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Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Letter of Intent for Design Review Board Approval of Design Waivers and Variances for Single-Family Residence Located at 4-6 Star Island, Miami Beach, FL

Dear Mr. Mooney:

This firm represents Brian Bilzin as Trustee (the "Applicant") of the 6 Star Island Residence Land Trust Agreement and Trust No. 2401-3302-00, under which the properties located at 4, 5, and 6 Star Island, Miami Beach, FL (the "Property") are held. Please accept this correspondence as the Applicant's letter of intent in connection with the attached plans and application seeking review and approval by the City of Miami Beach (the "City") Design Review Board ("DRB") of the proposed design waivers and variances presented in the attached application package.

The proposed project ("Project") consists of a modern, uniquely designed two-story, single-family home with understory within the RS-1 zoning district on lots 4, 5, and 6 of Star Island. The Property is extraordinary even by Star Island standards with a lot area of 120,000 square feet—300 feet wide by 400 feet deep. As previously confirmed by City staff, lots 4 and 5 are considered a single development site based on extensive improvements crossing the mutual property line and the fact that the lots were owned and operated as a single parcel for substantially more than a decade. The common ownership is confirmed by the historical transfer of these lots by a single deed and operation of the lots as a single property.

The architectural vision for the Property exhibits a truly Floridian architecture. The home's softly tapered rooflines and rounded volumes are derived from nature and inspired by the way the sea gently shapes the land. Carved openings within the paving and rooflines allow the lush landscape, designed by Raymond Jungles, to permeate and enhance the architecture of the home. It is a warm and welcoming residence embedded within a garden and rendered in a palette of natural materials.

The architecture's elegant form and proportions are designed to reduce the perceived scale of the home and to be visually recessive from the street and waterfront. The main residence is set back from the front property line approximately 160 feet, and 83 feet from the rear waterfront

property line. In order to ensure the house is both sustainable and resilient, the design includes the allowable five feet of freeboard and is proposed to have an elevated first floor elevation at 17.5 NGVD. This also allows for adequate ceiling height within the understory below, where the parking for the home is to be provided.

At the front of the property, three existing accessory structures are proposed to be retained. These structures contain programs supportive to the residence and will not be demolished, but will be saved and renovated accordingly. The renovations include the redesign of the exterior facades and rooflines in a manner complimentary to the main residence. An exterior palette of natural materials, louvers, and prominent eaves create a dialogue between the new residence and remodeled existing structures.

As required by the Application comments, the general contractor has estimated a rough construction cost for the Project of $45 million.

In order to develop the Project as designed, the Applicant respectfully requests the waiver and variances from the City of Miami Beach Resiliency Code (the "Code"):

Understory Approval and Waivers:

Subsection 7.2.2.3(b)(6) of the Code states that non-air conditioned understory space located below minimum flood elevation, plus freeboard, requires Design Review Board (DRB) approval. The Applicant respectfully requests approval of the proposed understory with waivers from the following understory requirements:

1. **Understory Enclosure:** Pursuant to Subsection 7.2.2.3(b)(6)(A) of the Code, "[u]nderstory area(s) shall be used only for open air activities, parking, building access, mechanical equipment, non-enclosed restrooms and storage. Such areas shall be designed and maintained to be free of obstructions and shall not be enclosed and/or air-conditioned at any time, with the exception of limited access areas to the first habitable floor. However, understory area(s) below the lowest habitable floor can utilize non-supporting breakaway walls, open-wood lattice work, louvers or similar architectural treatments, provided they are open a minimum of 50 percent (50%) on each side."

   The Applicant is requesting approval of an understory that meets the 50 percent (50%) openness requirement on the north and the south sides of the understory, but does not meet the openness requirement on the east or the west. The landscape and site has been designed to gradually rise to the first floor elevation to minimize and indeed hide the existence of the understory from the street and waterfront. The Project includes a koi pond and water features along the eastern side of the understory not allowing the creation of the 50 percent (50%) opening which exposes the understory. Similarly, on the western side of the Property there are a series of pool and water features and terraces also hiding the understory from the waterfront and making the inclusion of 50 percent (50%) openings not possible to achieve. However, the intent of the code is met as any future flood waters will be easily able to enter and flow out of the understory due to the openings on the north and south sides.

