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VIA ELECTRONIC SUBMISSION

March 31, 2024

Michael Belush
Planning & Design Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **PB24-0657 -** Request for Modification of the Lot Split Order Under File No. PB21-0420 for the Property Located at 1405, 1415, and 1425 Marseille Drive in Miami Beach, Florida

Dear Mr. Belush:

This law firm represents 1405 Marseille Drive LLC, 1415 Marseille Drive LLC, and 1425 Marseille Drive LLC (collectively the "Applicant"), the owners of the above referenced properties identified by Miami-Dade County Folio Nos. 02-3210-010-0040; 02-3210-010-0050; and 02-3210-010-0060 (collectively the "Property") within the City of Miami Beach (the "City"). Please consider this letter the Applicant's letter of intent in support of a modification of the previously approved lot split application under File Number PB21-0420, which subdivided the existing triple lot into three (3) lots that follow the originally platted lot lines, pursuant to Section 2.5.4 of the City of Miami Beach Resiliency Code. See Exhibit A, Prior Lot Split Order.

The Property. The Property is situated along Marseille Drive fronting Normandy Waterway. The Property is located within the RS-4 Single-Family Residential zoning district. The Property is platted as Lots 9, 10, and 11 of the Plat of the Normandy Waterways Subdivision, recorded in Plat Book 40, Page 60 of the Public Records of Miami-Dade County. There was previously a single-family residence developed on the Property that was demolished in accordance with Building Permit No. BR2207563. See Exhibit

B, Building Permit No: BR2207563. The Property currently consists of three vacant lots.



Figure 1, Aerial

Previously-Approved Lot Split Request. The Applicant obtained approval to split the Property into three lots that are roughly equal in size, consistent with the originally platted lot lines (the "Approved Lot Split"). The dimensions of the resulting lots are consistent with the City's land development regulations and the context of the surrounding neighborhood. The Approved Lot Split results in the following lot sizes that are more consistent and compatible with the neighborhood than the Property's lot area and development rights as an aggregated triple lot.

Lot	Size (Square Feet)
Prior to Approved Lot Split (Lots 9, 10, 11)	24,176.17 SF
Post Approved Lot Split Lot 9	8,413.35 SF
Post Approved Lot Split Lot 10	7,976.98 SF
Post Approved Lot Split Lot 11	7,798.79 SF

Requested Lot Split Order Modification. The Applicant seeks to modify Conditions B.1.f. of the Lot Split Order, which states that "the maximum unit size for each lot shall be limited to the lesser of 40% or the maximum permitted…per Section 142-105(b)(9) of the

City Code, as may be revised from time to time", as well as modify Condition B.1.g. of the Lot Split Order states that "the maximum lot coverage…shall be limited to the lesser of 25% or the maximum permitted at the administrative level at the time of building permit, as per section 142-105(b)(9) of the City Code, as may be revised from time to time".

The rationale for limiting the unit size and lot coverage of the future homes on the resulting lots was based on the fact that a pre-1942 home located on the Property was proposed to be demolished. At the time of the prior lot split approval, the City Code required that a lot split proposing demolition of an architecturally significant pre-1942 home include limitation on subsequent unit size and lot coverage of 40% and 25% respectively. Following the State preemption of local government regulations that limit the ability of single-family home-owners to demolish their homes developed below Base Flood Elevation, Section 142-105(b)(9) of the Code (now codified as Section 2.5.4.2 of the Resiliency Code) no longer requires additional limits on lot coverage and unit size when proposing demolition of a pre-1942 home. Accordingly, the Applicant is respectfully requesting that the above-referenced conditions limiting unit size and lot coverage to 40% and 25% respectively be modified to allow homes up to 50%-unit size and up to 30% lot coverage, in accordance with the underlying zoning district regulations.

Area Analysis. According to the area analysis conducted as part of the Approved Lot Split application, the median unit size in the area surrounding the Property with a twenty (20%) allowance for additions is 39%. The majority of the homes on Marseille Drive were developed in the 1940's and 1950's and are situated below Base Flood Elevation. It is a reasonable to expect that most of these homes will be redeveloped with homes at or near 50%-unit size. Accordingly, the request to permit homes up to 50%-unit size an 30% lot coverage will not have negative impacts on the surrounding neighborhood.

