

March 9, 2024

Mr. Thomas Mooney  
Planning Director  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: **Revised Letter of Intent for Design Review Approval for DRB File No: DRB23-0934 for a Multi-Family Residential Project to be Located at 1940 Bay Drive, Miami Beach, Including Variance**

---

Dear Tom:

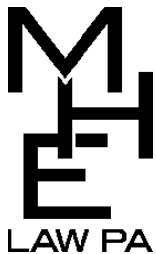
As you know, this firm represents 1940 Apartments LLC (the “Applicant”) in an application seeking Design Review Approval for a multi-family residential project, for the property located at 1940 Bay Drive (the “Property”). This letter serves as the Applicant’s revised letter of intent in connection with its request for design review approval, including a variance, for a new multi-family residential project.

Description of the Property. The Property is located along the west side of Bay Road, just south of Normandy Drive. It is approximately 35,400 square feet in size. Currently it is occupied by a 23-unit apartment building that comprises approximately 29,213 square feet. It is identified by Miami-Dade County Folio No. 02-3210-002-1200.

The Property is located within the RM-1, Residential Multifamily Low Intensity Zoning District. Directly adjacent on the north and south of the Property are multi-unit condominium buildings, while directly across, on the east side of Bay Drive, there are two multi-unit apartment buildings.

Development Program and Requests. The Applicant is proposing to re-develop the site with a five (5) story, twelve (12) unit multi-family condominium project. Over the past year, the Applicant has worked closely with its architect and City staff to design a structure that is befitting the fabric of the neighborhood.

This modern, curvilinear design, which plays on movement, steps the structure away from the property line, softening the harsh lines of the existing structure. Each unit will be comprised of open living spaces, clean lines, and a vast amount of windows. The windows provide clarity and create an openness to the space, as well as providing incredible views of the Miami Beach skyline.



Curb appeal of the property is not only improved by the amazing architectural design, but also through the incorporation of landscaping. The proposed design increases the amount of existing landscaping along all façades of the Property. Special attention was paid along both the front and rear facades in order to create an appealing and inviting spaces. This new design incorporates ground coverage and vertical landscaping that plays throughout the building.

The new proposed design will not only enhance the appeal of the neighborhood, but it will also decrease vehicular impact on the area and the City. Currently, on the Property sits a 23-unit apartment building, with minimal on-site parking. The proposed project not only reduces the unit count to nearly half (12-units), but also provides on-site parking for all residents. In this area of Miami Beach, parking is a commodity which is not easily attained. The provision of parking for the units reduces the impacts to the adjacent properties, as well as the neighborhood as a whole.

Variance. The Applicant requests a variance from the requirement that the total width of interior parking drive aisles be 22' in width. Due to the angled nature of the property lines, the property is wider on the water side and narrows near the front of the property. This particular condition of the site results in three (3) of the interior parking spaces, located within the garage, to have a drive aisle of 21'. The Applicant requests a variance of one foot (1') adjacent to those interior parking spaces located near the front of the garage. These spaces are located completely within the garage and are not visible to passersby. The granting of this variance would have no impact on the neighborhood or the community at large.

Satisfaction of Hardship Criteria. The Applicant's requests satisfy all of the hardship criteria as follows:

- 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;**

The property lines are angled in such a way where the waterside is wider than the street-side property line. This condition is peculiar to the site, creating a hardship and practical difficulty in designing a compliant structure. The condition results in a narrowing of the structure and the interior drive aisles located within the garage.

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

The configuration of the lots exists through no action of the Applicant. The narrowing condition results in the Applicant's request for the one-foot (1') variance request for the interior drive aisles.

**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;**

The Applicant will not derive any special privilege from the approval of this variance. Granting the requested variance will enable the Applicant. The Code allows other similarly situated property owners to seek similar variances. Furthermore, the granting of the Applicant's modest request of reducing the interior drive aisle by one foot (1') does not confer any special privilege upon the Applicant and is in line with the purpose and intent of the Code.

**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;**

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The variance requested is in order to effectuate the development of the Property while improving the conditions in the neighborhood.

**5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

The additional reduction of the interior drive aisle by one foot (1') will make reasonable use of the lot. The proposed variance is modest and any less would result in a reconfiguration of the entire site.

**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**

This variance will not be injurious to the area or otherwise detrimental to the public welfare. This request is consistent with the purpose and intent of the Code and promotes the public welfare.

**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 any time prior to the board voting on the applicant's request.**

The variance requested is consistent with the City's Comprehensive Plan and does not reduce the levels of service as set forth in the plan.

**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**

The granting of this variance will result in a structure that complies with the sea level rise criteria, as more fully referenced below.

Sea Level Rise and Resiliency Criteria. The proposed development will also make for a more resilient property. This project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

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

**CONSISTENT** – The Applicant will provide a recycling or salvage plan during permitting.

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

**CONSISTENT** - All new proposed windows will be hurricane rated.

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

**CONSISTENT** - Passive cooling is incorporated into the design. Refer to the plans.

**(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.**

**CONSISTENT** – The proposed landscaping includes native and Florida-friendly species, which have been previously approved throughout the City.

**(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.**

**CONSISTENT** – All habitable spaces will be above minimum freeboard (BFE + 1 Ft).

**(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way 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 of up to three additional feet in height.**

**CONSISTENT** – An increase in the roadways may be accommodated.

- (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.**

**CONSISTENT** – Proper precautions will be taken to ensure the any critical mechanical and electrical systems are located above base flood elevation.

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

This requirement is inapplicable.

- (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.**

This requirement is inapplicable.

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

**CONSISTENT** – The Applicant will take reasonable measures for water retention on the site.

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

**CONSISTENT** - The Applicant has taken reasonable measures to ensure the proposed paving is consistent with this requirement. Refer to the landscape plan for a complete list of all paving materials.

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

**CONSISTENT** – The proposed design plays on movement and incorporates materials, which reduce the heat footprint of the structure. It also incorporates landscaping, which improves the heat factor and increases air-flow.

Conclusion. The Applicant's proposal is consistent with the character of the neighborhood, as well as the intent of the Code. This Property will greatly benefit from the proposed Project as will the surrounding neighborhood. The project will help improve vehicle circulation and alleviate the parking deficit in the area. We respectfully request your recommendation of approval of the Applicant's requests.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,  
MHE LAW PA



Monika H. Entin

CC: Michael Belush,  
Planning and Design Officer

Giselle Deschamps,  
Principal Planner