2. **Understory Edge Setback:** Pursuant to Subsection 7.2.2.3(b)(6)(H) of the Code, "[a]ll 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 feet 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 front and side understory edge shall be designed to accommodate on-site water capture from adjacent surfaces and expanded landscaping opportunities from the side yards."

   The proposed design meets and exceeds the five foot minimum setback from the first habitable floor and its associated terraces on the north and south sides where the openings to the understory occur with the limited exception of driveway access points.

3. **Understory Parking:** Pursuant to Subsection 7.2.2.3(b)(6)(E) of the Code, "[a]ll parking, including required parking, shall be provided within the understory area, and shall be clearly delineated by a different surface finish or bollards. No parking or vehicle storage shall be permitted within a required yard, unless approved by the DRB or HPB, in accordance with the applicable design review or certificate of appropriateness criteria."

   All of the parking for the new residence will be provided within the understory area. However, the three (3) existing structures contain parking garages and spaces for maintenance vehicles. While these existing structures will be modified to ensure architectural congruity with the design of the new residence, they will not be demolished and thus the garages will remain as previously approved and constructed.

4. **Understory Building Access Location:** Pursuant to Subsection 7.2.2.3(b)(6)(C) of the Code, "[e]nclosed, air-conditioned elevator and stair vestibules, for access to the first habitable level of the home, shall be permitted under the first habitable floor and shall be located as close to the center of the floor plan as possible and be visually recessive such that they do not become vertical extensions of exterior building elevations…."

   The Applicant is proposing two air-conditioned elevator and stair lobbies within the understory to access different portions of the house. The northern-most lobby is located close to the center of the floor plan. This access is for the primary residents and the plans show the connection between this main lobby and the master suite. There is a second lobby in the understory which is closer to the southern edge of the home, thus requiring a waiver from the DRB. This southern lobby is intended for use by guests of the owners and, similar to the main lobby, this elevator and stair connects to the guest quarters of the home. Although not centrally located, Raymond Jungles has intentionally planned appropriate wide side yard landscaping to ensure the southern elevator and stair lobby is not visible to the neighbor to the south or the street.

Variance Requests:

1. **Elevator Bulkhead:** Pursuant to Subsection 7.2.2.3(b)(9) of the Code, elevator bulkheads shall not exceed ten feet above the roofline of the structure.

   The Applicant is requesting a three (3) foot height variance from this requirement to allow the elevator bulkheads to extend 13 feet above the main roofline in order to accommodate commercial grade residential elevators. These elements are located more 200 feet from the street and are virtually invisible from the public right of way or adjoining properties. This same variance has previously been granted for the 2022 DRB approval for the Property (DRB22-0859) and to numerous other properties on Star Island.

2. **Maximum Driveway Width:** Pursuant to Subsection 7.2.2.3(b)(12)(G) of the Code, "[t]he maximum width of all driveways at the front or side facing a street property line including access driveways from the Right of Way shall not exceed 30 percent (30%) of the lot width, and in no instance shall be less than 9 feet in width and greater than 18 feet in width."

   The Applicant is requesting a minor, two-foot, variance to allow a main driveway width of 20 feet, which is actually a reduction in the current width of the driveway. The 20-foot wide driveway provides an appropriate approach to this new proposed single-family home and is part of the carefully crafted entry sequence designed by Raymond Jungles. Additionally, since the Property consists of three lots, the total width of the Property is 300 feet; thus, the two driveways combined, at thirty four feet (34') wide, are less than twelve percent (12%) of the total Property width. It should be noted that despite the 20-foot driveway width, the front yard green space requirement is met.

3. **Accessory Structure Height:** Pursuant to Subsection 7.2.2.3(b)(12)(B) of the Code, accessory structures are permitted to be a maximum height of two stories and 20 feet; however, one-story accessory structures are limited to a maximum height of 12 feet.

