

May 31, 2024

VIA ELECTRONIC & PHYSICAL DELIVERY

City of Miami Beach Planning Board
c/o Mr. Thomas Mooney
City of Miami Beach, Planning Department
1700 Convention Center Drive
Miami Beach, Florida 33131

Re: Final Submittal / Letter of Intent for Planning Board Application File No. PB24-0669 (the “Application”) / Properties located at 16, 18, 22 and 24 La Gorce Circle, Miami Beach, Florida (collectively, the “Property”)

Dear Planning Board Members:

Our firm represents the M. Lee Pearce Living Trust dated December 22, 2000, as amended (the “**Applicant**”), the owner of the Property. Please accept this letter of intent accompanying the Application requesting lot split approval of 16 La Gorce Circle to reflect existing, City approved as-built conditions (the “**Application**”).

I. The Property

The Property is located within the La Gorce Island neighborhood and is comprised of four (4) separate City permitted “lots” (as explained in more detail below). The Property is identified by Miami-Dade County Folio Nos. 02-3210-003-0090 and 02-3210-003-0080, and is located within the RS-2, Single Family Residential zoning district. According to that certain boundary survey prepared by J. Bonfill & Associates, Inc., dated April 29, 2024, a copy of which is enclosed, the Property contains a total of 124,788 +/- square feet or 2.86 +/- acres of land and is comprised of Lots 8, 9, 10, 11, 12, 12A and Lot 14 less the West ½ thereof within Block 1 of the La Gorce Island Plat, as recorded in Plat Book 34, Page 83 of the Public Records of Miami-Dade County, Florida.



The Property is improved with three (3) single-family homes and a private park/gazebo fronting Biscayne Bay. From a deed/acquisition perspective, the following chart outlines the date of initial acquisition for each parcel:

| | | |
|----------------|--------------------------------------|--------------------|
| Lot 16 (Red) | January 28, 2008 | ORB 26607, PG 266 |
| Lot 18 (Blue) | July 14, 1983 | ORB 11849, PG 105 |
| | *January 5, 2009 (transfer to trust) | ORB 26706, PG 4377 |
| Lot 22 (Green) | October 10, 2008 | ORB 26607, PG 262 |
| Lot 24 (Black) | October 10, 2008 | ORB 26607, PG 258 |

*Color references to the property image below.

Applicant has owned the lots for many years, and as shown in the image below, the lots are maintained in their existing conditions as approved by the City of Miami Beach as separate development sites. Note, the “Park” or “Gazebo” parcel outlined in black below is unified with the Green parcel as a gazebo is not allowed as a primary use and was therefore approved by the City of Miami Beach as a unified site with the Green lot through a Unity of Title Agreement (“UT”) recorded in Official Records Book 13915, Page 3076 of the Public Records of Miami-Dade County, Florida. Public and vehicular access to each lot is through its own respective frontage and gate. Additionally, the controlling association considers the Property as separate lots. Neither the Applicant, nor its predecessors in title, have ever requested from the City, nor has the City ever approved, a unified development site for the collective Property for zoning purposes (other than the UT) pursuant to the terms of the City’s Resiliency Code (the “**Resiliency Code**”). Notwithstanding the foregoing, Applicant respectfully requests a lot split to separate Lot 16 from the Property pursuant to the terms of Section 2.5.4.2 of the Resiliency Code.



II. Lot Split Request

The proposed lot split results in lot sizes consistent with the City's Resiliency Code and comparable with the immediately surrounding lots on La Gorce Island. The resulting lot dimensions would be as follows:

| Property | Lot Size |
|--------------------------------|-----------------|
| 16 La Gorce Circle | 20,275 SF |
| 18, 22, and 24 La Gorce Circle | 104,513 SF |

Table 1

As shown in Table 2, below, 16 La Gorce Circle fits well within the context of similarly situated, single-platted waterfront lots as the proposed lot size of 20,275 square feet fits harmoniously within the lot sizes of the single platted waterfront lots located on the Island, and specifically a few of the neighboring lots.

| Property | Lot Size |
|---------------------|-----------------|
| 14 La Gorce Circle | 20,300 SF |
| 12 La Gorce Circle | 20,300 SF |
| 6 La Gorce Circle | 20,400 SF |
| 6595 Pine Tree Lane | 18,915 SF |

Table 2

III. Lot Split Review Criteria

The proposed lot split is consistent with the criteria under Section 2.5.4.2 of the Resiliency Code, as described below.

