



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

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

RE: DRB23-0994 - Letter of Intent – Design Review Approval for
the Standard Hotel Located at 40 Island Ave, 1 Farrey Lane, and 2
Farrey Lane

Dear Mr. Belush:

This law firm represents Nomade Lido LLC (the "Applicant") with regard to the above-referenced property located on Belle Isle in the City of Miami Beach (the "City"). This letter serves as the required letter of intent in support of an application for design review approval, variances, and waivers for the Applicant's proposed redevelopment of portions of the existing hotel building.

Property Description. The subject property is located at 40 Island Avenue, 1 Farrey Lane, and 2 Farrey Lane on the north side of Belle Isle, north of Island Avenue, west of Farrey Lane, and east of Century Lane (collectively the "Property"). The Property is comprised of three (3) lots: 1) the original Hotel lot identified by Folio No. 02-3233-004-0090 (the "Hotel Lot"), which is approximately 101,500 (2.33 acres) in size; 2) the 1 Farrey Lane lot identified by Folio No. 02-3233-003-0010, which is approximately 3,125 square feet in size ; and 3) the 2 Farrey Lane lot identified by Folio No. 02-3233-003-0020, which is approximately 2,874 square feet in size. In sum, the three lots that comprise the Property are 110,261 square feet (2.53 acres) in size.

The original Hotel lot is improved with an existing legal nonconforming hotel building containing 105 hotel rooms (the "Existing Hotel Building"). The Existing Hotel building has a U-

shaped plan, comprised of a three (3) story south wing fronting Island Avenue, and two (2) projecting wings containing hotel rooms – the three (3) story west wing (the “West Wing”) and the one (1) story east wing (the “East Wing”). The Existing Hotel Building contains hotel rooms, as well as accessory uses such as spa, pool amenity deck, docks, restaurant, café, and bar. The 1 Farrey Lane lot contains a single-family residence originally constructed in 1941, which was most recently utilized as a day care/institutional use in connection with the Chabad of the Venetian Islands. The 2 Farrey Lane lot contains a single-family residence originally constructed in 1941.

The Property is designated for RM-1, Residential Multifamily, Low Intensity use pursuant to the City’s Future Land Use Map, and is also located within the RM-1, Residential Multifamily, Low Intensity Zoning District pursuant to the City’s Official Zoning Map. The Property’s existing hotel and accessory uses are grandfathered and legally nonconforming. Unique, multi-family-zoned single-family home sites abut the Property to the east and west, with some of these sites having been redeveloped as three (3) to five (5) story buildings for single family occupancy. To the west of the Property there is a six (6) story residential condominium building known as the “Vistas Condominium.” East of the Property, there is a five (5) story institutional building for use by the Chabad of the Venetian Islands, a five (5) story apartment building known as “Island Apartments,” and five (5) story apartment building known as “Bella Isla.”

Development History. The hotel’s East and West Wings were originally developed as the Monterrey Motel in 1953. The Hotel Lot was partially redeveloped in 1960, which resulted in the current configuration of the Existing Hotel Building, then known as the Lido Spa Hotel. In the mid-2000’s, the Existing Hotel Building was renovated and re-opened as the Standard Hotel. Since the mid-2000’s, the Hotel Lot has been the subject of the following Design Review Board (“DRB”) approvals:

- **File No. 23148** (April 7, 2015) - An application for construction of a new shade canopy for the existing hotel restaurant. The applicant obtained building permits and developed the shade canopy permitted by this approval.
- **DRB16-0059** (May 2, 2017) – An application for redevelopment of the East Wing with a new three-story east wing containing hotel units and ground floor parking, including a variance to reduce the required width of a drive aisle (the “2017 East Wing Redevelopment”). The 2017 East Wing Redevelopment has not yet been implemented.¹

¹ The validity of the 2017 East Wing Redevelopment has been repeatedly extended pursuant to Section 252.363, Fla. Stat.

- **DRB19-0539** (May 7, 2019) – An Application for exterior modifications to the Existing Hotel Building, including variances to reduce the required side yard and sum of side yard setbacks for the construction of an FPL Vault, and a variance to exceed the maximum height permitted for fences and gates.
 - **DRB19-0539** (June 4, 2019 Supplemental Order) – A supplemental order to clarify the permitted height of fences and gates approved under DRB19-0539.
- **DRB21-0689** (September 10, 2021) – An application to modify the previously approved variances to accommodate additional equipment required by FPL to serve the Belle Isle power grid. The applicant obtained building permits to implement the 2019 and 2021 DRB approvals.

