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April 11, 2022

Thomas Mooney  
Planning Director  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33131

Re: Letter of Intent – Final Submittal  
HPB22-0508 – 165 to 185 S Shore Dr – "Vista"  
HPB22-0509 – 280 to 300 S Shore Dr – "Breeze"  
(Vista Breeze Elderly Affordable Housing Projects)

Dear Mr. Mooney:

On behalf of Vista Breeze, Ltd., a joint venture between the Housing Authority of the City of Miami Beach ("HACMB")<sup>1</sup> and Atlantic Pacific Companies, we submit applications (the "Applications") for Certificates of Appropriateness, Waivers, and Variances, to allow construction of two separate elderly affordable housing developments to be located diagonally across South Shore Drive from one another on vacant land within the Normandy Isles Local Historic District, more particularly described as follows:

	"Vista" a/k/a Vista Breeze North	"Breeze" a/k/a Vista Breeze South
Application No.:	HPB22-0508	HPB22-0509
Address/Folio:	165 S Shore Dr (02-3203-007-1380) 175 S Shore Dr (02-3203-007-1370) 185 S Shore Dr (02-3203-007-1360)	280 S Shore Dr (02-3203-007-1170) 300 S Shore Dr (02-3203-007-1160)
Site Features:	Abuts Normandy Shores Golf Course	Abuts Normandy Waterway
Occupancy:	49 Elderly Affordable Units	70 Elderly Affordable Units

The Vista and Breeze a/k/a Vista Breeze developments are collectively referred to herein as the "Projects."

<sup>1</sup> HACMB is a public housing authority created by Section 421.04, Florida Statutes. A five-member Board of Commissioners, appointed by the Mayor of the City of Miami Beach, governs the HACMB. The Executive Director is responsible for the day-to-day management of the HACMB, implementation of Board policies and procedures, and overseeing HACMB staff consisting of 40 employees. Additional information is available at [www.hacmb.org](http://www.hacmb.org).

## I. BACKGROUND

The Projects are consistent with HACMB's mission to provide rental assistance to qualified low-income families, the elderly, and persons with disabilities. Specifically, the Projects will collectively result in 119 new elderly affordable housing units for the City of Miami Beach. As we are all aware, affordable housing remains one of the most important issues for the City and its residents. Among other things, the Projects will allow elderly residents who may otherwise need to relocate due to rising costs to stay in the Miami Beach community.

As detailed in the plans prepared by Brooks + Scarpa Architects enclosed with the Applications, the Projects share a similar forward-thinking design language that both complements and elevates South Shore Drive and the surrounding neighborhood. At the same time, the plans thoughtfully capitalize on the Projects' differing lot sizes and unique locational characteristics to distinguish the Projects from one another in meaningful ways – including through design, scale, massing, and programming – thereby amplifying a distinct sense of place and character for each respective building community within the historic district.

The Projects also employ resilient and sustainable design features within architectural and landscape architectural strategies, as well as consider increased risk of future flooding and heat through implementation of passive design and Low Impact Development features.

## II. WAIVER & VARIANCE REQUESTS

The Projects require the following Waivers and Variances:

- "Vista" a/k/a Vista Breeze North
  - 5' stepback Waiver and 7' - 5" stepback Variance at 4<sup>th</sup> floor to accommodate maintenance room and trash chute at southwest corner. (142-870.15(c)(1)) ("Vista Stepback Request")<sup>2</sup>
- "Breeze" a/k/a Vista Breeze South
  - 5' stepback Waiver and 9' - 2 ½" stepback Variance at 4<sup>th</sup> floor to accommodate a portion of one elderly affordable unit at small portion of northwest corner and narrow projection over entry to maintenance area and trash chute at northeast corner. (142-870.15(c)(1)) ("Breeze Stepback Request")
  - 3' setback Variance at portions of 2<sup>nd</sup> and 3<sup>rd</sup> floors to accommodate portions of three elderly affordable housing units at northeast and northwest corners, 15' - 8" above nearest public way. (142-870.15(e)). ("Breeze Setback Request")

The Vista Stepback Request, Breeze Stepback Request, and Breeze Setback Request are collectively referred to herein as the "Requests."

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<sup>2</sup> Section 142-870.15(c)(1) of the Code generally requires building setbacks above 32'. Although not a technical Code term, "stepback" is used herein to distinguish those required secondary building setbacks (which are relative to primary front setbacks) from primary front setbacks (which are relative to the front lot line). The term "stepback" is otherwise interchangeable with the term "setback" for purposes of the variance requests.

Section 118-353(d) of the City's Zoning Code establishes eight (8) criteria by which requests for variances are evaluated by the Historic Preservation Board. Additionally, Subpart B, Article I, Sec. 2 of the City's Code of Ordinances also allows the City's boards to consider "practical difficulties" when reviewing variance applications. An analysis of the Requests as applied to the variance criteria is set forth below. Applicant hereby adopts and includes the below Variance analysis as its Subpart B, Article I, Sec. 2 "practical difficulties" analysis and Waiver request analysis.

