

PARDO LAW PLLC

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May 4, 2025

Via Electronic Submittal

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

File No.: DRB25-1095

RE: Updated Letter of Intent – Design Review Approval for Single Family Home Located at 6 & 7 Farrey Lane (pursuant to Resolution 2024-33401)

Dear Mr. Madan:

I represent MMS 7 Farrey LLC and Farrey Ln DG Master Plan LLC, Tenants in Common (“Owner”) which together own 6 and 7 Farrey Lane, Miami Beach, Florida (separately, the Properties and, collectively, the “Property”) described on the attached **Exhibit A**. The Properties are divided by the City right-of-way (Farrey Lane) which ends at a dead end on the western side of the street. Owner has applied, and the City has unanimously approved pursuant to Resolution No. 2024-33401 dated November 20, 2024 (“Resolution”), the purchase of an air rights easement from the City so that Owner can construct a unified, single-family home on the Property (the “Easement”). This letter serves as the required letter of intent in support of an application for design review approval for the Owner’s project and is sent with the **unanimous support of the City Commission**.

Owner purchased the Properties in late 2021 with plans to build a unified site plan with a single-family home¹ in accordance with current land use regulations. The development plan contemplates an air bridge over the City’s right-of-way, for which the Owner has obtained the City’s approval for the conveyance of the Easement pursuant to the above referenced Resolution. Detailed architectural plans are enclosed herewith. Owner anticipates that this Project will benefit the entire Belle Isle community, including all of the condominiums on Belle Isle and the rest of the owners on Farrey Lane. Owner has the approval of nearly all Farrey Lane stakeholders who support the Project.

6 Farrey Lane (Folio 02-3233-003-0060) is a 3,092 sq. ft. lot and currently has an approx. 1100 single family home on site originally built in 1941; 7 Farrey Lane (Folio 02-3233-003-0070) is a 4,222 sq. ft. vacant lot. To the direct west of the Property is The Standard Hotel. Unique, multi-

¹ Owner’s current cost estimate is between \$12 - \$15 Million (~\$1,200/ft - \$1,600/ft) and subject to change.

family-zoned single-family home sites abut the Property, with some of these sites having been redeveloped as three (3) to five (5) story buildings for single family occupancy. In close proximity to 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.” The Property is zoned RM-1 (low density multi-family residential) on 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 Zoning Map. That notwithstanding, Owner intends to keep the Property as a single-family home. By developing the home, Owner intends to elevate the stature of Farrey Lane and improve the quality of life of its neighbors. Pursuant to a March 19, 2024 Appraisal report, and Aa part of the City’s approval of the Easement, Owner committed to a public benefit of **\$803,250.00**, which will be paid **directly to the City of Miami Beach** pursuant to that certain *Grant of Easement for Air Rights* appended to the Resolution. Owner intends to build within the City’s current development regulations, and is **not requesting any FAR, density, or height increases**.

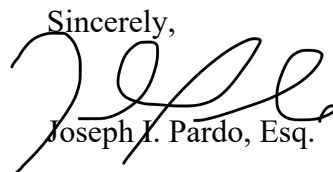
On June 28, 2024, Owner presented the Project to FERC. In support of the Project, Owner provided FERC with letters of support from 65% of all of Farrey Lane, including the owner of both of the applicant’s direct next-door neighbors at 5 and 8 Farrey Lane, respectively. **FERC unanimously recommended the item to the full City Commission.**

On October 2, 2024, City Staff prepared a Planning Analysis which **approved** the Easement and **confirmed its consistency with the City’s Comprehensive Plan.**

On October 30, 2024, Commission **unanimously approved the Resolution First Reading.**

On November 20, 2024, Commission **unanimously approved the Resolution Second Reading.**

Enclosed are (i) Variance² Hardship Criteria; (ii) Design Review Criteria; and (iii) Seal Level Rise and Resiliency Criteria. In furtherance of the Resolution, we respectfully request that the Design Review Board approve the Project.

Sincerely,

Joseph I. Pardo, Esq.

Encl.

² A variance is required from the setback requirement in City Code §142-156 to accommodate two structural columns on Lot 7 only. See Architectural Plans at A-0.0 (Zoning Data Sheet) and 2.8, 2.09, & 2.10 (Variance Diagrams)

Variance Hardship Criteria: Section 142-156 of the City Code sets out the required setback in the RM-1 district. A variance is required from the setback requirement in City Code §142-156 to accommodate two structural columns on Lot 7 only. See Architectural Plans at A-0.0 (Zoning Data Sheet) and 2.8, 2.09, & 2.10 (Variance Diagrams). The Project satisfies the hardship criteria set forth in Section 2.8.3 of the Miami Beach 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

Satisfied. Owner requires a ministerial variance on Lot 7 only to accommodate two (2) columns that support the Resolution-approved skybridge within the required setback. See variance diagrams enclosed within the architectural drawings for more detail.

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

Satisfied. The need for the structural columns results only from the need of the air rights sky bridge that has been approved by Resolution 2024-33401

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

Satisfied. The variance, and specifically the structural support columns within the setback, do not offer any special privilege or benefit to Owner.

