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VIA ELECTRONIC DELIVERY

Mr. Michael Belush, AICP
Chief of Planning and Zoning, Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: DRB23-0983 – 34 Star Island Drive (Folio No. 02-4204-001-0280)
Amended Letter of Intent for Design Review Board Application**

Dear Mr. Belush:

This shall constitute our amended letter of intent on behalf of JLSA STAR LLC (the “Applicant”), in support of Application File No. DRB23-0983 (the “Application”) to the Design Review Board (“DRB”). We are requesting DRB approval of the design of a new single-family home on a 40,000 square foot lot located at 34 Star Island, identified by folio 02-4204-001-0280 (the “Property”). We are also requesting the approval of an elevator bulkhead variance and two side setback waivers pursuant to the Miami Beach Code of Ordinances (the "Code") as set forth below. The Property currently features a home built in 1961, situated on a waterfront lot zoned RS-1 (Single Family Residential District), as shown below:



I. Proposed Residence

The Property is 40,000 square feet in area and measures 100 linear feet in frontage along the street, 400 linear feet deep, and 100 linear feet along the waterfront. The Applicant proposes

construction of a modern, two-story residence spanning 19,836.8 square feet (49.6% of the lot size). The residence will include artful construction materials, water features, and lush native landscaping. The Property is generally very long and narrow. Special attention was given to the design to minimize facade lengths. The front façade of the residence will be setback by 62'-5", reducing massing at the front of the Property. The design also incorporates a courtyard in the center portion of the home's north side that spans 51'-2" by 29'-4", thus reducing the scale of the residence along that facade. Project costs are estimated to total \$26,000,000. In sum, the unique design and layout of this development will contribute to the architectural interest of the island, and will have minimal impact on abutting neighbors.

In order to accomplish the proposed design, the Applicant is seeking approval of the following variance and waivers:

1. Variance approval of Section 7.2.2.3(b)(9) of the Resiliency Code to permit the elevator bulkhead to exceed 13'-0" above the roofline, where 10'-0" is permitted (the "Elevator Variance").
2. Waiver pursuant to Section 7.2.2.3(b)(2)(A) of the Resiliency Code to waive the requirement that there be open spaces every 60 feet along the minimum side setback line, that those open spaces be at least 8' in depth, and constitute no less than one percent (1%) of the total lot area (the "North Elevation Waiver").
3. Waiver pursuant to Section 7.2.2.3(b)(2)(A) of the Resiliency Code to waive the requirement that there be open spaces every 60 feet along the minimum side setback line, that those open spaces be at least 8' in depth, and constitute no less than one percent (1%) of the total lot area (the "South Elevation Waiver").

II. Elevator Variance Request

The Elevator Variance is being sought for a state-of-the-art elevator design, which requires minimal additional bulkhead height. Without the variance, the elevator will not meet its intended purpose. A variance of Section 7.2.2.3(b)(9) of the Resiliency Code (the "Code") is required to permit the elevator bulkhead to exceed 13'-0" above the roofline, where 10'-0" is permitted. This request satisfies the applicable review criteria and should be approved. The Application satisfies all of the criteria for a variance under Code Section 2.8.3, as follows:

- (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 design of the elevator requires additional height to accommodate the mechanical and electrical equipment necessary for the type of elevator being installed in the residence.

- (2) The special conditions and circumstances do not result from the action of the applicant;*

Technology for residential elevators is constantly evolving and, despite the adoption of the Code, the Resiliency Code was not updated to not reflect the state of the art for homes of this scale and ceiling heights. It was during the design process that the need for the Elevator Variance was determined to accommodate both the size of fixtures, furniture,

art, and ceiling heights that the residence will have, as well as the required mechanical and electrical equipment required to access all levels of the home.

- (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;*

The approval of the Elevator Variance will not confer any special privilege on the Applicant. It is necessary and typical for multi-story residences to include elevators in order to provide accessibility to the different levels of the home and allow for furniture and art to be moved, particularly for homes of this scale.