   The Applicant is requesting a five (5) foot height variance for the one-story rear cabana "palapa" accessory structure which stands at 17 feet 9" tall despite being a single story structure. It should be noted that although a variance is required since it's a single story accessory structure, a taller twenty foot (20') two-story structure would be permitted in its place without a variance. Additionally, since the palapa is in the rear of the Property near the pool, and due to the lush side yard landscape and is set partially on a lower terrace area there by minimizing its height in relation the home beyond.

4. **Gate Height:** Pursuant to Subsection 7.2.2.3(b)(12)(H) of the Code, within the required front yard or required side yard facing a street, fences, walls and gates shall not exceed a maximum height of seven (7) feet, as measured from grade.

   The gates are set beyond the front setback requirement of 30 feet (30') and the Applicant is requesting a five foot six inch (5' 6") variance from this provision to allow gate height of 12 feet 6 inches above grade on the existing southern secondary drive to the Property. The subject gate, despite requiring a variance, will be shorter and lower and much smaller than the existing main gate of the abutting neighboring property to the south and therefore

compatible with the existing street conditions. See Plan sheet A0.09c and A10.2 which shows the neighboring property owner's gate relative to the proposed gate at the access drive.

5. **Existing Structure Side and Front Setbacks:** Pursuant to Subsection 7.2.2.3(b)(1) of the Code, buildings on the Property are required to provide side setbacks of ten percent (10%) of the lot width and the sum of the required side yards must be at least 25% of the lot width. The minimum front setback for a two-story structure is 30 feet. It is worth noting that the property is 300 feet wide – three times wider than the minimum lot width thereby creating extraordinary side setback requirements.

   While the new single family home complies with all required setbacks, the Applicant is requesting variances from the above referenced side and front setbacks for the existing structures on site. Due to the width of the site, the required minimum side setback is 30 feet and the sum of the required side yards must be at least 75 feet. The northernmost existing structure has a side setback of eight feet, nine and a half inches (8' 9.5"), requiring a variance of approximately 21 feet and two and half inches. The southernmost existing structure has a side setback of 20 feet four inches, requiring a variance of approximately nine feet eight inches (9' 8"). The collective side yards are approximately 29 feet, two inches, thus requiring a variance from the sum of the required side yards requirement of approximately 40 feet and ten inches. The southernmost and the middle existing structures also both have front setbacks of approximately 19 feet, four inches. As such, these structures also require a front setback variance of approximately ten feet, eight inches (10' 8").

   Rather than demolish the existing structures on the Property, the Applicant is seeking to utilize them for guest and staff quarters and will be modifying them in a way to match the architectural character of the new single-family home. In order to do so, variances are required as these existing structures have been permitted and constructed within the required side and front setbacks and are legally non-conforming. The Applicant is proposing significant landscaping to help screen these structures from the roadway despite their intrusion into the required setback.

6. **Existing Structure Second Floor Side Elevation without Required Side Yard:** Pursuant to Subsection 7.2.2.3(b)(2) of the Code, in relevant part, "[t]wo-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."

   The Applicant is requesting a variance from the above referenced requirement for the northernmost, legally non-conforming existing structure. That structure is approximately 87'-8" feet in length, thus greater than the existing 60-foot maximum; however, since it's an existing condition the side yard open space cannot be increased. It should be noted that the beneficiary of the trusts which own the Property is also the property owner and neighbor to the north nearest to this existing condition.

7. **Front Yard Driveways Not Set in Sand:** Pursuant to Subsection 7.2.2.3(b)(1), Footnote (6), of the Code, "[a]ll allowable exterior walkways and driveways within the front … yard[] shall consist of pavers set in sand or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited."

   The Applicant is requesting a variance for the driveway paving located within the front yard, to consist of large format coral stone paving set on concrete slab. This is required in order to mitigate the potential cracking and failure of the large format coral stone slabs under heavy loading conditions. A concrete slab base will provide the necessary strength to support the spans of the large format pavers proposed for the driveway. The coral stone pavers comply with the requirements of the City's resiliency code and were selected to match the paving on the rest of the driveway leading up to the house. The coral stone pavers are an indigenous, natural material in keeping with the landscape plans for the Project.

