



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

www.brzoninglaw.com

305.377.6236 office

305.377.6222 fax

MLarkin@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

August 4, 2024

Deborah Tackett
Historic Preservation & Architecture Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **HPB24-0627** - Letter of Intent for New Three-
Story Multi-Family Building with Four Dwelling Units on
Vacant Lot at 8240 Byron Avenue, Miami Beach

Dear Ms. Tackett:

This law firm represents BMH DEV LLC (the "Applicant") relating to the property located at 8240 Byron Avenue in the City of Miami Beach (the "City"). This letter serves as the required letter of intent for a Certificate of Appropriateness for design in the North Shore Local Historic District, including mechanical parking, a variance related to driveway width requirements, and a waiver related to garage height requirements provided in the Resiliency Code.

Description of the Property. The subject property is a vacant, waterfront lot on the west side of Byron Avenue identified by Folio No. 02-3202-010-0363 (the "Property"). The Property is approximately 5,951 square feet (0.13 acres) in size.

The Property is zoned RM-1, Residential Multifamily Low Intensity ("RM-1"). The Property is located in the North Shore Local Historic District and the North Beach and North Shore National Register Districts. The Property is a vacant lot with no contributing or non-contributing structures.

Project. The Applicant seeking approval of a Certificate of Appropriateness to develop an innovative and attractive three (3) story, four (4) unit multi-family residential building with less than 15,000 square feet of gross floor area (the "Project"). See Figure 1. Project Rendering, below. The Applicant's goal for the Project is to be consistent with the RM-1 and compatible with the local historic district. Overall, the Project complies with the City's Resiliency Code (the "Code") requirements multi-family buildings in the RM-1. The proposed ground floor level contains parking, a lobby entrance, life safety and back-of-house areas, and amenities for the unit owners including a steam room, porch area, restroom, and swimming pool. The second floor will contain two (2) dwelling units, each with two (2) bedrooms, two (2) full bathrooms, and one (1) half bathroom. The third floor will also contain two (2) dwelling units, however these units will each have three (3) bedrooms, three (3) full bathrooms, and one (1) half bathroom.



Figure 1. Project Rendering.

Certificate of Appropriateness. The Project is designed to be compatible with the surrounding historic district, while remaining distinguishable from the surrounding contributing buildings in accordance with the Secretary of the Interior Standards. The materials, colors, and landscaping have all been selected to compliment the surrounding contributing buildings. Overall, the Project has been designed to be sensitive to the historic district, while also providing interesting architectural variation and juxtaposition of modern architecture adjacent to historic post-war modern structures.

Mechanical Parking. The Project includes mechanical parking. Pursuant to Section 5.2.11.d.1 of the Code, apartment buildings with twenty (20) apartment units or less may utilize mechanical lifts within an enclosed parking area in accordance with the review criteria of 5.2.11.e, provided that secure storage for alternative transportation such as scooters, bicycles, and motorcycles is provided on site. The ground floor parking area

includes bicycle parking racks. Further, the ground floor parking area includes metal shades screening the mechanical parking from the outside. See Figure 2. Parking Screening, below.



Figure 2. Parking Screening.

Waiver of Understory Height. The Applicant proposes an attractive and resilient building including an understory. To be both resilient and ensure better compatibility with the surrounding buildings, the design has a shorter understory than encouraged by the Code, eleven feet (11') where twelve feet (12') is normally required. Pursuant to Section 7.1.2.2.c.2.a of the Code, the Applicant requests a waiver of the understory height. The proposed understory height will provide the Project with a long life and will accommodate the raising streets, consistent with the Code.

Variance Request. In order for the new construction to be compatible and functional, the Project requires slight variance of the drive width. Specifically, pursuant to Section 5.3.4 of the Code, the required two-way driveway entrance width is twelve feet (12') for grade level parking areas with less than ten (10) parking spaces. The Applicant requests a variance from this requirement to allow for a driveway entrance width of ten feet (10').

Practical Difficulty. Pursuant to Article 1, Section 2 of the Related Special Acts, where there are practical difficulties, the Historic Preservation Board has the power to vary or modify regulations or provisions relating to the use so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In this instance, the requested variance will allow for a driveway width two feet (2') narrower than required by the Code. The slightly narrower driveway will allow for an attractive, functional building aligning with the aesthetic of the historic neighborhood

surrounding it. Attempting to construct an attractive, functional, and well-suited building on the Property's very narrow lot creates a practical difficulty that is alleviated by this variance providing relief from the driveway width requirement. The driveway width requirement in the Code serves a valid purpose. To alleviate concern, the Applicant is willing to provide driveway signage alerting drivers of the dual ingress and egress and install flashing lights when entering and exiting in furtherance of the Code's purpose in maintaining these requirements. Additionally, the narrower driveway will promote pedestrian safety by creating a feature similar to what pedestrians expect when walking through the neighborhood, as the surrounding neighborhood consists of many lots with narrower driveways or no driveways at all.

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

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

A recycling and salvage plan for the demolition of the existing structures will be provided.

(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.

The Project includes resilient, Florida-native, or Florida-friendly landscaping.

(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.

Sea level rise projections have been considered in the design and development of the Project.

- (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, 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 proposed ground floor areas will be adaptable to raised public rights-of way and adjacent properties.

- (7) As applicable to all new construction, all critical mechanical and electrical systems are 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 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 plus City Freeboard.**

All habitable spaces within the Project will be elevated above base floor 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.**

When habitable space is located below base flood elevation, wet or dry flood proofing systems will be provided.

- (10) As applicable to all new construction, storm water retention system shall be provided.**

Water retention systems will be provided as part of the resiliency goals of the Project.

- (11) Cool pavement materials or porous pavement materials shall be utilized.**

Cool pavement and porous materials are proposed where appropriate.

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

The Project is specifically designed to minimize the potential for heat island effects on-site.

Conclusion. The Project utilizes one of, if not the last underutilized properties within the North Shore Local Historic District to present a beautifully designed residential building on what currently is a vacant lot. The Project fits perfectly into its surrounding neighborhood and improves its aesthetic significantly. Accordingly, we respectfully request your favorable review and recommendation with respect to the Project. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Michael Larkin

cc: Benjamin Sherry