The previously approved DRB Orders have been included with this submittal.

Redevelopment of Non-Conforming Use. The 2017 East Wing Redevelopment was facilitated by legislation amending the land use element of the City's comprehensive plan and Section 2.12.8 of the Resiliency Code. Pursuant to Section 2.12.8(c)(5) of the Resiliency Code:

Notwithstanding the provisions in this section 2.12.8, nonconforming buildings containing a nonconforming hotel use located on the north side of Belle Isle, and not within a local historic district, may be reconstructed to a maximum of 50 percent of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including, but not limited to, the number of hotel units and accessory food and beverage uses, the nonconformity of the building is lessened, and required parking for the reconstruction is satisfied within the property, resulting in an improved traffic circulation in the surrounding neighborhoods with a minimum reduction of 50 percent of the daily trips on adjacent two-lane, arterial roadways, and improving the resiliency of the building. The nonconforming use may remain.

This Application proposes to utilize Section 2.12.8 of the Resiliency Code to redevelop the East Wing, similar to the 2017 East Wing Redevelopment.

Proposed Project. The Applicant seeks to elevate the character of the Standard Hotel by renovating the existing three (3) story West Wing with updated hotel rooms, and redeveloping the East Wing into a new elegant mixed-use building containing modern hotel rooms and six (6) luxury residential units (the "Proposed Project").² Importantly, in accordance with Section 2.12.8(c)(5) of the Resiliency Code, the total number of hotel rooms will not be increased from the currently permitted 105 rooms, nor will the number of accessory uses. The Standard is working with a world-renowned design team that includes the Bjarke Ingles Group ("BIG Architects"), and Kobi Karp Architecture and Interior Design ("KKAID") to ensure that the proposed renovations and East Wing redevelopment are sensitive to the surrounding neighborhood and augment the Standard Hotel Property. The owner's vision for the Project is to upgrade the Standard into a wellness-oriented oasis boutique Hotel/Residences at a scale appropriate for the context of Belle Isle, while also reducing neighborhood impacts with internalized parking and loading operations.

West Wing. The renovations to the West Wing include combining rooms within the existing West Wing to provide for larger more elegant guest rooms. As currently proposed, the West Wing would hotel unit count would be reduced from 67 rooms to approximately 55 rooms, including conversion of a third level existing office/equipment room into a hotel room. In addition, the Standard will upgrade the finishes and appearance of the existing West Wing.

East Wing Redevelopment. The Applicant intends to replace the existing East Wing with a modern building containing spacious hotel rooms and six (6) exclusive luxury residences (the "New East Wing"). The New East Wing will provide 66 on-site parking spaces on the first level to satisfy the parking requirement for the six (6) proposed residences and approximately 50 reconstructed hotel rooms. The proposed New East wing is (5) levels: the first level will contain a parking garage, the second and third levels will contain the reconstructed hotel rooms, and the remaining two (2) levels will contain the proposed six (6) residential units.

The rooftop of the proposed New East Wing will provide three private rooftop decks associated with the three uppermost residential units within the New East Wing, and will be limited to use by residents and residents' guests. Hotel guests are not permitted to use the New East Wing rooftop amenities. The Applicant proposes the following operational conditions for the rooftop to ensure continued harmony with neighboring property owners:

² The residential component of the Project requires legislation to clarify that residential uses may be developed within the Property.

- Maximum of 40 persons permitted on the rooftop (only residents and guests); and
- Limits on hours of operation such that rooftop is open until 9PM on Sunday – Thursday and 10PM Friday and Saturday.

The design of the New East Wing is intended to be sensitive both to the Standard's famed interior gardens and the surrounding neighborhood. The proposed New East Wing is setback from the east property line to avoid overwhelming Farrey Lane, and the floor plates decrease in size at each level to create an effect in which the New East Wing leans away from the interior gardens. The design utilizes a V-shaped glazing pattern to create movement and break up the massing of building's horizontal facades. These ingenious design details ensure the continued flow of air and light within and around the Property.

