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VIA ELECTRONIC DELIVERY

City of Miami Beach Design Review Board
c/o Mr. Michael Belush, Planning and Design Officer
City of Miami Beach, Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Final Submittal / Saka Residence / Letter of Intent for Design Review Board Application File No. DRB24-0998 (the "Application") / Property located at 4330 Nautilus Drive (Folio No. 02-3222-006-0240), Miami Beach, Florida (the "Property")

Dear Design Review Board Members:

Our firm represents James and Fancy Saka (collectively, the "**Owner**" and "**Applicant**"), as the current owners of the property located at 4330 Nautilus Drive in the City of Miami Beach, Florida (the "**City**"). The Owner seeks to build a beautiful, new single-family home at the Property. Please consider this correspondence as the letter of intent in connection with the Owner's request before the Design Review Board ("**DRB**") for design review, waiver and variance approvals for the construction of a new, 2-story home with an understory, as more fully detailed below.

I. The Property

The Property is located within the Nautilus mid-beach neighborhood and fronts Nautilus Drive to the East and currently contains a 2-story, single family residence originally built in 1938[1]. According to that certain Boundary Survey prepared by Schwebke-Shiskin & Associates, Inc., a copy of which is enclosed, the Property contains a total of 10,694 +/- square feet or 0.245 +/- acres of land. The Property is located within the RS-4, Single Family Residential Zoning District and is surrounded by other 2-story, single family homes to the North, South, and East along Nautilus Drive.

James and Fancy Saka have lived at the Property since 2011. For over 13 years, the Saka's have raised their children, formed lasting bonds with their neighbors and built countless cherished memories at the existing home on the Property. For these reasons and many more, they have decided to stay in the neighborhood and rebuild the home of their dreams at the Property.

[1] Per the information provided on the Miami Dade County Property Appraiser's website, the Property has undergone various renovations and additions since the original construction date.

II. The Project - Design Review Approval

As detailed in the plans prepared by Choeff Levy Fischman Architecture and Design (the "**Plans**"), Owner intends to build a new, 2-story modern home with an understory serving the residence (the "**Project**" or "**Saka House**"). The estimated cost of the Project is approximately $2,600,000.00.

The Saka House is a Modern architectural home that seeks to integrate sustainable and resilient design features with the surrounding natural elements of light, air, water and lush greenery. Starting along the East side of the Property, the front view of the Saka House appears as a predominantly single story volume floating above a large reflecting pond with a landscape island at the center. This entrance feature complements and is nestled amidst the lush greenery surrounding the Property and serves as a tranquil introduction to the modern elegance and design of the homes interior space.

Hovering above the reflecting pond is the architectural entry staircase that leads directly to the first level and main stay of the family home. Crafted with sleek contemporary materials and lined with transparent glass panels, the staircase appears to effortlessly float in mid-air creating a sense of weightlessness and allowing the greenery of the landscape island and blue water of the pond below, to shine through. The glass material used in the entry stair continues to the first floor, where glass paneling is used for the balcony feature lining the open air front porch. Transparent, glass paneling is carefully used throughout the front and rear facades of the Saka House allowing exterior elements to spill into and seamlessly blend with the interior space of the home.

Just above the reflecting pond, a series of architectural metal louvers frame the northern front façade of the home, adding design interest and verticality to the largely horizontal structure. These sleek, metal louvres are a design element throughout various areas and at each level of the Saka House, but also provide privacy. For example, the metal louvres conceal the primary stairwell, while allowing small glimpses of the staircase from the outside. The backyard includes a lap style pool, lounge space, summer kitchen and bar area designed for hosting family events and enjoying the nearly year-round, warm Miami Beach climate.

The Owner has collaborated closely with the architect to ensure that the Project not only aligns with the various development regulations provided in the City's Resiliency Code (the "**Resiliency Code**"), but also provides functional and usable space for a large local Miami Beach family. As such, the Project is largely in compliance with the RS-4 zoning regulations per Section 7.2.2 of the City's Resiliency Code, with the exception of the minor variance and waiver requests detailed in Section IV and V of this Letter of Intent.

