Giller & Giller, Inc.

The Giller Building
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FL Reg. Architect No. AR-5960

April 7, 2024

Mr. Thomas Mooney
Planning Director
Planning Dept.
City of Miami Beach
1700 Convention Center Dr., 2nd floor
Miami Beach, FL 33139

Re: **Design Review Board Application for**
Construction of a new Office Building
At 976 W. 41st St., 3915 Alton Rd. & 3907 Alton Rd.
Miami Beach, FL 33140
File #DRB24-1016

Tom:

This office represents Gateway Associates Ltd. and Gateway I and III, Ltd., the current property owners and Applicants concerning their Design Review Board Application for a new, 7-story office building. In addition to the Architect of Record, I also have ownership interests in the property owners and serve as president of the general partner, Gateway Group Inc.

This letter shall serve as the letter of intent in support of the DRB application.

Project Description:
This property consists of three (3) adjoining parcels at the southeast corner of the intersection of Arthur Godfrey Rd. (W 41s St.) and Alton Rd. The addresses and Miami-Dade County folio numbers are as follows:

976 W 41st St.	Folio # 02-3222-019-0040
3915 Alton Rd.	Folio # 02-3222-019-0030
3907 Alton Rd.	Folio # 02-3222-019-0020

The properties are at the eastern terminus of Interstate I-195 at the gateway to Mid Beach. The properties are zoned CD-3 Commercial High-Density District, a district that allows offices, parking garages, retail, and restaurants among other uses.

Currently, the properties are improved with three one-story commercial buildings built between 1938 and 1954. The properties are currently occupied with retail, offices, and restaurants with limited parking in the rear.

Proposed Project:
The proposed project will demolish existing buildings and construct a new 7-story, 102,701 GSF building consisting of:

Floor 1 – Retail & restaurants
Floors 2, 3 & 4 – Parking
Floors 5, 6 & 7 - Offices

The new building will be a signature structure at the gateway entrance to Miami Beach. It will include a unique glass mosaic tile wall that bookends with the same design feature on the Giller Building across the street.

Property History:
The subject property has the original improvements constructed between 1938 and 1954. The uses have not changed since construction. The properties were acquired by the Giller family in 1980 and 1983.

2.5.2.2 General Standards for Approval of Conditional Uses:
The proposed project is currently scheduled for a hearing before the Planning Board for a Conditional Use for Neighborhood developments in excess of 50,000 SF. It will meet the following general and supplemental standards for approval by the Planning Board:

a. General standards. The following general standards shall be met by all conditional uses.

i. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

ii. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

iii. Structures and uses associated with the request shall be consistent with the land development regulations.

iv. The public health, safety, morals, and general welfare shall not be adversely affected.

v. Adequate off-street parking facilities will be provided.

vi. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

vii. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood.

viii. The structure and site comply with the sea level rise and resiliency review

criteria in chapter 7, article I, as applicable.

ix. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

b. Supplemental standards for new structures 50,000 square feet or larger.

i. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which the use is proposed to be located.
The office building, retail stores, and the restaurants shall operate during normal business hours for similar uses in the 41st St. business corridor.

ii. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.
The proposed uses and tenants shall not require mass delivery of merchandise. The delivery trucks will use the alley consistent with similar uses of the alley in the 41st St. business corridor.

iii. Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.
The scale of the project is consistent with other existing buildings in the 41st St. business corridor and the CD-3 zoning classification as well as the adjacent Mount Sinai Medical Center. Vehicular access to the site does not enter from 41st St. or Alton Rd.

iv. Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.
The proposed parking plan exceeds the operational and required parking needs of the project when the Shared Use Calculation method is applied.

v. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.
Customer pedestrian circulation provides ingress and egress to the building plaza level at 41st St, Alton Road, and 40th St. Retail and restaurants are accessed directly on the plaza level. The offices are accessed through the central elevator lobby on the plaza level.