Proposed Homes. The Applicant proposes three new resilient designs for the proposed homes on the resulting lots. The homes are sensitively designed to be compatible with the surrounding neighborhood while making efficient of use of waterfront lots in a highly desirable area of the City. The three (3) proposed homes feature an understory, and the Applicant will be requesting approval of the understories from the Design Review Board ("DRB"). To compensate for the additional height necessary to achieve an understory, the proposed homes feature enhanced front, rear, and interior side yard setbacks. The homes are proposed to be developed at or near the maximum permitted lot coverage (30%) and unit size (50%) permitted by the RS-4 zoning district in order to develop high quality homes that meet the needs of modern families.

Lot Split Review Criteria. The proposed lit split is consistent with the lot split criteria under Section 2.5.4.2(a)-(g) of the Resiliency Code, as described further below:

a) 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.

According to Section 7.2.2.3(2)(b)(1), the minimum lot size in the RS-4 zoning district is 6,000 square feet. The Approved Lot Split created lots that are 8,389 square feet, 7,974 square feet, and 7,811 square feet respectively, which satisfy the minimum requirements required in the Code. The lots have already been approved and therefore have already been deemed to be appropriate for the surrounding neighborhood.

b) 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 building sites following the Approved Lot Split are consistent with the existing building sites and of the same character as the surrounding area.

c) 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 proposed homes are designed at a scale that is compatible with the as-built character of the surrounding area. The homes implement architectural design features to break up the massing and mitigate any perceived impacts the structure presents. Notably, the Applicant is proposing enhanced front, rear, and side-interior yard setbacks to mitigate perceived impacts to surrounding properties. The Applicant proposed modern resiliently designed homes that complement the existing architectural mosaic on Marseille Drive, while complying fully with the City's Resiliency Code.

d) 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 Property is a vacant site.

e) 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.

f) 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 142-108(a).

The Property is a vacant lot.

g) The structure and site complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

The Proposed Lot split will result in lots and structures that 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)(1)(A)-(L) of the Resiliency Code as follows:

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

A recycling or salvage plan for demolition will be provided at permit.

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

All new windows will be hurricane proof impact windows.

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

Where feasible, passive cooling systems will be provided.

(D) 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.

(E) 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.

(F) 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 will be adaptable to the raising of public rights-of-ways and adjacent land.

(G) 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.

(H) 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 maximum Freeboard.

(I) 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.

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

Stormwater retention systems will be provided where feasible.

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

Cool pavement material and porous pavement materials will be utilized.

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

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

Conclusion. The approval of the application will permit the development the lots with high quality resilient homes consistent with the residential character of the neighborhood. Accordingly, we respectfully request your favorable If you have any questions or comments, please give me a call at (305) 377-6236.

Sincerely,

Mickey Marrero

Enclosures:

cc:

Nicholas J. Rodriguez, Esq
Alejandro Garavito
Miriam Herrera
Rogelio Madan

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HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

Exhibit A

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 1415 Marseille Drive

FILE NO. PB21-0420

IN RE: An application for a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site comprised of three platted lots, into three individual buildable parcels.

LEGAL DESCRIPTION: LOTS 9, 10, 11, BLOCK 19, NORMANDY WATERWAY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, PAGE(S) 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

MEETING DATE: October 26, 2021

DIVISION OF LAND/LOT SPLIT
FINAL ORDER

The applicant, Maria Caiola, requested a Division of Land/Lot Split, pursuant to Chapter 118, Article VII of the City Code, to divide the existing site into three individual buildable parcels.

The City of Miami Beach Planning Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board "Division of Land/Division of Land/Lot Split" criteria in Section 118-321.B of the City Code.

B. The project would remain consistent with the criteria and requirements of Section 118-321.B of the City Code, subject to the subject to the following conditions, to which the Applicant has agreed:

1. The three (3) lots created pursuant to this lot split application at 1415 Marseille Drive, shall comply with the following:

   a. The subject lots shall not be subdivided any further.

   b. Design Review Board review and approval shall be required for the proposed home(s) on each lot.

   c. The building parcels created by this lot split shall be as depicted on the signed and sealed surveys by Blanco Surveyors Inc., dated March 16, 2021.