- 1. Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.*

Satisfied; The lots will be divided in such a manner that exceeds the minimum requirements of the applicable land development regulations for RS-2 zoned properties. Section 7.2.2.3(b)(1) of the Resiliency Code provides that the minimum required lot area is 18,000 square feet. The proposed resulting lots will be greater than the minimum required. Section 7.2.2.3(b)(1) of the Resiliency Code also provides that the minimum lot width of seventy-five (75) feet in size. The proposed resulting lot widths will be greater than the minimum required.

- 2. Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.*

Satisfied; The resulting building sites will be consistent with the existing building sites and of the same character as the surrounding area. As shown in Table 2, above, the building sites of the single platted waterfront lots located adjacent to 16 La Gorce Circle are similar in size to the resulting building site, thus ensuring consistency with the character of the surrounding area.

3. *Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.*

Satisfied; The scale of the existing homes are compatible with the as-built character of the surrounding area. The Applicant is not proposing any new construction. However, the enclosed massing study confirms any potential future construction would be compatible with the massing and scale of the surrounding homes. Specifically, the abutting neighbor at 14 La Gorce Circle contains a 2-story, 10,000 square foot home.

4. *Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.*

Satisfied; The proposed building site retains its original platted boundary and the existing home, as permitted by the City through historical permit records. Any non-conformity that exists today, and remains unchanged, is not affected by this Application.

5. *Whether the building site that would be created would be free of encroachments from abutting buildable sites.*

Satisfied; The building sites created by the lot split will be free of encroachments from abutting buildable lots. There are no existing or proposed encroachments.

6. *Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 7.2.2.4.a.*

Satisfied; Applicant is not proposing any new construction. Therefore, there are no adverse impacts to the existing homes.

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

Satisfied; To the extent applicable, all future construction will comply with sea level rise and resiliency review criteria.

IV. Sea Level Rise and Resiliency Review

The proposed lot split supports the review criteria for compliance with the City's recently adopted sea level rise and resiliency criteria as provided in Section 7.1.2.4.a of the Resiliency Code.

- (i) *A recycling or salvage plan for partial or total demolition shall be provided.*

In the event of future demolition, a recycling plan will be provided.

- (ii) *Windows that are proposed to be replaced shall be hurricane proof impact windows.*

All new windows will be hurricane proof impact windows.

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

Passive cooling systems, such as operable windows and balcony doors, may be installed as appropriate.

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

All new landscaping will consist of Florida friendly plants.

- (v) *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.*

Future owners and developers of the Property will need to consider the adopted sea level rise projections and the land elevations of the subject property and surrounding properties.

- (vi) *The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.*

Again, no new construction is proposed at the Property. However, future construction will take into account possible raising of the right-of-way.

- (vii) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation with room to raise.*

Mechanical and electrical systems will be located above BFE in future renovations, additions, or new structures.

- (viii) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.*

Existing buildings are intended to remain, but future buildings will be elevated above BFE + Freeboard.

- (ix) *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 of the City Code.*

To the extent applicable, newly constructed habitable space below BFE + Freeboard will be wet or dry flood proof as appropriate.

- (x) *Where feasible and appropriate, water retention systems shall be provided.*

New construction will explore various water retention systems.

V. Conclusion

The Applicant is requesting lot split approval for the property located at 16 La Gorce Circle. Based on the foregoing, we respectfully request your favorable consideration of this Application. If you have any questions or comments, please give me a call at (305) 579-0784.

Sincerely,



Ethan B. Wasserman, Esq.

Enclsoures:
David J. Butter, Esq.