vi. Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.
The proposed uses do not require high security. The uses are consistent with the existing uses in the 41st St. business corridor. The parking garage will have secure access.

vii. Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.
The Kimley Horn traffic plan addresses the impact on the immediate neighborhood. Traffic flow is designed to minimize the impact on the neighborhood. Access to I-195 is very direct.

viii. *Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.*
The proposed Loading zone (loading, delivery, sanitation) is in the same location in the alley as has existed for the past 60 years. No increase in noise impact is anticipated.

ix. Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.
One trash room for the office and retail tenancies and one air-conditioned garbage room for the restaurants are provided at the loading area at the rear alley.

x. Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.
The proposed structure is lower and less massive than the structures across Alton Rd. (new apartments and the existing religious school).

xi. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.
The cumulative effect with the adjacent and nearby structures will not have an adverse impact on the neighborhood. Traffic impact is only slightly more than the current use generates. The proposed structure will abut the adjacent 4-story office building and the alley to the east with no adverse impact. The proposed parking structure will abut the existing one-story commercial building to the south. The office floors (5,6, and 7) are setback from the south property lines to

create a step down to the south property neighbor.

2.5.3.1 Design review criteria

The proposed project complies with the design review criteria as follows:
a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways *are shown on the plans. The existing lots are basically flat with no vegetation. The existing buildings and parking lot will be demolished.*

b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices *are shown on the plans*.

c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project *are shown on the plans*.

d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2. *are shown on the plans.*

e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans *are shown on the plans*.

f. The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties. *The proposed project will enhance the gateway to Miami Beach at the Julia Tuttle Causeway.*

g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors. *The proposed project gives particular attention to safety, crime prevention, fire protection, impact on the surrounding neighborhood (including adjacent and contiguous buildings), pedestrian sight lines and view corridors.*

h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site. *The*

proposed project is very respectful of site access for vehicles and pedestrians. Vehicles enter the parking garage at the rear through the alley. The loading area is located in the rear alley. Pedestrian access to the raised plaza is located along Alton Road and Arthur Godfrey Road.

i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night. *The public areas of the raised plaza shall be lit with downlights and landscape lighting which minimizes spillage beyond the property. The glass mosaic shall be lighted with directional wall wash lighting fixtures.*

j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design. *The raised plaza shall be paved with pavers in a lineal pattern and enhance storm drainage permeability.*

k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas. *The garage is shielded visually from Alton Road and Arthur Godfrey Road with the glass mosaic wall. Light fixtures on the alley side will be designed to control light spillage onto the adjacent property across the alley.*

l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s). *The unique curved corner site geometry is reflected in the building forms and volumes. The horizontal glass mosaic façade "bookends" with the Giller Building across the street.*

m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project. *The proposed project activates the street with commercial ground floor uses (stores and restaurants) and uniquely covers the parking garage with a glass mosaic façade.*

n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers. *The roof top is activated with a rooftop garden. The mechanical equipment, stairs, and elevator towers are sensitively screened*

o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s). *Not applicable*

p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest. *The project provides large glass storefronts at the retail stores and restaurants.*

q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties. *The loading, delivery and trash areas are located in the rear at the alley minimizing the impact on adjacent structures.*

r. In addition to the foregoing criteria, section 104-6 (t) the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way. *Not applicable*

s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable. *The project complies with the sea level rise and resiliency criteria. See Section 7.1.2.2 below.*

VARIANCE REQUESTS

1. Rear Setback – The Applicant requests a rear setback variance of 5' of the required 5' at the pedestal.'

2.8.3 VARIANCE 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; *The subject property has Special conditions and circumstances 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 is uniquely irregularly shaped and creates a hardship in the application of the rear setback requirements.* ***The irregular shape of the site and the small frontage on the rear alley constitute a hardship that is unique to this parcel.*** *The proposed office occupancy in a Class A office building in the current modern marketplace necessitates higher floor to floor heights than were the standard at the time of the instituting of the heights established in the Land use ordinance.* ***The variance will not have an adverse impact on the adjacent buildings or the rear alley.***