In order to authorize the requested variances, the Design Review Board shall review the following criteria:

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;

   This Property is extraordinary, even by Star Island standards, which are already unique and exceptional when compared to anywhere else in Miami Beach. The typical lot on Star Island is 100 feet x 400 feet – substantially larger than anywhere else in the City. This Property is 300 feet by 400 feet. The application of generic RS-1 regulations applicable to other areas of the City creates hardships and conditions unique to this Property and effectively deprives this Property of the same rights enjoyed by other properties. For example, required building height exception limitations applicable to elevators on a typical RS-1 lot provide a side setback of the elevator of approximately 40 feet, where here the elevator will be set back more than 100' feet from the adjoining property to the north, more than 200 feet from the adjoining property to the south, and more than 225 feet from the street, making the elevator truly invisible from adjoining properties and the street. Similarly, understory regulations applicable to other City areas intended to disguise and hide understory areas that may be only 10 feet away from adjoining properties and 30 feet from the street create unnecessary and burdensome regulations on this Property where the side setbacks for the house are more than 49 feet on the south and 52 feet on the north, and the front setback is 155 feet. Applying a 50 percent opening requirement to the understory similarly creates a much greater impact on the understory for this unusual property and is not necessary to protect the Property or the adjoining properties since the main house will be elevated by freeboard to protect it from storm damage, and even including the understory area as unit area, the house is still substantially smaller than it is permitted to be.

2) The special conditions and circumstances do not result from the action of the applicant;

None of special conditions or circumstances are the result of the action of the Applicant. The Property is truly unique.

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;

As described in 1) above, granting the requested variances will not confer any special privilege denied to others. In fact several of the variances requested above have been granted elsewhere on Star Island and in previous DRB approvals for the Property.

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;

As described under 1) above, the application of the land development regulations to this Property, without the relief requested, would impose unnecessary and undue hardships on the Applicant by imposing requirements far out of scale with requirements applicable to other properties and deprive it of the rights commonly enjoyed by others.

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

The Applicant has sought the minimum variances necessary for the project and meets most of the extraordinary requirements imposed on this exceptional property.

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;

As described in number 1) above, the granting of the requested variances will clearly be in harmony with the general intent and purposes of the land development regulations.

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; and

The granting of the requested variances is consistent with the comprehensive plan as it will allow for the construction of a single-family home on a property with a residential land use designation. The Project will not reduce applicable levels of service.

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.

See the Applicant's response to the sea level rise and resiliency criteria below.

The Design Review Board shall also consider how the Project addresses the City's **Sea Level Rise and Resiliency Review Criteria** pursuant to **Section 7.1.2.4**:

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

   Although the Project includes modifications and updates to the existing structures to match the architectural style of the new single-family home, those structures are to be retained on site. Should a recycling or salvage plan be necessary considering the scope of this work, the Applicant will provide it to the City prior to any demolition.

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

   All windows within the proposed home will be hurricane proof impact resistant windows.

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

   Where appropriate, operable windows will be incorporated into the project design to allow for a passive cooling system.

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

   Landscaping shall comply with all code requirements.

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 architect has studied the land elevation of the property and adjacent parcels, and has proposed a design that is compliant with the current Florida Building Code and addresses the need for improved resiliency to future sea level rise.

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.

   The ground floor, driveways, garage ramping, and yard elevations are adaptable to future raising of public rights-of way 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 will 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.

   The Project consists of new construction and all habitable portions of the proposed new design are located above flood elevation.

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 54 of the City's General Ordinances.

   Not applicable.

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

    Stormwater retention systems will be provided per civil engineer design at time of permitting.

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

    Cool pavement or porous pavement materials will be utilized where most effective.

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

    The architect and landscape architect are utilizing materials that minimize the heat island effect.

The Project is consistent with the scale and character of the surrounding residential neighborhood and will complement the local architectural identity. The Applicant respectfully submits the proposed Project for review and approval by the Design Review Board.

Sincerely,

Carter N. McDowell

Carter N. McDowell

CNM/NN