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.

Satisfied. The setback is literally interpreted, and the structural columns are architecturally necessary; absent which the Project could not be built. If the Property was continuous, there would be no need for setback variance.

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

Satisfied. Owner requires a ministerial variance on Lot 7 only to accommodate two (2) columns that support the Resolution-approved skybridge within the required setback. The variance sought is the minimum required to make the structure architecturally feasible.

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.

Satisfied. The structural columns are in concurrence with the overall design aesthetic of the Project, and otherwise not injurious to the land, the public welfare, or otherwise.

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.

Satisfied. The ministerial variance request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in 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.

Satisfied. The Project complies with sea level rise and resiliency review. See below

* * *

Design Review Criteria: The Project satisfies the design review criteria set forth in Section 2.5.3.1 of the Miami Beach Resiliency Code, as follows:

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

Satisfied. Vegetation and trees will be incorporated throughout the Property and within each level of the design.

(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.

Satisfied. The ministerial variance requested will not impact the character of the surrounding neighborhood.

(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.

Satisfied. The design of the home is reasonable compared to the pattern of development on Belle Isle and seeks variances only where necessary to accommodate the Resolution-approved skybridge.

(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.

Satisfied. The structure and landscaping have been designed to enhance the character of the neighborhood.

(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.

With the exception of the ministerial variance requested as part of this Application, the proposed site plan satisfies all standards of the City's Resiliency Code.

(f) 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 residence is compatible with the character of Belle Isle.

(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.

Satisfied. The design of the home proposes the most efficient use of the Property while providing for the safety and security of its occupants.

(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 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 proposed residence is at the dead-end of the street and proposes no interference with traffic flow. Reducing the current homes to a single dwelling unit will also reduce the vehicular traffic on Farrey Lane. As the design also creates ample parking within the Property, this will further enhance the current traffic on the street.

(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.

Satisfied. The proposed lighting will ensure safety and will complement the appearance of the proposed residence.

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

Satisfied. The landscaping and paving have been designed specifically to enhance the overall site plan.

(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.

Satisfied. Vehicles will be parked within the Property, in the provided garage and driveway.

(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).

Satisfied. The proposed residence is sensitive to and compatible with the surrounding area.

(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.

Satisfied. The proposed residence is a single-family home and will enhance the character of the neighborhood.

(n) 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.

(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).

Not Applicable. The existing improvements on the Property will be demolished.

(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.

Satisfied. The design is appropriate for the single-family character of the structure and with the scale of development in the neighborhood.

(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.

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

(r) In addition to the foregoing criteria, section 104-6 (t) the General Ordinance 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

(s) The structure and site comply with the sea level and resiliency review criteria in chapter 7, article 1, as applicable.

Satisfied, see below.

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Sea-Level Rise and Resiliency Criteria: The Applicant has carefully considered sea-level rise protections and resiliency measures, and the proposed Project has been designed, and will be developed, to ensure resiliency and protection from sea-level rise and storm surges. Further, the Application meets all applicable sea level rise and resiliency criteria set forth in Miami Beach Resiliency 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 or salvage plan for demolition of the existing structure will be provided as and when required.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied. All proposed windows will be hurricane proof impact windows.

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

Satisfied. The Applicant is providing passive cooling systems where feasible and appropriate.

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

Satisfied. The Applicant is considering resilient landscaping, where feasible and

appropriate, to incorporate into the landscape design.

(5) 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.

Satisfied. Adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, including a study of land elevation and elevation of surrounding properties, were considered and the appropriate principles were incorporated into the Project design.

(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.

The ground floor and driveways are adaptable to the raising of public rights-of-ways and adjacent land.

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied. All Mechanical and Electrical systems will be above the Design Flood Elevation.

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

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 of the City Code.

Not Applicable.

(10) Where feasible and appropriate, water retention systems shall be provided.

All stormwater will be retained on the property as per City of Miami Beach requirements, which will be calculated and designed during the permit process.

(11) Whether cool pavement materials or porous pavement materials shall be utilized.

The Applicant will utilize cool pavement materials or porous pavement materials where feasible and appropriate.

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

Satisfied. The Applicant has designed the Project to minimize the heat island effects on-site, through the use of cooling massing and design materials, and addition of landscaping to

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provide further shade.

Exhibit A
Legal Description

Lot 6, SECOND SECTION BELLE ISLE VILLAS, according to the Plat thereof, recorded in Plat Book 42, Page 100, of the Public Records of Miami-Dade County, Florida

Folio No. 02-3233-003-0060

Address: 6 Farrey Lane, Miami Beach, Florida 33139 (**“Lot 6”**)

Lot 7, SECOND SECTION BELLE ISLE VILLAS, according to the Plat thereof, recorded in Plat Book 42, Page 100, of the Public Records of Miami-Dade County, Florida

Folio No. 02-3233-003-0070

Address: 7 Farrey Lane, Miami Beach, Florida 33139 (**“Lot 7”**)