



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6236 office

305.377.6222 fax

mamster@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

August 3, 2024

Rogelio Madan, Development & Resiliency Officer
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **Revised Letter of Intent** – Application for Design Review Approval for the Property Located at 1265 N Biscayne Point Road, Miami Beach, Florida

Dear Mr. Madan,

This law firm represents 1265 NBP LLC (the "Applicant"), the owner of the property located at 1265 North Biscayne Point Road (the "Property") in the City of Miami Beach (the "City"). The Applicant intends to build a new two (2)-story single-family home with an understory. Please allow this letter to serve as the letter of intent in connection with a request to the Design Review Board ("DRB") for design review of a new home to replace an existing 1953 residence including a waiver for side yard open space.

Property Description. The Property is a waterfront lot located on the northern side of North Biscayne Point Road. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3203-001-2400. See Exhibit A, Property Appraiser Summary Report. The Property is approximately 11,435 square feet in size and consists of a single platted lot within the Bay Point Subdivision recorded in Plat Book 14, Page 35, of the Public Records of Miami-Dade County. The Property is located within the RS-3, Single Family Residential Zoning District, and not located in a local or national historic district. It should be noted, the neighbors directly abutting the Property to the east and west have each recently

received DRB approval for a new two (2)-story single family residence with an understory subject to file numbers DRB21-0736 and DRB22-0901, respectively.

Proposed Home. The Applicant proposes to construct a modern two (2)-story residence with an understory that fits within the existing neighborhood context. The Applicant's goal is to build a beautiful new home with lush landscaping that will contribute to the architectural integrity of this residential island. At the front, the Applicant proposes a driveway on the east side of the home leading to a two (2)-car garage in the understory.

The front façade features two (2)-story louvers that break up the massing of the exterior and provide air and light throughout the Property as well as privacy. The design skillfully breaks up the massing with distinct differences in the louvers on the east and west sides. On the east side, the louvers are set back 1'-8" from the front yard setback line, while on the west, they are set back an additional 1'-7" at 3'-3" from the front yard setback. The louvers differ in spacing and separation from the main façade, with the east louvers angled to provide transparency into an expansive garden area. Notably, the expansive garden area is located above the garage on the first floor and is open for an additional 26'-11". This thoughtful design provides additional greenery, enhancing the overall aesthetic from the front and east. The floating steps create a gradual ascent, from the street to the front door, flanked by open courtyards on either side of the staircase. Further, the angled columns and additional depths for the stairs located on the west side, upper balcony on the east side second floor, and both sides of the understory effectively reduce the scale and massing at the front.

The east and west elevations provide great variation in plane and materials, including recessed terraces that break up the mass of the proposed home and compliant additional open space on the east side. The rear yard includes a swimming pool and an expansive open yard with views of Biscayne Bay. Additionally, the perimeter of the home will be lined with a variety of lush landscaping to highlight and frame the new home, while providing appropriate privacy that blends in with the exterior wood louvers.

The Applicant's design complies with the current City of Miami Beach Resiliency Code (the "Code") requirements for all setbacks, height, unit size, lot coverage, and understories. This ensures the new home is compatible with the neighborhood and has a minimal impact on the abutting neighbors. The Applicant proposes a first level front setback of thirty feet (30') to architectural elements and thirty-five feet (35') to the building wall. The size of the proposed home is approximately 5,662 square feet (49.8% of the lot size), which is within the allowable fifty percent (50%) unit size limit. The proposed lot coverage is approximately 3,381 square feet (29.7%), also within the thirty percent (30%)

maximum permitted. The proposed rear setback is 42'-10" which is substantially greater than the minimum 23'-6.5" required rear setback. The overall design sufficiently addresses the intent of the Code and applicable design guidelines, specifically Section 2.5.3.1 of the Code, with the main massing centrally located and a variety of architectural articulations and materials, along with extensive plantings. It should be noted, the Applicant has applied for a new seawall that under the Department of Environmental Resource Management ("DERM") permit process no. CLI-2024-0138.

Cost Estimate. The Applicant estimates the total cost of construction for the residence will be approximately \$2,000,000.00.

Waiver Request. The Applicant respectfully requests Design Review Board approval of a waiver pursuant to Section 7.2.2.3.b.2.A. of the Code, to partially waive the additional required open space of the two (2)-story west side elevation located parallel to the west side property line exceeding fifty percent (50%) of the lot depth, or sixty feet (60'), whichever is less.

