

April 6, 2025

Mr. Rogelio A. Madan, AICP
Development and Resiliency Officer
City of Miami Beach Planning Department
1700 Convention Center Drive-2nd Floor
Miami Beach, FL 33139

RE: Letter of Intent for Design Review Board Application 845 82nd Street, Miami Beach, FL/DRB25-1079

Dear Mr. Madan:

On behalf of our client, L&E RE Investment LLC, owner of the property at 845 82nd Street, Miami Beach, Florida, we are respectfully submitting our letter of intent to present for Design Review Board approval a development project for said site. The project has been assigned file number DRB 25-1079 and is located in the RM-1 zoning district. The project is not in a historic district.

I. Project Description:

The proposed project is located at 845 82nd Street on the northeast corner of Hawthorne Avenue and 82nd Street in North Beach near the Biscayne Point neighborhood. The site is a small site currently occupied by a single family home built in 1951 and currently occupied by rental tenants. The site is a narrow site of approximately 56 x 112 feet with the narrow side facing 82nd street.

The proposed project envisions demolishing the existing house to build a new four story multi family residential building. The project is comprised of four units of approximately 1,200 square feet of interior space with a roof top open space and seven parking spaces on the ground floor. The building will be accessed from the ground floor by two open stairs and a two stop elevator from the parking level to the second floor. Each unit will have its front door at the second level accessed from an exterior walkway. Each home is designed as a three story "Row House" type with living spaces on the entry level and bedrooms on levels three and four. *The anticipated construction cost of the project is \$3,350,000.*

The building will be conventional Type 1B construction of deep pile foundations, concrete frame and superstructure, concrete masonry exterior walls, and stucco finish. The ground parking level will be a permeable surface of pavers on sand. The exterior landscaping designed by Laura Llerena Associates is a composition of native plant species that have the structure appropriate for the urban scale of the building, and provides a means to screen the lower parking level from the street in a layered arrangement.

The project seeks to reinforce the pedestrian and urban quality of the neighborhood taking into account its scale, volumetric composition, facades, and attention to the understory.

**II. Approach to the Sea Level Rise and Resiliency and Adaptation Standards Review Criteria
Section 7.1.2.2 and Section 7.1.2.4:**

This particular project is designed as an understory building. This primary form is at once a way to address the desired off street parking and the base flood elevation and future crown of the road locations. As a result, this building clearly meets the standards for an adaptable building to future changes in the infrastructure, as well as a resilient building sheltering its occupants from seasonal and major event flooding. The main aspects that address the standards listed in Article 7.1.2.2 and 7.1.2.4 of the Resiliency Code are as follows:

1. Criteria for development orders

- a. A recycling or salvage plan for partial or total demolition shall be provided.*

A recycling plan worksheet shall be provided prior to issuance of a building permit, once the building quantities have been determined by the demolition contractor.

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

All windows and glazing to be impact resistant glass conforming to Miami Dade County product approvals. All exterior doors to be impact resistant and meet water infiltration requirements per Miami Dade County NOA's.

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

Operable windows are being provided in all bedrooms and living rooms. Corridors are designed to cross ventilate as well to provide opportunities for passive cooling in the winter months.

- d. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 4 in Land Development Regulations.*

Refer to Landscape Architect's drawings for plant selections.

- e. 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 addressed the future crown of the road elevation provided to the architect by the Public Works Department. The building considers the projections by proposing an understory building and removing habitable spaces from the more threatened elevations.

- f. 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 3 additional feet in height.*

The ground floor driveway is set to address the future crown of the road elevation as provided by the Public Works department. Should the crown of the road be elevated by 3 additional feet, there is adequate height to accommodate vehicular and pedestrian access.

- g. 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.*

Electrical equipment at the electrical room shall be above BFE plus code requirements. All individual mechanical equipment shall be located on the roof level (condensing units). Transformers (if required) and back flow preventers shall be located on the raised grade level and above BFE if required by code.

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

This application is for a new building.

- i. 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 in General Ordinances.*

No habitable space is proposed below BFE.

- j. As applicable to all new construction, stormwater retention systems shall be provided.*

It is anticipated that stormwater retention will be designed for the project under the parking level.

- k. Cool pavement materials or porous pavement materials shall be utilized.*

No asphalt is proposed. Pavers are proposed under the building at the parking areas, at the driveway entrance, and at the walkways around the site.

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

Heat Island effects are mitigated on this project through the following: landscaping areas surrounding the building, low albedo and light-colored roofing membrane, light colored tile at the roof terraces and light colored concrete deck finishes at the balconies

Additional Items responding to the Approach to the Sea Level Rise and Resiliency and Adaptation Standards Review Criteria Section 7.1.2.2 and Section 7.1.2.4:

Updated FEMA Map:

Per a meeting with Public Works and the Building Department on December 19, 2024, their directive was that the city would adopt for this project the updated FEMA maps indicating the current BFE elevation of this site as 7.00 NAVD (not NGVD) and that the new Design Flood Elevation (DFE) is FEMA + 1'. In our case, this results in 9.00 NAVD or translated to NGVD, 9.56 as the new DFE.