- (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 noted above, it is typical for multi-story residences to include elevators in order to provide accessibility to the different levels of the home. A denial would deprive the Applicant of their reasonable enjoyment of their Property and result in a significant, negative impact to the design, accessibility, and utility of the home.

- (5) *The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;*

The Elevator Variance being sought is for the minimum amount of additional height required to accommodate the mechanical and electrical equipment in the elevator bulkhead. The bulkhead will not be visible to the neighboring properties.

- (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; and*

The granting of the Elevator Variance will be in harmony with the general intent and purpose of the Code, which provides height exceptions for elevator bulkheads. This variance will not be injurious to the area or otherwise detrimental to the public welfare. In accordance with Section 7.2.2.3(b)(9) of the Code, the elevator bulkhead will be located as close to the center of the roof as possible and be visually recessive such that it is not a vertical extension of the exterior building elevation. The elevator will not be visible from the street or the waterfront.

- (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 Elevator Variance is consistent with the Comprehensive Plan and has no impact on infrastructure levels of service.

- (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.*

The elevator is a necessary component of the single-family residence, which has been designed to meet or exceed all applicable sea level rise and resiliency review criteria.

The enclosed plans provide all pertinent details relating to the Elevator Variance. Overall, the marginal increase in height to accommodate the elevator bulkhead is adequate in relation to the site and the scale, character, and design of the home that will be relying on the elevator and its reasonable use. Furthermore, it is wholly compatible with adjacent structures, the surrounding community, and similar previously granted variances. Based on the foregoing, we urge the Staff to issue a favorable recommendation for approval of the Elevator Variance.

III. Waiver Requests

North Elevation Waiver:

This waiver pursuant to Section 7.2.2.3(b)(2)(A) of the Code would grant additional length to a wall of this two-story home located parallel to a side property line shall, which is otherwise not to exceed 50% of the lot depth, or 60 feet, whichever is less, without incorporating additional open space that is not less than 1% of the total lot area. This waiver is narrow in scope and should be approved.

The purpose of the Code is to break up long expanses of uninterrupted two-story volume at or near the side yard setback line. The proposed north facade of the home has a wall that extends 4'-4" over the 60 foot maximum length permitted without a waiver. However, the wall has been designed with a decorative treatment and is broken by an open space that is 1,260.40 square feet or 3.15% of the lot area – far more than what is required by the Code (not less than 1% of the lot area). Despite this minor deviation from the Code, the proposed design incorporates sufficient interest on the northern side of the home to avoid monotony and excessive massing. Therefore, the intent of the Code is satisfied.

Additionally, the length of the lot is 400 feet, four times its width of 100 feet, which creates a challenge in incorporating open spaces every 60 feet for the home. Approving this waiver would address this issue. Based on the foregoing, we urge the Staff to issue a favorable recommendation for approval of the North Elevation Waiver.

South Elevation Waiver:

This waiver pursuant to Section 7.2.2.3(b)(2)(A) of the Code would grant additional length to a wall of this two-story home located parallel to a side property line shall, which is otherwise not to exceed 50% of the lot depth, or 60 feet, whichever is less, without incorporating additional open space that is not less than 1% of the total lot area. This waiver is narrow in scope and should be approved.

On the southern side setback line, the proposed design incorporates a wall of a two-story home extending 43'-5" over the 60 foot maximum allowance in the Code. This wall has a decorative treatment and is broken by an open space that is 166.34 square feet or 0.41% of the total lot area, less than the $\geq 1\%$ requirement in the Code. To compensate, the proposed development includes a large open space that is 3,835.37 square feet or 9.58% of the total lot area near the main entrance accented by landscaping and water features. Despite this minor deviation from the Code, the

proposed design incorporates sufficient interest on the southern setback line to avoid monotony and excessive massing. Therefore, the intent of the Code is satisfied.

The length of the lot is four times its width, which creates a challenge for the incorporation of open spaces every 60 feet for the home. Approving this waiver would address this issue and create a more efficient design for the home and allow open space to be placed in more appropriate areas within the Property. Based on the foregoing, we urge the Staff to issue a favorable recommendation for approval of the South Elevation Waiver.