The intent of the Code is to reduce the scale and massing of the second story portion of homes against the neighboring properties. The Property is narrow in width but complies with setbacks, height, unit size, lot coverage, and understory. The additional open space provided for the east elevation complies therefore the requested waiver is only for the west elevation. The intent of the Code is to minimize the scale of the second story portion of homes against the neighboring properties. The west elevation complies with the intent of the Code by providing multiple shifts of volume and mass that create additional open space, as well as utilizing architectural features and materials to break up the mass of the west elevation. Additionally, the Applicant is proposing a thick layer of new trees and shrubs along both side property lines. Therefore, the intent of the Code is satisfied and the centrally located main home, with varying architectural interest in design and materials, has very minimal impact on the abutting neighbors.

Sea Level Rise and Resiliency Criteria. The new home advances the sea level rise and resiliency criteria in Section 7.1.2.4 of the Code, as follows:

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

A recycling and salvage plan for demolition of the existing home will be provided at permitting.

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

Hurricane proof impact windows will be provided.

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

The Applicant will provide, where feasible, passive cooling systems.

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

All landscaping will be Florida friendly and resilient.

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 Applicant is proactively addressing sea level rise projections by providing an understory that will ensure the home above will be resilient for the foreseeable future. The habitable first floor will be raised 4'-2" above maximum freeboard (BFE + 5') 17'.2" NGVD..

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 elevated first floor with understory ensures that the home is adaptable to the raising of public rights-of-ways and adjacent land in the future.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All critical mechanical and electrical systems will be located above base flood elevation.

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

The proposed home is entirely new construction located well-above base 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 of 54 of the City Code.

No habitable space is located below base flood elevation.

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

Where feasible, water retention systems will be provided.

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

Cool pavement materials or porous pavement materials will be utilized where possible.

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

The proposed design provides large open spaces and non-air-conditioned shaded living spaces to strategically minimize the potential for heat island effects on site.

Conclusion. Granting this design review application will permit the development of a compatible and resilient single-family home that will add value to the surrounding neighborhood. The modern design features a variety of beautiful and interesting architectural moments and lush landscaping that is both unique and blends well with the neighbors.

We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6236.

Sincerely,



Matthew Amster

Attachment

cc: Michael Yanopoulos, Esq.



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 08/04/2024

PROPERTY INFORMATION	
Folio	02-3203-001-2400
Property Address	1265 N BISCAYNE POINT RD MIAMI BEACH, FL 33141-1703
Owner	1265 NBP LLC
Mailing Address	777 BICKELL AVE SUITE #500-9787 MIAMI, FL 33131
Primary Zone	0800 SGL FAMILY - 1701-1900 SQ
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths /Half	4 / 3 / 0
Floors	1
Living Units	1
Actual Area	3,441 Sq.Ft
Living Area	3,216 Sq.Ft
Adjusted Area	3,199 Sq.Ft
Lot Size	11,250 Sq.Ft
Year Built	Multiple (See Building Info.)

ASSESSMENT INFORMATION			
Year	2024	2023	2022
Land Value	\$3,599,878	\$3,150,388	\$1,856,224
Building Value	\$906,280	\$919,076	\$400,922
Extra Feature Value	\$61,053	\$61,754	\$13,826
Market Value	\$4,567,211	\$4,131,218	\$2,270,972
Assessed Value	\$4,544,339	\$4,131,218	\$1,433,512

BENEFITS INFORMATION				
Benefit	Type	2024	2023	2022
Save Our Homes Cap	Assessment Reduction			\$837,460
Non-Homestead Cap	Assessment Reduction	\$22,872		
Homestead	Exemption			\$25,000
Second Homestead	Exemption			\$25,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION
BISCAYNE POINT PB 14-35
LOT 26 BLK 10
LOT SIZE 75.000 X 150
OR 18061-4681 0398 1
COC 21416-2790 06 2003 4



TAXABLE VALUE INFORMATION			
Year	2024	2023	2022
COUNTY			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$4,544,339	\$4,131,218	\$1,383,512
SCHOOL BOARD			
Exemption Value	\$0	\$0	\$25,000
Taxable Value	\$4,567,211	\$4,131,218	\$1,408,512
CITY			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$4,544,339	\$4,131,218	\$1,383,512
REGIONAL			
Exemption Value	\$0	\$0	\$50,000
Taxable Value	\$4,544,339	\$4,131,218	\$1,383,512

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
03/11/2022	\$4,950,000	33092-1833	Qual by exam of deed
01/10/2020	\$100	31863-0662	Corrective, tax or QCD; min consideration
03/15/2013	\$1,400,000	28553-3058	Qual by exam of deed
06/01/2003	\$0	21416-2790	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>