Lower Level and Yard Elevation:

Following a meeting with Public Works and the Building Department on December 19, 2024, it was directed to us that the lower level elevation for the parking level, would be considered a non-habitable first level or understory and must match the established future crown of the road. From their information, this future crown of the road elevation was given as 4.6' NAVD or 6.16' NGVD. Our lower level parking and yard elevation is proposed to be set at 6.72' NGVD above the future crown of the road. Since the existing site is approximately 4.8' NGVD, the project will require the construction of a retaining wall at or near the lot lines to fill the site to the new elevation. Per Section 7.1.2.3 the setback areas must also match this elevation. Our project complies with this criterion.

To comply with **7.1.2.2 (c) (e)**, the project will employ the following:

- Permeable materials for parking and driveways
- Active outdoor spaces at the perimeter of the site
- Concealing of conduits away from view within the haunch of the second-floor structure
- Visible stairs
- Flood panels at all mechanical and service spaces located on the parking level.

To comply with **Section 7.1.2.3,3** Retaining wall requirements, the retaining wall that is required to raise the site is intended to be designed to be no higher than 30" above adjacent grade, on the rear and side lot lines, and two feet away from the Hawthorne and 82nd street lot lines.

First Habitable Level:

The first habitable level of the project will be the second floor or entry level of the units. This is currently set at elevation 19.00 NGVD. All other habitable levels are above this elevation.

III. Approach to Standards in Section 2.5.3.1 Design Review Criteria

This application is responding to the criteria listed in **Section 2.5.3.1** as follows:

- a. *The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.*

This application has submitted a survey of existing conditions showing street elevations and proposed plans and site plans indicating the disposition of the proposed building

- b. *The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.*

This application is locating all currently known structures and proposed locations for to-be-determined structures that are developed during the design process.

- c. *The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.*

The plans and diagrams in the submittal documents show compliance with setbacks and zoning compliance and where waivers or variances are sought.

- d. *The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in Section 2.5.3.2.*

The plans, renderings and descriptions in this application address the exterior building surfaces and landscape and architectural elements.

- e. *The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.*

The architectural drawings, renderings and diagrams included in this submittal addresses the above criteria

- f. *The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.*

The design of the building, landscaping and site, documented through the plans elevations and renderings show the way the project seeks to enhance the context and respect surrounding properties.

- g. *The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.*

The design of this building is as an R2, Type 1B building that will be fully sprinklered and will have the same construction type as a larger multifamily building. The requested waiver is meant to address a better relationship with the adjacent buildings.

- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.*

The project seeks to accommodate seven parking spaces, to address these criteria. We believe that the site is greatly challenged for on street parking and it is intensely used by the neighborhood residents, as most older buildings do not have off street parking. Providing parking on site allows us to not interfere with the on street parking inventory.

- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.*

The project lighting will be designed to Florida Building Code 2023 standards for exterior lighting. This application includes views of the building at night to give an idea of the light emanating from the building and potential landscape lighting.

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.*

The landscaping and proposed paving is compliant with the current City of Miami Beach landscaping criteria and uses native plant material.

- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.*

The landscape buffer is designed to screen the understory from the street and provide the street with a green edge alongside the sidewalk.

- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).*

The submittal demonstrates the architect's sensitivity to the site's adjacent buildings, scale and major frontages. View corridors are not affected.

- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.*

As an understory building, the project is treating the edges of the building with landscaping to screen the parking structure. The requested waiver also addresses the need to prevent the building from growing too tall in the understory thus causing a negative visual experience.

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.*

The project takes advantage of its unique location by providing open space on the roof for residents. The massing of building is complimented by upper floor volumes and its upper level is articulated avoiding a harsh cornice line. Condensing units will be contained within the parapet walls of each unit's roof terrace.

- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).*

Since this project is not technically an addition, it does not apply to us, however we believe that our project addresses compatibility with the site.

- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.*

Our project is an understory building. We believe that we will achieve visual interest at the pedestrian level through the landscape edge, and the positioning of the second level façade along Hawthorne. The requested waiver also addresses the pedestrian experience, avoiding the feeling of being next to an out of scale structure.

- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.*

This project has an enclosed trash room sized for all unit owners.

- r. In addition to the foregoing criteria, section 104-6 (t) the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.*

No wireless communication towers are proposed on this site or in this project.

- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.*

The project's approach to the criteria in Chapter 7, Article I is listed above in Part II of this letter.

IV. Request for Variances and Waivers:

Origin of Variance Request:

As part of the design of the project, the design team had the challenge of accommodating the building on a narrow lot, and as an understory building with parking on the lower level, providing enough space to provide eight parking spaces and the required clearances to maneuver. As such, the floor area of the parking is encroaching onto the secondary front setback by a 2.5' deficiency.