IV. Design Review Criteria

The project satisfies the design review criteria set forth in Section 118-251 of the Land Development Regulations, as follows:

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

Satisfied. The Applicant is incorporating tropical vegetation and trees throughout the Property, from the entrance to the waterfront.

- (2) 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.*

Satisfied. The Applicant is requesting an elevator variance and side setback waivers in a manner which will not impact the character of the surrounding neighborhood and will improve the area's aesthetic.

- (3) 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.*

Satisfied. The design of the home is reasonable and only seeks waivers and a variance where necessary.

- (4) 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 118-252.*

Satisfied. The structure and landscaping have been designed with a Miami Modern ("MiMo") aesthetic that will enhance the character of Star Island.

- (5) 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.*

With the exception of the variance and waivers requested as part of this Application, the proposed site plan, and the location, appearance and design of the new structure conforms with the standards of the Code.

- (6) *The proposed structure, and/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.*

Satisfied. The proposed home is comparable with other homes on Star Island and contributes to the neighborhood's unique character.

- (7) *The design and layout of the proposed site plan, as well as 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.*

Satisfied. Attention is being given to safety, crime prevention and fire protection. The design of the home proposes the most efficient use of the Property while providing for the safety and security of its occupants.

- (8) *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 safely 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.*

Satisfied. The design of the driveway and pedestrian access is appropriate for the single-family character of the residence.

- (9) *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.*

Satisfied. The proposed lighting will provide security for the residence, while enhancing its design and respecting the privacy of neighbors.

- (10) *Landscape and paving material shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.*

Satisfied. The landscaping proposed will enhance the overall aesthetic of the site plan design.

- (11) *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.*

Satisfied. The landscaping design for the residence, separate from and in addition to the project's overall landscape design, will include an appropriate buffer from adjacent properties and the abutting street.

- (12) 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).*

Satisfied. The design of the home is compatible with the pattern of development in the area, utilizing decorative treatments and consistent with the RM-1 development regulations.

- (13) 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.*

Satisfied. This is a single-family home located in an area exclusively for residential uses. The architectural treatments and buffering yield an integrated design that enhances both the abutting street and waterfront.

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

Satisfied. All mechanical equipment, stairwells, and elevator bulkheads are properly screened.

- (15) 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).*

Not applicable.

- (16) 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.*

The Applicant is requesting approval of the proposed transparency at the first level to allow for viewing of a car museum, which would add visual interest to the neighborhood.

- (17) 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.*

All design, screening, and buffering has been designed to ensure that there are no impacts on adjacent properties.

(18) In addition to the foregoing criteria, subsection 118-104(6)(1) of the city Code 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.

Not applicable.

V. Sea Level Rise Criteria

Further, the Application meets all applicable sea level rise and resiliency criteria set forth in City Code Section 7.1.2.4(a)(1), 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.

The windows installed in the home will be hurricane proof impact windows.

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

The proposed home will include passive cooling systems, including large sliding glass doors.

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

All landscaping will be Florida-friendly and resilient.

(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.

The proposed design was drafted with due consideration of the Southeast Florida Regional Climate Action Plan. We have also conducted a detailed study of the land elevation for both the subject property and surrounding properties.

(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 3 additional feet in height.

The ground floor, driveways, and garage ramping are engineered to be adjustable to future changes in the elevation of public rights-of-way and adjacent lands. The proposed design also accommodates the potential elevation of street height by up to 3 additional feet.

- (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 for the proposed development are above base flood elevation.

- (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. The existing structure will be demolished.

- (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 in General Ordinances.*

All habitable space is located above base flood elevation.

- (10) *As applicable to all new construction, stormwater 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 feasible and appropriate.

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

The proposed design contains ponds, gardens, and landscaped areas throughout the property, reducing the potential for heat island effects on-site.

VI. Conclusion

Based on the above, we respectfully seek your favorable review and recommendation of approval for the Application. If you have any questions or require additional information, please feel free to contact me directly at tslavens@lsnlaw.com or (305) 673-2585.

Respectfully submitted,

LSN LAW, P.A.



Tracy R. Slavens, Esq.

Enclosures