City Center B
City Center A
Venetian Islands A
Venetian Islands B
Flamingo/ Lummus D
Flamingo/ Lummus E
Flamingo/ Lummus F
Flamingo/ Lummus A
Flamingo/ Lummus B
Palm and Hibiscus A
Star and Terminal Island B
Flamingo/ Lummus C
Flamingo/ Lummus G
Star and Terminal Island A
South Pointe D
South Pointe B
South Pointe A
South Pointe C
N
W
E
S
City of Miami Beach
Design Criteria Packages
Prioritized by Flood Risk with Water & Sewer
(Normalized by Population Served)
0
0.5
1
Mile