

Bay West 1, LLC  
2980 McFarlane Road  
Coconut Grove, FL 33133

January 7, 2019

**VIA HAND DELIVERY**

**City of Miami Beach Design Review Board**

City of Miami Beach  
Planning Department  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Re: Application for Design Review Board Approval and one (1) Non-Use  
Variance for 1425 Bay Road, Miami Beach, Florida 33139**

Dear Design Review Board Members:

We are the owners of 1425 Bay Road. Please accept this application requesting design review (and approval of a parking aisle variance) for a new multifamily (townhome-style) project on this property.

**I. Property**

The property is zoned RM-1 Residential Multifamily Low Intensity on the City of Miami Beach (the "City") Official Zoning Map and designated RM-1 Residential Multifamily Low Intensity on the City's Future Land Use Map. The Property is also located within the West Avenue Bay Front Overlay District. According to the Boundary Survey prepared by J. Bonfill and Associates Inc., copies of which are enclosed, the Property contains 5,952 ft<sup>2</sup> and is legally described as Lot 12, Block 79-B, a RESUBDIVISION OF BLOCKS 67 and 79 ALTON BEACH REALTY COMPANY'S BAY FRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 16, Page 1, of the Public Records of Miami-Dade County, Florida.

The Property is located on the northeast corner of Bay Road and 14<sup>th</sup> Terrace and is generally surrounded by residential uses. Immediately west of the Property, across Bay Road, is the Flamingo apartment complex, and immediately south of the Property, across 14<sup>th</sup> Terrace, is The Sails Condominium building. The adjacent lot to the north of the property has received recent DRB approval for a new five (5) story multifamily project containing eight (8) residences. The adjacent lot to the east is a single family home.

**II. Design Review Approval**

Applicant will construct a new four (4) story, three (3) unit multi-family residential development on the Property, consisting of three adjoined townhomes. According to the City's

Land Development Regulations, the Property may be developed "As of Right" with a maximum floor area of 7,440 square feet. As shown on the enclosed plans, the proposed Project contains 7,440 square feet, complying with the maximum floor area requirement. In addition, the Project complies with all setbacks, lot coverage, landscaping and height requirements.

The proposed building's includes individual home entrances on Bay Road, and a discrete parking entrance, plus a pedestrian entrance, on 14<sup>th</sup> Terrace. The six parking spaces are hidden in the center of the property on the ground floor, concealed from both adjoining streets. The landscaping plan includes terraces and a small communal garden. There are residential uses along all parts of the façade, with the exception of the driveway entrance, which is as narrow as the relevant codes will allow (12 feet) and recessed into the façade to screen it from the sides.

We intend this project to be the first residential building in Miami to achieve both LEED (gold or platinum) and WELL building certifications (the latter is an emerging international standard intended to enhance occupant health in building design and operation). The building will include three identical rooftop solar arrays, one for each unit, designed to partially shelter a rooftop terrace, while remaining inconspicuous from the sidewalk adjacent to the building. Other green and healthy features include resilient landscaping relying on local plants, a rainwater retention system for irrigation, abundant daylighting, superb insulation and energy efficiency, nontoxic materials throughout, and automated ventilation systems, among many others.

The building's design is on a human scale, delineating the three individual homes standing in a row, with the façade of each unit engaging Bay Road independently. The style is contemporary but quiet and minimal, emphasizing natural materials, a light palette, and an approachable feel that relates positively to the existing design themes within our community (art deco, modernism, and tropical).

At four floors, the Project's scale and massing represent a modest midpoint bridging the single family homes to the east and the very large complexes (Flamingo, Sails, Waverly) to the west and south. Other projects recently built or under development along the east side of this stretch of Bay Road present similar or larger massing.

### **III. Request for Parking Aisle Variance**

We are requesting a single Variance:

A variance to waive 3'6" of the minimum required 22' interior drive aisle for 90° parking in order to provide an interior drive aisle of 18'6".

- Variance requested from:

#### **Sec. 130-63 -Interior Aisles**

*Interior aisles shall meet or exceed the following minimum dimensions permitted: 90° parking - 22 feet, with columns parallel to the interior drive on each side of the required drive, set back an additional one foot six inches, measured from the edge of the required interior drive to the face of the column.*

The parking area is at the ground level and provides six spaces, two for each of the units.

We believe these six parking spaces are necessary to market the property, and they are typical for other buildings of this size and occupancy in this neighborhood.