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d. Individual underground utility, water, sewer, electric, telephone and cable connections, as well as the payment of any applicable impact and mobility fees, shall be the responsibility of the owners of each respective lot.

e. If required, the removal and replacement of all or portions of the sidewalk curb and gutter along all portions of each lot shall be the responsibility of the applicant.

f. The maximum unit size for each lot shall be limited to the lesser of 40% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105(b)(9) of the City Code, as may be revised from time to time.

g. The maximum lot coverage for each lot shall be limited to the lesser of 25% or the maximum permitted at the administrative level at the time of building permit, as per Section 142-105 (b) of the City Code, as may be revised from time to time.

h. Any proposed new home on each lot shall fully adhere to the review criteria and development regulations identified in Sections 142-105 and 142-106 of the City Code, as may be revised from time to time.

i. The request and/or approval of any variances shall be prohibited.

j. Prior to the issuance of a Building Permit, a tree report prepared by a certified arborist for all of the existing trees on site shall be a submitted for the review and evaluation of the CMB Urban Forester. Any trees identified to be in good health shall be retained or relocated if determined to be feasible by the CMB Urban Forester.

k. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.

l. Prior to the submittal of a Design Review Board application, the applicant will submit an application for determination of architectural significance for the existing pre-1942 home on Lot 10.

2. The applicant shall maintain the land clean and free from debris.

3. The applicant and/or owner, for each lot created herein, both now and in the future, shall abide by all the documents and statements submitted with this application for Division of Land/Lot Split, as well as all conditions of this Order. The conditions of approval for this Lot Split are binding on the applicant, the property owners, and all successors in interest and assigns.

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4. The Planning Board shall maintain jurisdiction of this Lot Split approval. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Lot Split approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Lot Split is also subject to modification or revocation under Section 118-323 of the City Code.

5. The applicant and/or owner of each property shall resolve all outstanding violations and fines on each respective property, if any, prior to the issuance of a building permit for any home proposed.

6. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

7. The executed Order for the Division of Land/Lot Split shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant.

8. The Lot Split approval approved herein shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the City Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this approval.

9. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff recommendations, as modified by the Planning Board that the Division of Land/Lot Split as requested and set forth above be GRANTED, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

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Dated 11/9/2021 | 12:35 PM EST

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:
BY: Rogelio Madan
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Rogelio A. Madan, AICP
Chief of Planning and Sustainability
for Chairman

STATE OF FLORIDA
)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 9th day of November, 2021, by Rogelio A. Madan, Chief of Community Planning and Sustainability for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

GABRIELA C. FREITAS
MY COMMISSION # HH 173574
EXPIRES: September 8, 2025
Bonded Thru Notary Public Underwriters

Notary:
Print Name: Gabriela C. Freitas
Notary Public, State of Florida
My Commission Expires: Sept. 8, 2025
Commission Number: HH 173574

Approved As To Form:
Legal Department DocuSigned by: 8D0CB80CCAB6400 (11/9/2021 | 12:33 PM EST

Filed with the Clerk of the Planning Board on DocuSigned by: Jessica Gonzalez 10FC3F3E0D664A6 (11/9/2021 | 3:59 PM EST

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Exhibit B

MIAMIBEACH

BUILDING PERMIT AND INSPECTION RECORD

PERMIT NO	DATE	FLORIDA BUILDING CODE
BR2207563	01/23/2024	

DESCRIPTION OF WORK

US2022-04006 DEMOLITION OF SINGLE FAMILY

OWNER	ADDRESS
MARIA CAIOLA	1415 MARSEILLE DR

CONTRACTOR	LICENSE NO.

CERTIFICATE OF APPROPRIATENESS	HISTORIC DISTRICT
If this property is located within a Historic District, the subject permit complies with all applicable requierements of the Land Development Regulations (LDR's). Additionally, the permit application includes a Certificate of Appropriateness (COA), which was reviewed in accordance with Sec. 118-563(d) and 118-564(a) of the LDR's and approval of the building permit.	N/A

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED WITH APPROVED, PERMITTED PLANS AT THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

CERTIFICATE OF OCCUPANCY MUST BE OBTAINED BEFORE THIS BUILDING CAN BE USED FOR ANY PURPOSE

DO NOT REMOVE THIS CARD BEFORE COMPLETION
UNDER SECTION 304.1 OF THE FLORIDA BUILDING CODE
APPROVED, PERMITTED PLANS MUST BE KEPT AT THE JOB SITE.
For Inspections, log in to **CSS** (Citizen Self Service):
https://eservices.miamibeachfl.gov/energovprod/selfservice#/home

For any other trade, you must check the associated permit card to see the required inspections.

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

A Public Work's ROW Permit shall be required for any obstruction of any street or sidewalk in the City or impeded the general movement of vehicular or pedestrian traffic, working within the public right-of-way, or crossing of right-of-way as defined in Chapter 82, PUBLIC PROPERTY; Article IV. Uses in Public Rights-of-Way of the City of Miami Beach Code of Ordinances.