2. The special conditions and circumstances do not result from the action of the applicant. *The special conditions and circumstances result from original plat of the land and the height established in original zoning ordinance are not due to actions of the Applicant.*

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 variance requested does not create a special privilege to the Applicant. Others in the same zoning district can seek the same variances.*

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; *The request allows rights to the Applicant that are commonly enjoyed by other properties in the same zoning district.*

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

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; *The proposed project with variances is in harmony with the land development regulations and is compatible with area which has similar developed conditions and is not harmful to 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 request is compatible with the comprehensive plan and does not reduce level 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 7, article I, as applicable. *The proposed project complies with the sea level rise and resiliency review criteria as noted below.*

7.1.2.2 Resilience and Adaptation Standards for Buildings

f. New Construction

The nonresidential First Habitable Level (FHL) shall have a minimum floor-to-ceiling height of 14 feet above DFE in order to allow for the future retrofit and raising of the first habitable level.

2. ***Long Frontage Standards***

   The following regulations shall apply to new construction with nonresidential uses on the ground floor on frontages with a width greater than 150 feet

   A. *Sidewalk standards. The sidewalk shall be raised to the future crown of road elevation, except for transition areas and where there are street crossings, intersections, or driveways, as follows*

      I. *Circulation zone. The sidewalk shall contain a "circulation zone" with a minimum dimension of 10 feet wide, pursuant to the following standards:*

         1. *The "circulation zone" shall be fully illuminated, consistent with the city's street and sidewalk lighting requirements and subject to the review and approval of the public works director.*

            The sidewalk and lighting are being replaced under the City of Miami Beach's 41st St. Improvements project. A waiver is requested. The existing and proposed sidewalks are wider than 10' and will provide a more than adequate circulation zone.

2. *The design of the circulation zone shall be consistent with the city's public sidewalk requirements.*

   The design to public sidewalk standards is being done under the City of Miami Beach's 41st St. Improvements project.

3. *The circulation zone may be constructed in areas of the public right-of-way and required yards that are in front of a building facade.*

   The design to public sidewalk standards is being done under the City of Miami Beach's 41st St. Improvements project. A waiver is requested.

4. *The circulation zone shall remain free from obstructions created by landscaping, signage, utilities, stairs, ramping, handrails, and lighting fixtures.*

   The design of the public sidewalk is being done under the City of Miami Beach's 41st St. Improvements project.

5. *Pedestrians shall have 24-hour access to the circulation zone.*

   Access be provided.

6. *The circulation zone shall include a minimum 5-foot wide "clear pedestrian path," free from obstructions, including, but not limited to, outdoor cafés, sidewalk cafés, handrails, and door swings. The clear pedestrian path shall be delineated by in-ground markers that are flush with the path, including differing pavement tones, differing pavement type, or by another method approved by the planning director.*

   The design to public sidewalk standards is being done under the City of Miami Beach's 41st St. Improvements project. No obstructions are contemplated in the clear pedestrian path.

7. *An easement providing for perpetual public access shall be provided to the city for portions of the circulation zone that are constructed within the setback area on private property.*

   No portions of the circulation zone are planned within the setback area as there is no setback requirement in CD-3 zoning.

II. *Parallel transition areas. "Parallel transition areas" between the raised circulation zone and lower level sidewalks, street crossings, intersections, and driveways shall be accommodated within the frontage adjacent to the new development as follows*

1. *The parallel transition areas shall not contain steps, switchback ramps, or handrails.*

   No steps, switchback ramps or handrails are provided.

2. The parallel transition areas shall be of the minimum length necessary so as to not require the use of steps, switchback ramps, and handrails between the higher future crown of road elevation and the lower level sidewalk, pedestrian crossing, or driveway elevation.

   The design of the public sidewalk transition areas is being done under the City of Miami Beach's 41st St. Improvements project. No parallel transition area at this site is provided. The proposed design elevates building on a raised plaza in anticipation of future transition adaptations.