III. Understory Request

As previously mentioned, the Saka House is designed with an understory. The open air serves as a conduit allowing natural light and air to pass easily through the Property, but also serves as functional space for the Saka House. For example, the understory is designed as convenient space for car storage and is accessed from two vehicular access points off of Nautilus Drive. This space also includes a motor court, providing ample room for vehicle maneuverability on site and

masked from public view. The open-air, understory also provides various entrance points and accessibility from the ground level to the roof deck, including a private elevator and primary stairwell.

The open-air nature of the understory creates a versatile and functional space that is both practical and resilient. It offers concealed vehicular storage options for the Saka family, while also contributing to the overall sustainability and adaptability of the residence in furtherance of the City's sea level and resiliency efforts.

IV. Waivers

1) ***Sec. 7.2.2.3.b.2.A: Two-Story Side Home Elevations***
Two-story side elevations located parallel to a side property line shall not exceed 50 percent (50%) of the lot depth, or 60 feet, whichever is less, without incorporating additional open space, in excess of the minimum required side yard, directly adjacent to the required side yard.

Pursuant to Section *7.2.2.4.a.4.A.V.* of the Resiliency Code, Owner is requesting a waiver from the maximum North side 2-story elevation width of 60 ft. to 61'-4" on the second level. Although it appears that the Property is a regular shaped lot, the interior, side lot lines are slightly uneven and not parallel. For example, the northern side lot line is 121.8" and is situated at an angle, while the southern side lot line is a straight line measuring at 120 feet. As a result, the side property lines are asymmetrical. Thus, the 2nd floor setback is at its minimum 11'-3", but extends further from the Property line for most of the 2nd floor on the North. Additionally, the 2nd floor is primarily made up of exposed balconies creating additional depth and openness meeting the intent of the Code.

It is important to emphasize the that the requested side elevations only exceed the maximum 60-foot requirement by 1'4" on the second level. In other words, the requested waiver areas is de minimis and reflects a modest increase that is necessary to achieve the thoughtful integration of the outdoor balcony space at the Property.

V. Variance

The Owner requests the following variance for this Project ("**Variance**"):

2) ***Sec. 7.2.2.3.b.1(6): RS Development Regulations - Understory Front Yard***
If an Understory is provided, at least 70 percent of the required front yard and street side yard areas shall consist of sodded or landscaped pervious open space.

The Owner is requesting approval to provide 62% landscape open space in the designated front yard, where 70% is required pursuant to Section 7.2.2.3.b.1(6) of the Resiliency Code (the "**Variance**"). The Project is designed with a driveway system that provides two (2) separate points of access along Nautilus Drive, consistent with the existing successful driveway condition at the Property. The proposed driveway areas incorporate hardscaped pavers that are necessary for vehicular operations. Given the Applicant's large local family, the driveway design allows for the

concealed storage of cars at the Property without impact to the public right of way/swale system. This design reduces potential impacts on neighbors or Nautilus Drive.

As part of the intentional driveway design, the Applicant is able to provide 62% landscaped open space in the designated front yard, slightly below the 70% requirement. The only non-landscape features in the yard are the water feature, the drive aisles and the stairwell access. The overall front yard and extended yard provides significant green space at the Property that includes lush vegetation, trees, shrubs and plants – all creating a welcoming and visually appealing streetscape. This green space, coupled with the open water feature and landscape island provided at the entrance of the Property, lend to a beautiful front yard experience enhancing the Property's curb appeal. This design is consistent with the driveway condition across the street with the same 2 drive aisle configuration.

The requested Variance for the Saka House shall be approved upon demonstration of the following:

(i) *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*.

Satisfied; The Property currently contains a U-shaped driveway system, that the owner has successfully used over the past decade to enjoy friends and family without impact to the neighborhood. Given the success of the existing site conditions, Applicant intends on utilizing the same design feature.

(ii) The special conditions and circumstances do not result from the action of the applicant.

Satisfied; The special conditions and circumstances of the proposed design mirror existing conditions at the Property. For example, the existing home at the Property currently maintains a U-shaped driveway with two access points. The new Project seeks to recreate this dual access driveway to maintain the vehicular functionality and efficiency at the Property.

(iii) 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.