- 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.**

Vista and Breeze are elderly affordable housing developments. Accordingly, project viability is dependent on public financing. In order to secure funding commitments at the State level, Applicant is required to commit to a specific number of units at specific unit sizes at the front-end of the development process. Funding for the Projects is now secured at the state level, but that funding assumes a certain number of units at a certain unit size will be provided within the Projects. Should Applicant ultimately fail to obtain local approvals meeting those minimum requirements, the Projects will lose state funding. Applicant is also mandated to provide dignified, modern, safe, aesthetically pleasing, and community-focused housing with building elements that specifically address the needs of elderly residents. The foregoing combination of unique project requirements creates special conditions and circumstances peculiar to the buildings involved, further outlined as follows:

- Elderly studio housing units must be equal in size and configuration to promote equity and equivalent facilitation for accessibility;
- Availability of affordable elderly units should be maximized to promote broader social welfare;
- Community and open space within building and interior courtyards should be maximized to promote social interaction among residents, especially those who may live alone;
- Design should promote simple and close access ingress/egress and trash disposal facilities for elderly residents; and
- Design must be efficient to promote affordability and reduce demand on municipal infrastructure.

The foregoing combination of unique building and programming restrictions when applied to the particular subject properties and the unique requirements of the relevant local historic district zoning overlay necessitate minor deviation from strict compliance with certain portions of the Code, as set forth in the Requests. This condition is unique to these properties and buildings within the zoning district.

Notably, the City of Miami Beach Commission passed recent legislation (Ordinance No. 2021-4416) waiving Variance fees for elderly affordable housing projects in recognition of the logistical and cost challenges inherent to these types projects, consistent with the City's overall objectives concerning affordable housing, including Comprehensive Policy 1.1.3, which states that the City must "[c]ooperate with affordable and workforce housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the provision of housing

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affordable to workforce, very low to moderate-income households, including those with special needs, in Miami Beach.” The Projects serve many other Comprehensive Plan Goals, Objectives, and Policies in Applicant’s responses to #7 below.

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

As described throughout this multi-part analysis, the Requests do not result from the action of Applicant. Instead, they result from a combination of elements inherent to developing highly efficient, high quality elderly affordable housing in the State of Florida and this City of Miami Beach local historic district that are beyond Applicant’s immediate control.

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 throughout this multi-part analysis, granting the Requests 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. Approval of the Requests will simply allow Vista to place a small maintenance room with trash chute on the 4th floor of that project, include certain minor design features, and otherwise allow Breeze to continue the tight and orderly distribution of elderly affordable housing units to the upper floors while meeting its permitted density (in fact, Breeze proposes well under the maximum allowable) all while facilitating the special project mandates set forth in #1 above.

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 throughout this multi-part analysis, 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. One of the stated objectives of the North Beach National Register Conservation District Overlay is to ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods and maintains the low-scale, as-built character of the surrounding neighborhoods. The Projects achieve this objective notwithstanding the Requests as further described in #6 below. A literal interpretation of the provisions would serve to ignore a design which not only observes but significantly surpasses the intent of the lot aggregation guidelines governing building width, depth, and separation. Denial of the Requests would work unnecessary and undue hardship on the applicant insofar as it would jeopardize project viability for the reasons set forth in #1 above.

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

As described throughout this multi-part analysis (and especially Applicant’s responses to #1 and #6), the Requests are the minimum requests that will make possible the reasonable use of the land, building or structure.

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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 granting of the Requests will be in harmony with the general intent and purpose of these land development regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare. The Requests fundamentally promote the public welfare – namely, they enable a world class elderly affordable housing development in furtherance of the City’s affordable housing objectives (see #7 responses below). The general intent and purpose of these land development regulations is to ensure massing and articulation of the building form is scaled and appropriate to the aesthetics, as well as harmonizes with the surrounding character of the district. Vista Breeze achieves this intent and purpose through the following design characteristics and massing:

- The Projects take an approach to massing distribution that allows for preservation of the existing streetscape, sacrificing by-right density to provide generous courtyards on upper floors, and porous ground floors, which maintain viewsheds through the full depth of the sites;
- The designs ensure the scale of the surrounding context is respected by restricting solid faces along street frontage to widths and heights equal to, or less than, those of neighboring buildings;
- The Projects surpass the minimum requirements of the lot aggregation guidelines governing building width, depth, and separation by directly translating the original interior lot lines into discrete, identifiable masses, thus delivering on both the need for significant density of affordable housing, and new development that is consistent with the established context of the existing residential neighborhoods;
- The design replicates an identical, accessible and compact unit type, efficiently stacked, providing equivalent facilitation and experience for all occupants of all abilities;
- The Projects represent the intersection of rigorously efficient prototypical unit design and thoughtful, open community spaces, enhancing the wellbeing of members of a community at the highest risk of isolation; and
- Back of house functions isolated from community space and units enhance occupant well-being and minimize ground level impervious surface to further resilience and sustainability criteria.