III. *Landscape transition areas. "Landscape transition areas" between the raised circulation zone and the adjacent automobile parking or vehicle travel lanes shall be provided as follows*

1. *The landscape transition area shall be predominantly landscaped, except where there are access steps, lighting fixtures, pedestrian crossings, or driveways.*
2. *The landscape transition area shall have a minimum width of 5 feet.*
3. *Street trees shall be planted within the landscape transition area in raised planters or stabilized planting areas that at a minimum match the elevation of the circulation zone.*
4. *Where the landscape transition area is adjacent to on-street parking, access steps shall be provided between parking spaces so that each parking space has access to the circulation zone generally from either the front end or rear end of the vehicle. Steps shall be no wider than 36 inches, not included handrails.*
5. *Handrails shall only be permitted for access steps to on-street parking.*
6. *Street and pedestrian lighting fixtures shall be located within the landscape transition area.*

7. *The circulation zone may encroach into the landscape transition area in order to meet adjacent sidewalks and street crossings. The encroachment shall be the minimum necessary to comply with the requirements for and shall comply with the requirements of parallel transition areas.*
Notwithstanding the standards in subsections [1] to [2]. above, public transit stops and valet parking stands, may be located within the landscape transition area. In the event of a conflict, the provisions in this section shall be superseded by any requirement in the city Code, Miami-Dade County Code, or state law that is applicable to public transit stops or valet parking stands.

Landscape transition areas design are a part of the City of Miami Beach's 41st St. Improvements project. The landscape transition zone requirement is a part of the waiver request.

IV. *Setbacks. The building's ground floor facade, parking areas, and loading areas shall be set back a minimum of 15 feet from the back of curb to provide sufficient area to accommodate the required circulation zone and landscape transition areas in cases where the public right-of-way is not sufficiently wide. If the underlying zoning regulations require a larger setback, the larger setback shall be required.*

The public right-of-way is sufficiently wide at this site to accommodate the required circulation zone and the landscape transition.

B. *Driveways. Driveways to access off-street parking, drop-off, and loading areas shall comply with the following:*

I. *Where a development has more than one frontage, driveways should be located facing the street with the lowest traffic volumes.*

The off-street parking driveway access is in the rear alley only.

II. *The number of driveways should be minimized to the greatest extent possible.*

Only one driveway is provided.

III. *Where the circulation zone passes through a driveway, the surface shall be fully horizontal in a direction perpendicular to the facade of a building, so as to provide a safe and comfortable pedestrian* environment.

Not applicable

IV. *Mountable curbs shall be utilized, where feasible.*

Not applicable

C. *Ground floor elevation. The ground floor shall be located a minimum elevation of 14 inches above the future crown of road elevation. Ramping and stairs from the sidewalk circulation zone to the ground floor elevation shall occur within the property and not encroach into the circulation zone or setback areas, unless adequate space exists on the exterior.*

I. *Knee wall. Except where there are doors, facades shall have a knee wall with a minimum height of 2 feet, 6 inches above the future crown of road elevation. Such knee walls shall include any required flood barrier protection. The planning director or designee may waive this knee wall requirement if the applicant can substantiate that the proposed glass storefront system satisfies all applicable Florida Building Code requirements for flood barrier protection.*

The lowest elevation of the glass storefront is 4.5' above the current crown of road and 2.5' above the future crown of road. No floodproofing is required under the FBC. A waiver of the knee wall is requested.

II. *Flood damage-resistant materials.* Ground floors, walls system, partitions and doors shall utilize water flood damage resistant materials in accordance with all applicable Florida Building Code, FEMA regulations and American Society of Civil Engineer (ASCE) - Flood Resistant Design and Construction Standard, for a minimum of the first 2 feet, 6 inches above the ground floor elevation.

Materials shall conform with the applicable requirements of the above regulations.