To provide elevator access to the units from the parking level, we are providing a two-stop elevator. This elevator is located outside the general footprint of the main building and encroaches into the side yard setback by a 2.5' deficiency.

As an R2 Building, the building department requires two exits from level 2. To provide these exits and allow for clear maneuvering space at the parking entrance, the stair encroaches 2.5' into the side yard setback.

The required setbacks require 20 feet along the front, 7.5' along the secondary front, 7.5' along the side yard, and 10% length along the rear setback (11'-4"). The project complies at all levels with the front and rear setbacks. The project is seeking relief at the secondary front for parking only on the ground floor, and on the side yard setback for the parking level and second floor. At the third, fourth, and roof levels, the building meets the front, rear, secondary front setbacks and exceeds the side yard setback.

A. Variance Requests:

We are requesting the following variances:

1. A 5'-0" parking level setback for parking only on the secondary front (Hawthorne Avenue)
2. A 5'-0" building setback at the parking level, and second level only for the elevator and egress stairs.

Hardship Criteria:

We are requesting that the following be considered as part of this variance request as listed in Section 2.8.3:

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.

The project is located on a narrow lot of 56.04'. It should be noted that the prior zoning ordinance had a special setback provision for parking setbacks at 5'-0" We are requesting to set back at that same distance. It is also evident that the narrow setback is prevalent in the neighborhood. Our presentation package shows evidence of a sampling of side yard conditions where the building structure is less than 7.5'.

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

The width of site is a pre-determined site condition

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.

We do not believe that this variance is conferring a special privilege.

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.

A literal interpretation would impact as follows: reduction of parking to only 4 spaces, increasing the potential impact to municipal on street neighborhood parking, a negative impact on the residential units forcing the stairs and elevator to encroach on the building mass by 2.5' and generating structural complexity.

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

This request requires the minimum needed to make the parking, elevator and egress work. As stated above, it is returning to the prior parking setbacks.

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.

We do not believe the granting of this variance will be detrimental to the public welfare because we are able to mitigate the visual impact, and in other design aspects, we are addressing the potential changes in building scale to achieve a contextual building. The photos included in the application package indicate side yard and secondary front setbacks in the neighborhood that are more impacted by their building disposition than what we are proposing.

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; and

This variance is not requesting any increase in density, FAR, height, or use and we believe it is consistent with the existing levels of service and the comprehensive plan.

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 7, article I, as applicable.

Our application meets the resiliency review criteria in chapter 7 and is addressed in this letter and the drawings submitted for Design Review Board Approval, attached to this submittal package.

Mitigating Factors:

As a mitigating factor to these variance requests, the ground level has been designed to address the possible impact of this variance. The following building and design elements have been provided:

1. Landscape buffer at the lot lines
2. Additional landscaping up at the parking line to screen and layer the green buffer along Hawthorne Avenue.
3. Landscaping at the rear and side lot lines.
4. Requesting a waiver to reduce the height from DFE of the understory level.
5. Increased setback of the upper levels of the building at the side lot line exceeding the minimum setback.

B. Understory Level Waiver Request:

While it is our intention to address the criteria above, **Section 7.2.2.2c.2.A** creates what we believe is a hardship on the scale and visual appearance of the project that we believe is a negative to the context. The requirement requires that the non-residential First Habitable Level have a “minimum height of 12 feet shall be provided, as measured from Base Flood Elevation plus minimum Freeboard to the underside of the first floor slab.” Given that there is an additional requirement to conceal any systems on the underside of the slab, we assume this is by means of a hung ceiling. Therefore, this would bring the height of the second floor to an elevation of 23.56’ NGVD, however the overall height from the floor of the parking to the second floor would be 14’-10”. Given that the typical floor is 10 feet, this lower-level understory would be much taller than the typical floor and make the building massing disproportionately tall and force to compress the overall height of the building.

We respectfully request the Board consider a waiver to this requirement under **Section 7.2.2.2.c.2.A**. We believe that the second floor at elevation 22.00 NGVD is adequate compliance with the resiliency standards and the intent of the rule to allow for future retrofits of the first habitable level. The ordinance allows the possibility of that the “design review board or historic preservation board, as applicable may waive this height requirement by up to two feet”.

We believe that the granting of the waiver and variances will allow for the design of a better building, one that is better for the occupants, allowing them adequate life safety and access. For the community, we believe that being able to provide off street parking benefits in eliminating an impact on municipal parking stock that is currently insufficient in the neighborhood. We respectfully request approval of the above waiver and variances.

V. Conclusion:

We appreciate your consideration of our application. We are very excited about the possibility of this project and are proud of the work our team has done on the design of this building. We equally appreciate the attentiveness of Planning and Zoning staff as we have developed this proposal answering questions, and guiding us through the more recent changes to the ordinance. We respectfully request that your staff review the enclosed materials and look forward to your comments and suggestions.

Sincerely,
ALAYO ARCHITECTS PC

Juan J. Alayo, RA
Principal

cc. Dr. Gerardo Quinones