The ground level parking area will be substantially screened to ensure no light or noise pollution to adjacent properties or the Property's interior gardens. By utilizing the ground level for non-habitable parking and storage uses, the proposed New East Wing elevates the lowest habitable space to 21' NGVD, more than 10' above Base Flood Elevation plus minimum freeboard (10' NGVD). The proposed new East Wing sits lightly on the Property due to the substantial glazing and layered design, and is of similar height as adjacent structures in the surrounding neighborhood, such as the Chabad of Venetian Isles' building and the Bella Isla apartments. The Proposed Project will preserve the majority of the existing landscaping within the famed hotel gardens and around the Property, and will rejuvenate landscaping where necessary. Accordingly, it is compatible with the existing as-built context of the north side of Belle Isle.

Notably, the Proposed Project includes the 1 and 2 Farrey Lane lots, which will be redeveloped in order to provide an adequate driveway to and from the first level parking garage, as well as a safe pedestrian entrance to the proposed Standard residences along the east side of the driveway. The driveway also allows for internalized loading and deliveries within a new covered loading structure. Currently, valet parking for the hotel occurs offsite in Sunset Harbor, and loading occurs on Islan Avenue. By providing internalized parking and loading, the Standard is substantially reducing traffic impacts on the adjacent roadways by eliminating valet trips to and from the offsite parking lot in Sunset Harbor, and reducing the frequency of on-street loading.

These 1 and 2 Farrey Lane lots will not be used to expand the hotel use in any way and cannot be used to increase the Standard's development rights (FAR or density). The only purpose that 1 and 2 Farrey Lane are proposed to serve is to provide improved vehicular and pedestrian circulation to and from the Property by allowing for internal

parking and loading. The 1 and 2 Farrey Lane lots will be substantially landscaped to create a buffer between the adjacent residential properties and the proposed driveway.

By introducing luxury residences and upgraded hotel facilities into the Property, the owners intend for the Standard to be a tranquil, wellness-focused Hotel/Residence that is more consistent and compatible with residential character of Belle Isle than the existing Standard Hotel. Moreover, the introduction of on-site parking and upgraded off-street loading facilities, the impacts caused by the operation of the Standard Hotel in a residential neighborhood will be substantially reduced.

Design Modifications. In response to staff concerns with respect to the impact of the New East Wing on the adjacent properties to the east located along Farrey Lane, the Applicant proposed the following design modifications:

- Introduction of vertical concrete brise soleil on east elevation elevator cores to break up massing and screen views facing east;
- Introduction of concrete brise soleil adjacent to fourth and fifth level east-facing windows and corresponding significant reduction of glazing;
- Modified rooftop configuration to be only accessible by the upper three residential units and significantly landscaped.

Analysis. The Proposed Project complies with Section 2.12.8(c)(5) of the Resiliency Code, which allows the non-conforming hotel uses to remain, as follows:

- *The building may be reconstructed to a maximum of 50 percent of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including, but not limited to, the number of hotel units and accessory food and beverage uses,*

The portions of the New East Wing containing hotel units are limited to 50% of the floor area of the Existing Hotel Building. The number of accessory uses is not proposed to be increased.

- *The nonconformity of the building is lessened,*

The proposed East Wing will reduce the nonconformity of the Existing Hotel Building by increasing the minimum unit size to comply with the requirements of the Resiliency Code. In addition, the New East Wing will comply with minimum required flood elevation. Further, the New East Wing will comply with the Resiliency Code in terms of height, setbacks, and parking. Therefore, the Proposed Project reduces the nonconformity of the Existing Hotel Building.

- *Required parking for the reconstruction is satisfied within the property, resulting in an improved traffic circulation in the surrounding neighborhoods with a minimum reduction of 50 percent of the daily trips on adjacent two-lane, arterial roadways; and*

Required parking for the hotel and residential units in the proposed New East Wing will be satisfied by the parking spaces proposed on the ground level. Inclusion of parking within the Property reduces impacts on the surrounding roadway network by decreasing the number of vehicle trips going to and from the existing satellite valet parking lot located half a mile away in the Sunset Harbor neighborhood.

- *The resiliency of the building is improved.*

The proposed New East Wing improves the resiliency of the Existing Hotel Building by elevating a substantial portion of the hotel units and all of the residential units well above base flood elevation plus freeboard. In addition, the New East Wing will comply with modern resiliency requirements, including energy efficiency standards, hurricane resistance standards, and the heat-island effect ordinance.