III. *Flood panels. Flood panels for doorways shall be permanently stored adjacent to all doorways, except when in use.*

Not applicable. Flood panels not required as the finished floor is above the minimum Flood Elevation requirements.

IV. *Waivers. Where implementation of the regulations in this section is unfeasible or incompatible with the environment and adjacent structures, they may be waived to the minimum extent necessary by the historic preservation board (HPB) or design review board (DRB), in accordance with the certificate of appropriateness review criteria or design review criteria, as applicable; however, an applicant may be required to implement alternative approaches for adequate mitigation of flooding.*

Waiver of the knee wall requirements is requested. The project is not in an historic district.

7.1.2.4.a.1 Sea Level Rise and Resiliency Review Criteria:

A. *A recycling or salvage plan for partial or total demolition shall be provided.*
A salvage & recycle plan shall be a part of the demolition permit plans.

B. *Windows that are proposed to be replaced shall be hurricane proof impact windows.*
Windows shall be hurricane-impact type.

C. *Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.*
Passive cooling items incorporated in the plans include window eyebrows, partial operable windows, roof top shade structure, and shade trees at the plaza.

D. *Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.*
Salt-tolerant native trees and shrubs are used in the landscape plan. The open plaza is shaded with two large native trees.

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 1st floor of the project is at +9.0' NGVD (4'-0" above the current existing grade (+5' NGVD) and exceeds the minimum base flood elevation (BFE +8.0' NGVD) by 1'-0". The design will adapt well to future elevations of 41st St. and Alton Rd. by providing a raised platform plaza for the entire building.

F. *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 1st floor of the project is elevated 4'-0" above the current existing grade (+5' NGVD) which exceeds the minimum base flood elevation by 1'-0". The design will adapt well to future elevations of 41st St. and Alton Rd. by providing a raised platform for the entire building. Stairs and ramps are designed to accommodate future elevation changes.

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.*

All critical mechanical and electrical systems are elevated 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.*
Not applicable.

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 54 in General Ordinances.*
Not applicable.

J. *As applicable to all new construction, stormwater retention systems shall be provided.*
Storm water retention systems are provided to an on-site deep well system.

K. *Cool pavement materials or porous pavement materials shall be utilized.*
Cool or porous pavement materials will be used at the plaza.

L. *The design of each project shall minimize the potential for heat island effects on-site.*
The project will reduce heat island effects by incorporating white roofing materials, shade structures at the roof, window eyebrows, low heat emission glass, partially shaded plaza pavement.

7.1.2.4.a.2 Sea Level Rise and Resiliency Review Criteria:

A. *Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.*
The project positively affects the long-term impact of sea level rise by anticipatory elevation of the structure more than the minimum requirement.

B. *Whether the proposal will increase the resiliency of the city with respect to sea level rise.*
The project increases the resiliency of the city through anticipatory design of an elevated structure more than the minimum required for flooding, reflective roofing, and shaded glass among other design features.

C. *Whether the proposal is compatible with the city's sea level rise mitigation and resiliency efforts.*
The project is compatible with the city's Sea level rise mitigation and resiliency efforts by current elevation in anticipation of the future elevation of the adjacent State roads and City alley.

Giller & Giller, Inc.

Waiver Requests:

1. Waiver of the knee wall requirements at the storefront. The lowest elevation of the glass storefront is 4.5' above the current crown of road and 2.5' above the future crown of road. No floodproofing is required under the FBC and the Resiliency Code.

2. Waiver of Long frontage public sidewalk Circulation Zone, Parallel Transition Zone, and Landscape Zone requirements is requested. The sidewalks and landscaping are being replaced under the City of Miami Beach's 41st St. Improvement project which is providing larger than minimum sidewalk widths. The design of the proposed project does not require a parallel transition zone for future roadway elevation.

Estimated Statement of Probable Cost:
The current estimated probable construction cost, based upon the current plans, is $21.6 million.

If you have any questions or concerns, please contact me.

Sincerely,

Ira D. Giller, A.I.A.
President