



Pearl & Associates Law, P.A.

February 10th, 2020

Chairman and Board Members
Design Review Board
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: Final Submittal Letter of Intent: Waiver and Variance Request

DRB19-0430
1311 15th Terrace
Miami Beach, Florida 33139

Dear Members of the Design Review Board:

This law firm represents Mio Danilovic (the "Applicant"), with respect to the property located at 1311 15th Terrace, Miami Beach, Florida 33139 (the "Project"). This correspondence serves as the letter of intent accompanying the Application for design review, waiver and variance approvals for the construction of a three-story residential development, described below.

The Applicant is requesting the approval of the proposed project to be constructed at 1311 15th Terrace, Miami Beach, Florida 33139 (hereinafter the "Property"), which when permitted to be completed as designed is believed to meet the requirements and intentions of the City of Miami Beach and its comprehensive plan.

The Project consists of the demolition of the existing, two story, main and secondary buildings along with associated site improvements and construction of a new three-story condominium with four residential units and ground parking (the "Project"). The Applicant has extensively considered issues such as sea-level rise, storm surges, the raising of future public rights-of-ways, and other "resiliency" criteria, all while attempting to do so in a thoughtful aesthetic manner which fits within the current tone and design of other recently developed sites within the neighborhood.

In an effort to ensure the highest and best use of the site as well as to ensure a more contextually compatible building, one (1) waiver and three (3) variances are being requested as follows:

Waiver Lot Coverage.

Code: The City Code (Section 142-155 (a)(3)(e)) indicates that the maximum lot coverage for the Property is not to exceed 45 percent (45%).

Ability to grant Waiver: The code allows that the design review board may waive the lot coverage requirements in accordance with the design review or certificate of appropriateness criteria, as applicable.

Request: The applicant is requesting a lot coverage increase of eight percent (8%).

Variance (1) East Side Setback.

Code: The City Code (Section 142-156 (a)) indicates that for the RM-1 residential multifamily, low density district, the interior side setback requirements for subterranean and pedestal single lots greater than 65 feet in width be minimum 10 feet, or 8% of lot width, whichever is greater, and sum of the side yards to equal 16% of the lot width.



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Ability to grant Variance: The code allows that the design review board may authorize variances from the land development regulations for applications concerning properties within the jurisdiction of the design review board and variance requests filed in conjunction with an application that requires approval from the design review board.

Request: The applicant is requesting a variance to reduce 2'-6" from the required 10'-0" east side setback.

Variance (2) West Side Setback.

Code: The City Code (Section 142-156 (a)) indicates that for the RM-1 residential multifamily, low density district, the interior side setback requirements for subterranean and pedestal single lots greater than 65 feet in width be minimum 10 feet, or 8% of lot width, whichever is greater, and sum of the side yards to equal 16% of the lot width.

Ability to grant Variance: The code allows that the design review board may authorize variances from the land development regulations for applications concerning properties within the jurisdiction of the design review board and variance requests filed in conjunction with an application that requires approval from the design review board.

Request: The applicant is requesting a variance to reduce 2'-6" from the required 10'-0" west side setback.

Variance (3) Required Sum of Side Setbacks.

Code: The City Code (Section 142-156 (a)) indicates that for the RM-1 residential multifamily, low density district, the interior side setback requirements for subterranean and pedestal single lots greater than 65 feet in width be minimum 10 feet, or 8% of lot width, whichever is greater, and sum of the side yards to equal 16% of the lot width.

Ability to grant Variance: The code allows that the design review board may authorize variances from the land development regulations for applications concerning properties within the jurisdiction of the design review board and variance requests filed in conjunction with an application that requires approval from the design review board.

Request: The applicant is requesting a variance to reduce the required sum of the side setbacks by 2'-6" each from the required 10'0" each for both east and west side setbacks.

The granting of the waiver and variances requested would not confer on the applicant any special privilege that is denied by the land development regulations to other lands, buildings or structures in the same zoning district. Not granting the waiver and variances would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would result in unnecessary and undue hardship on the applicant.