Satisfied; The requested Variance will not confer any special privilege on the Applicant, that would be otherwise denied or detrimental to similarly situated properties within this neighborhood and RS-4 zoning district. The requested Variance is to accommodate a driveway with two (2) vehicular access points to the Property. Again, the two access driveway configuration is similar to many of the residential homes in the neighborhood and situated along Nautilus Drive – including the home directly across the street. Although this configuration lends to slightly more

hardscaped areas, the 2-way access drive provides for streamlined vehicular access to and from the Property and allows greater utilization of the understory. To mitigate the appearance of the paved driveway, the Project maintains substantial landscaping surrounding the driveway and located in the front yard. Most importantly, the Project is designed with landscaping buffers (in the form of shrubs and plants) that line the entire length of both driveways.

(iv) 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.

Satisfied; As mentioned above, the front yard is designed with not only lush landscaping but also contains a beautiful, water feature. The only hardscape material is for the driveway and stairwell landing areas.

The zoning requirement stipulates that 70% of the front yard must be sodded or consists of landscape, pervious open space. As previously mentioned, the Saka House is designed with just over 62% of the landscaped open space within the designated front yard. It is important to note that the provided "landscape open space" calculation does not account for or include the expansive water feature or green island situated within the front yard space. Although the water feature may not fit the technical definition of "landscape open space" – its function remains the same and maintains a beautiful, open space area that enhances the curb appeal and aesthetics of the Property and neighborhood.

(v) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Satisfied; The requested Variance, providing 62% of landscaped open space within the front yard, is the minimum variance necessary to enable the reasonable use of the Property while maintaining the existing functionality.

(vi) *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.*

Satisfied; The proposed Variance does not negatively impact the surrounding neighborhood. In fact, the Project's design with extensive landscaping, open space and water features, all provided in the front yard, not only enhance the curb appeal of the Property, but also significantly contributes to the overall aesthetics of the entire neighborhood. In addition, the front "volume" appears as a single story; the visual impact conceals and minimizes the main building volume from the street frontage. The double access is consistent with the surrounding home design and onsite conditions and therefore in harmony with the neighborhood.

(vii) 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.

Satisfied; **The requested Variance will allow for the construction of a beautiful new, single family home that is more consistent with the City's Comprehensive Plan and resiliency efforts. The proposed Saka House and corresponding Variance will not reduce levels of service.**

(viii) 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 7, article I, as applicable

Satisfied; **Please refer to the Sea Level Rise and Resiliency Review provided below for more detail.**

VI. Sea Level Rise and Resiliency Review

Section 7.1.2.4.a of the Resiliency Code provides review criteria for compliance with the City's recently adopted sea level rise and resiliency criteria.

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

A recycling plan will be provided as part of the submittal for a total demolition permit to the building department.

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

The windows and glass balcony system will be hurricane impact windows.

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

Passive cooling systems, such as operable windows and balcony doors, may be installed as appropriate.

(iv) Resilient landscaping (salt tolerate, highly water absorbent, native or Florida friendly plants) shall be provided, in accordance with chapter 4 in Land Development Regulations.

All new landscaping will consist of resilient, Florida friendly species.

(v) 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.

One of the primary design tenets driving the Saka House design is sustainability and resiliency. As such, the finished first floor elevation is raised to a base flood elevation of 16' NGVD, to account for the three (3) additional feet provided for the understory to allow a cool under breeze and better on site drainage.

(vi) 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 3 additional feet in height.

The Project was thoughtfully designed with an open understory and elevated first-floor for added resiliency purposes and to ensure adaptability to any potential raises in public rights of way and adjacent land in the future.

(vii) 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.

Critical mechanical and electrical equipment is located on the roof deck and first floor above BFE.

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

Not applicable to new construction

(ix) *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 54 of the City Code*.

As applicable, flood proofing will be provided as needed.

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

Owner will explore various water retention systems, where feasible and appropriate, for the Project.

(xi) Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement materials or porous pavement materials will be utilized, where possible, throughout the Project.

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

The Saka House is purposefully designed with lush landscaping and shaded open space to reduce the potential for heat island effects on the site.

Sincerely,

Ethan B. Wasserman, Esq.

BEW:dv

Enclsoures:
cc: Devon Vickers, Esq.