The width of the building after honoring the required setbacks is only 45 feet. Although the parking area and driveway are both allowed to encroach 30” into the side setback, the columns supporting the building are not. Further, after consultation with planning staff, we added a privacy wall at the eastern perimeter of the building to ensure that headlights from cars in the garage do not shine into any of the neighboring lots. This necessary privacy wall could not be built in the setback without a height variance, and would be conspicuous, so instead, and again following the guidance of planning staff, the wall has been placed in line with the columns supporting the edge of the building. The space remaining between these columns (and the privacy wall connecting them) and the stair lobby (which has been made as narrow as possible) is 36’6”.

The minimum allowed parking space must be 18’ long and 8’6” wide, leaving 18’6” for the parking aisle, requiring the requested variance. Without this variance it is not possible to park cars at 90 degrees in the center of the lot and maintain enough space at the ground floor for a residential use along Bay Road (in this case, the entrances and stair lobbies for each of the three townhomes), thus concealing all of the cars from the street. Alternatively, even if fewer spaces were offered and an angled parking scheme were deployed, one or more additional curb cuts would be necessary, together with additional driveway area.

We ask that you also consider the low traffic expected in a building with only three units when considering this variance. Please note as well that we have widened the spaces by three additional inches in order to further facilitate turning cars in and out of them.

Section 118-353(d) of the City’s land use regulations presents the standards of review for a variance application, as follows:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

*Satisfied - The lot is 60 feet wide, whereas most of the lots on these blocks are 50 feet wide. This extra width enables a parking scheme with a single driveway, in which all of the cars are hidden from the street by placing the parking under and to the rear of the building. However, in order to achieve this desirable removal of the cars from the public realm, the parking aisle must be reduced from 22 feet to 18 feet 6 inches, as described above.*

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

*Satisfied - The building is designed to maximize resiliency and sustainability by elevating the living floors against future sea level rise, while still maintaining the individual street engagement possible with three distinct (yet joined) townhome units. The land development regulations would not allow for the parking of all of these cars in the front or side setbacks, nor would it be desirable from a public perspective to do so.*

- (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.

*Satisfied - The requested parking aisle variance is common among the neighboring properties, and has been granted to several projects along the same side of this stretch of Bay Row, including 1344 15th Terrace and 1435 Bay Road / 1340 Flamingo Way.*

- (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.

*Satisfied - Neighboring properties have typically been granted more variances than the one we are requesting for very similar reasons, i.e. to park cars in the interiors of these lots and thereby improve the public realm. Without this variance, we would struggle to develop this property up to a valuation level that other new properties in the neighborhood achieve.*

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

*Satisfied - As the plans illustrate, we are requesting the minimum variance necessary to provide a functional parking area concealed from the public realm.*

- (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.

*Satisfied - The variance will enable cars to be concealed from the street and for residential uses to be presented along both facades.*

- (7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board voting on the applicant's request.

*Satisfied - The requested variance will allow development of the property consistent with the comprehensive plan and will not reduce levels of service.*

#### **IV. Sea Level Rise and Resiliency**

Sec. 133-50 of the city's code requires the land use boards to consider several criteria related to sea level rise and resiliency. We have extracted the relevant criteria as follows. Each criteria is followed by our response:

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

*The windows will all comply with current building codes for hurricane proof impact windows.*

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

*Operable windows will be provided at both front and rear facades of each unit.*

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

*Local, salt-tolerant, and highly-water absorbing species have been preferred in the landscape plan.*

(5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

*Both the lobby and the garage are elevate to 9 feet NGVD, complying with current codes for the interior of a residential dwelling; however, the first true living space in this project is 14 feet higher.*

(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.

*We have consulted with public works about current and future plans to elevate both adjoining streets and adapted our sidewalk, landscape, and driveway plans accordingly.*

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

*All such systems will be located well above base flood elevation.*

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

*The volume beneath the raised parking area (ie the garage) and beneath the landscape terraces will be used for a water retention system.*

## V. Conclusion

We are requesting Design Review Board approval to construct a new three (3) unit multifamily townhome-style building, with a non-use parking aisle variance. We respectfully request approval of the Application.

Respectfully signed on behalf of Grayscale Partners, LLC, sole owner of Bay West 1, LLC:

*nathalie manzano*  
Nathalie Manzano, LEED AP  
Managing Member, Grayscale Partners, LLC

  
Ted Caplow, Ph.D  
Managing Member, Grayscale Partners, LLC