As it stands, the current property consists of two separate buildings that house seven tenants/families and requires access from three sides. These crowded, old buildings are not aesthetically pleasing or sustainable. The Project would reduce the occupation on this lot to four units in one building with sustainability factors that would enhance the neighborhood. The proposed footprint of the Project includes the permeable parking required by the City and allows for singular access from the front for all units. This provides the opportunity for all four units to engage with the community at lot frontage. Additionally, the only way to satisfy the parking requirement of two spaces per unit within the building footprint is to request a variance allowing for the parking area proposed to be provided within the building enclosure. The applicant has also placed special attention on the Project in order to ensure that the structure is resilient in consideration of the effects of sea level rise. The sea level rise and resiliency criteria has been addressed in Appendix A, attached hereto.



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The waiver and variances requested are the minimum that will make possible the reasonable use of the land and building. The granting of the waiver and variances would be in harmony with other properties in the neighborhood and the general intent of the land development regulations and such variances would not be detrimental to the public welfare or injurious to the area involved. The requests are consistent with the comprehensive plan and do not reduce the levels of service set forth in the plan. The applicant is not seeking a special privilege that would differentiate it from other projects recently constructed in the vicinity. The waiver and variances sought would allow construction of the Project in a manner that would be consistent with the context of the area. The Project would be a prominent addition to the neighborhood.

The applicant has made efforts to ensure that the proposed Project meets the criteria of the City of Miami Beach Code of Ordinances, section 118-353(D), allowing for the City to approve the requested waiver and variances for the property.

Should you have any questions or comments, or need anything further to process this request, please do not hesitate to contact me.

Regards,

Nicole Pearl, Esq., MBA

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Appendix A

ARTICLE II. – SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Sec. 133-50. -CRITERIA. The city's land use boards shall consider the following when making decisions within their jurisdiction, as applicable:

(a) Criteria for development orders:

- 1) 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 demolition permit to the building department. It is planned to reuse as much of the material as possible.

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

The proposed new construction will provide hurricane proof impact windows.

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

The majority of the windows provided in the proposed new construction will be operable.

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

All new landscaping will consist of Florida friendly plants.

- 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.**

The Southeast Florida Regional Climate Action Plan projects that sea level will rise 6 to 10 inches by 2030, 14 to 26 inches by 2060, and 31 to 61 inches by 2100 above the 1992 mean sea level. This represents NGVD elevations of 1.10' to 1.43' by 2030, 1.77' to 2.77' by 2060, and 3.18' to 5.68' by 2100 at Mean Sea Level. At Mean High Water this represents NGVD elevations of 2.31' to 2.64' by 2030, 2.98' to 3.98' by 2060, and 4.39' to 6.89' by 2100.

According to the Elevation Certificate, the ground adjacent to the building is at an elevation of 4.2' NGVD. The top of the first floor of the building is proposed to be at an elevation of 8.3' NGVD. The adjacent land elevations are at similar or slightly lower elevations. The site and building are therefore not in an area anticipated to be excessively impacted by Sea Level Rise in the timeframe included in the Sea Level Rise projection.

- 6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

The proposed driveways into the proposed garage are to be located at an elevation of 6.1' NGVD. The proposed garage is to have an elevation of 8.3' from the ground level so there will be sufficient clearance to raise the floor should the situation become necessary.

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



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All critical mechanical and electrical systems will be located on the roof of the structure, including the air-conditioning units.

- 8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

Existing buildings are to be demolished. The ground-floor elevation of the proposed new construction will be located at 8.3' NGVD, which is .3' above the base flood elevation (8.00') plus minimum City of Miami Beach Freeboard (1.00').

- 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 Code.**

The building will not contain any habitable space located below the base flood elevation.

- 10) **Where feasible and appropriate, water retention systems will be provided.**

There are insufficient open spaces to incorporate water retention systems. Therefore, such a system is not feasible nor appropriate at this time. However, a one-foot berm along the perimeter of the side and rear property lines will be provided to serve to retain water within the property.