Project Cost Estimate. The Applicant estimates the cost to develop the Proposed Project will be approximately \$61,000,000.00.

Requests. In order to achieve the Proposed Project, the Applicant respectfully requests the following waiver and variances:

- 1) A waiver pursuant to Section 7.1.2.2.(c)(2)(A) of the Resiliency Code to permit a minimum height of 10'-0" between Base Flood elevation plus minimum freeboard (10' NGVD) and the underside of the first-floor slab.
- 2) A variance from Section 7.2.4.3(a) of the Resiliency Code to permit a sum of side yard setback of 30'-5" where 37'-2" is required;
- 3) A variance from Section 7.2.4.3(f) of the Resiliency to permit aggregation of three (3) contiguous lots where a maximum of two (2) lots are permitted.³

Waiver Analysis. The stated purpose of the Resiliency and Adaption Standards of Section 7.1.2.2. of the Resiliency Code are to ensure the buildings have a long life and "loose fit" so that they may be retrofitted to accommodate raising of streets. The waiver to permit a minimum clear height of 10' between base flood elevation plus minimum freeboard and the first-floor slab is consistent with the intent of the Resiliency Code because of the substantial distance between the East Wing garage entrance the nearest public roadway that may be raised – Island Avenue. If Island Avenue were to be elevated, the grading of the driveway approach to the New East Wing garage could accommodate the change in elevation without negative impacts to the New East Wing. Notably, the New East Wing is being developed within a Property that contains existing buildings built below Base Flood Elevation. The requested waiver allows the Property to more appropriately harmonize the design of the New East Wing with the Existing Hotel Building, while still allowing for the adaptability intended by the Resiliency Code.

Satisfaction of Hardship Criteria. The Proposed Project satisfies the hardship criteria in Section 2.8.3. of the Resiliency Code 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 Property is an irregularly-shaped lot with existing buildings developed in 1960. The shape of the Property at the front setback line results in a lot width of 232'-2", however the pie-shaped lot widens towards the northern end of the

³ The proposed Farrey and Century Lane overlay legislation would obviate the need for this variance request as it would expressly allow for aggregation of the Property with 1 and 2 Farrey Lane for traffic circulation improvement purposes. Should legislation be adopted that eliminates the need for the variance, the Applicant will withdraw the request.

Property, meaning the Property is widest at the front and rear setbacks, and narrowest on the central portion of the lot where the Proposed Project is being developed. Notably, the Existing Hotel Building is setback only 11'-8" from the western property line at the southern end of the Property. The Existing Hotel building contains no parking, and no space for introduction of parking to serve on-site uses. These characteristics amount to special conditions and circumstances peculiar to the Property involved not applicable to other properties in the same zoning district.

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

The irregular shape of the Property, the existing nonconforming setback, and lack of on-site parking does not result from any action of the Applicant. The lots on the north side of Belle Isle were platted as deep pie-shaped lots with narrowing property lines as one moves north.

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;

Granting the requested variances will merely allow the Applicant to reasonably develop the irregularly-shaped Property while retaining the existing legal nonconforming setback on the west side of the Existing Hotel Building, as well as aggregate lots to allow adequate circulation for parking, which does not amount to any special privilege denied by the land development regulation to other lands, buildings or structures in the same zoning district. The provided 18'-9" setback on the north side complies with the required minimum side interior setback (8% of lot width), but due to the width of the irregularly-shaped portion of the lot at the front setback, the Property cannot achieve the required sum of side yard setback (16% of lot width),

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;

Literal interpretation of the provisions of the land development regulations deprives the Applicant of the right to reasonably renovate and redevelop portions of the Existing Hotel Building on the irregularly-shaped Property consistent with the allowance expressly permitted by the comprehensive plan and Resiliency Code. In addition, it deprives the Applicant of the ability to provide on-site parking, which is right enjoyed by other owners of commercial property in the RM-1 District. Preventing reasonable renovation and aggregation of lots to provide driveway access to required parking for uses within the Property would work an unnecessary and undue hardship on the Applicant. The Applicant is complying with the requirements of the Code with respect to required side interior setbacks and providing required parking for the newly developed hotel units and residences, however strict compliance with the sum of side yard setback requirement and lot aggregation limits would be the Proposed Project infeasible.