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 granting of the Requests is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. Indeed, the Requests help further Projects that promote the City’s long term affordable housing objectives, as set forth in the following Comprehensive Plan provisions:

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- ❖ GUIDING PRINCIPLE 6: PRIORITIZE WORKFORCE HOUSING: The City shall encourage redevelopment that provides workforce and affordable housing.
  - GOAL HE 1: EQUITABLE COMMUNITY - Provide vulnerable populations with affordable housing options that are proximate to transportation services and basic needs to improve economic mobility within the community.
    - OBJECTIVE HE 1.1: CREATION AND/OR PRESERVATION OF WORKFORCE AND AFFORDABLE HOUSING - Have available a minimum of 6,800 housing units of workforce, affordable low- and moderate-income households and special need populations during the period through 2030.
      - POLICY 1.1.3: Cooperate with affordable and workforce housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the provision of housing affordable to workforce, very low to moderate-income households, including those with special needs, in Miami Beach.
      - POLICY HE 1.1.10: Improve equitable access to needs and amenities including transit services, health care, nourishing food, education, and recreational facilities for residents living in affordable and workforce housing.
      - POLICY HE 1.1.11: The City shall explore strategies to increase the resiliency within neighborhoods, while limiting involuntary displacement and increasing housing stability.
  - GOAL HE 1.5: HOUSING IMPLEMENTATION PROGRAMS: Implement housing activities or programs ("housing programs") as set forth in the City's five-year Consolidated Plan submittals to U.S. Department of Housing and Urban Development and five-year Local Housing Assistance Plan (LHAP) submittals to the State of Florida, as amended from time to time, which are incorporated by reference.
    - POLICY HE 1.5.4: In furtherance of its housing goals and objectives, the City will support housing developers' efforts to leverage Miami-Dade County Surtax funds and other financial incentives for the development and rehabilitation of residential housing affordable to low- and moderate-income households in Miami Beach.
  - GOAL HE 2: NEIGHBORHOOD SUSTAINABILITY - Establish and maintain an energy efficient housing stock that is resilient to a changing climate while maintaining a strong neighborhood and cultural identity.

The above is not a complete list of Housing Element Goals, Objectives, and Policies that are applicable to the Projects. Additionally, Applicant would note that the Project meets and exceeds the Goals, Objectives, and Policies of other Comprehensive Plan Elements, including Resilient Land Use & Development, Climate Resiliency & Sustainability, Historic Preservation, Recreation & Open Space, etc.

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.

The granting of the Requests will result in structures and sites that comply with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable. As set forth in greater detail in the Section immediately below, the Projects comply with City sea level rise and resiliency review criteria.

### III. SEA LEVEL RISE CRITERIA ANALYSIS

The Projects meet the City's Section 133-50 Sea Level Rise Criteria, as follows:

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

Not applicable. The subject properties are vacant.

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

Both projects are both new construction that will feature hurricane impact windows.

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

Both projects are both new construction that utilize passive cooling systems, where feasible and appropriate. All units shall have operable windows and massing, as well as building orientation have been designed to promote and amplify passive design strategies for environmental cooling.

4. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.

The proposed plant palette that will be utilized includes resilient landscaping. The projects will comply with Chapter 126 of the City Code. Applicant will work with Staff to further the City's resilient landscaping goals.

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.

Applicant has studied the SFRCAP and SFRCCC, as well as studied the land elevation for the subject property and elevation of surrounding properties, and has determined that the BFE, Grade Value, and Adjusted Grade, and other elevation metrics relevant to these Projects are sufficient. The applicant is utilizing a 10'-0" NGVD Design Flood Elevation and has considered elements structural and landscaped to be designed with the utmost considerations of future sea level rise and increased flood risks.

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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.

Applicant has designed the Projects, accordingly.

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 elevations.

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

Not applicable. Both projects are new construction and will meet current Code Requirements.

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.

A majority of the habitable space is located above the base flood elevation. Trash room, FPL transformer will have wet or dry flood proofing systems provided. Trash rooms will employ flood vents and the transformer will include a flood dam.

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

Stormwater retention is provided within the design. A combination of exfiltration under parking areas, as well as some dry bioretention areas in the property setbacks are included.

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

All paving will have a high albedo finish and porous paving will be implemented where reasonable.

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

High albedo, light colors are proposed for walls and other architectural surfaces. Cool roof and paving technologies/techniques will be employed. All west façade areas are heavily landscaped to minimize solar heat gain and thus reducing heat island throughout project.



#### IV. CONCLUSION

The Projects meet a critical need for the City by providing elderly affordable housing. At the same time, the Projects are of a character and design that both complements and elevates South Shore Drive and the surrounding neighborhood. We respectfully request your favorable review of the Applications. Please do not hesitate to contact me should you have any questions related to this matter. Thank you for your consideration.

Sincerely,

**AKERMAN, LLP**



Neisen O. Kasdin

cc: Debbie Tackett, Historic Preservation & Architecture Officer  
Jake Seiberling, Principal Planner  
Atlantic Pacific Companies  
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