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

The requested variances are the minimum variances that make possible the reasonable renovation of the Existing Hotel Building and provision of adequate vehicular and pedestrian circulation within the Property. The Applicant is complying with the required minimum side interior setback and providing required parking for the reconstructed hotel rooms and new residences, thereby reducing the Property's degree of nonconformity. The modest variance requests merely seek to make the narrow portion towards the center of the irregularly-shaped lot buildable such that a resiliently-designed mixed-use structure with on-site parking can be developed. Notably, the provision of on-site parking will significantly reduce the number of vehicle trips accessing adjacent roadways by keeping valet circulation on-site rather than taking vehicles to the existing off-site parking lot.

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 requested variances are consistent with the general intent and purpose of the Resiliency Code as the requested variances permit a project that is expressly permitted by Section 2.12.8(c)(5) of the Resiliency Code. The Proposed Project does not result in any increase in nonconformity of the Existing Hotel Building, nor does result in any injury to the public welfare. To the contrary, the Proposed Project results in a decrease in traffic impacts to adjacent roadways, and improves the compatibility of the hotel with the surrounding neighborhood. The requested variances allow the Applicant to improve the Property in a manner that mitigates the impacts of the legal nonconforming hotel use.

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

Granting the requested variances is consistent with Policy RLU 1.1.5, which expressly permits reconstruction of hotel units and introduction of parking for existing hotel buildings on the north side of Belle Isle.

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 granting of the requested variances will facilitate redevelopment of structures that are developed with habitable levels below Base Flood Elevation with a building that complies with minimum flood elevation requirements, in accordance with the sea level rise resiliency review criteria. The lowest habitable areas in the Proposed East Wing are located above Base Flood Elevation plus maximum freeboard, making the building much more resiliency to rain and tide induced flooding than the existing one-story east wing that is developed at grade.

Compliance with Section 7.1.2.4 Sea Level Rise Review Criteria. The Proposed Project complies with the City's Sea Level Rise Review Criteria in Section 7.1.2.4(A)-(L) of the Resiliency Code as follows:

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

The Applicant shall provide a recycling or salvage plan for the proposed demolition at the time of building permit.

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

The New East Wing will be developed with hurricane impact windows.

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

The Applicant shall incorporate passive cooling systems such as operable windows within the proposed design where appropriate and feasible.

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

The Applicant intends to preserve the majority of the Florida native and Florida-friendly landscaping that exists within the Property. To the extent new landscaping is introduced, it will be resilient Florida-native or Florida-friendly landscaping.

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.

The Applicant has considered the sea level rise projections and studied the elevation of the Property and surrounding properties. Notably, the Proposed Project features new hotel units and residential units more than 10' above Base Flood Elevation plus maximum freeboard.

- 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, driveways, parking structure, are designed to be adaptable to future road raising projects by providing adequate length to allow grading of the proposed driveway in response to changed grading of the surrounding roadway network.

- 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.**

All mechanical and critical electrical system proposed within the New East Wing are located above base flood elevation. To the extent feasible, the Applicant will relocate existing mechanical and electrical equipment to base flood elevation.

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

It is likely not feasible or economically appropriate to elevate the Existing Hotel Building to Base Flood Elevation plus freeboard. However, all new construction is proposed at Base Flood Elevation plus freeboard.

- 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.**

The Proposed Project will comply with the requirements of Chapter 54 of the General Ordinances with respect to flood proofing of existing buildings.

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

The stormwater generated by the New East Wing will be retained on-site.

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

The Applicant proposes using cool pavement, significant landscaping, and permeable materials to improve stormwater retention on-site.

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

The proposed design uses substantial glazing and high-albedo surfaces to minimize the potential for heat island effect on-site.

Transportation Department Review. The Applicant has coordinated with the Transportation Department with respect to a proposed traffic study methodology to quantify the reduction in traffic that will result from development of the Proposed Project. The methodology was approved and the Traffic Impact Analysis has been submitted to the Transportation Department for review.

Conclusion. The Proposed Project will elevate the Standard Hotel and improve the compatibility of the existing hotel use with the surrounding residential neighborhood. The proposed design is sensitive and respectful of the surrounding context, and the requested waiver and variances are justified under the standards of the Resiliency Code. Accordingly, we respectfully request your favorable review and recommendation with respect to the Proposed Project. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Larkin', with a long horizontal flourish extending to the right.

Michael Larkin

CC:

Miguel Isla
Nicholas Rodriguez, Esq.