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Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Letter of Intent for Modification of DRB 22-0859, Approval of Single-Family Residence Located at 4-6 Star Island, Miami Beach, FL

Dear Mr. Mooney:

This firm represents Brian Bilzin as Trustee (the "Applicant") of the 6 Star Island Residence Land Trust Agreement and Trust No. 2401-3302-00, under which the properties located at 4, 5, and 6 Star Island, Miami Beach, FL (the "Property") are held. Please accept this correspondence as the Applicant's letter of intent in connection with the attached plans and application seeking review and approval by the City of Miami Beach (the "City") Design Review Board ("DRB") of a proposed modification to the previously approved application ("DRB22-0859"). The design team has worked through substantial compliance issues with the Planning Department staff for a majority of the changes to the home identified in the attached plans, but we are coming before you seeking a modification based upon code changes, approved on February 3, 2025, that now allows a building height of 34 feet for understory homes with a flat roof in the RS-1 District. In reviewing the plans alongside the Resiliency Code between the first and final submittal we also identified new variances that may be required for the proposed design which are addressed in turn below.

In 2022, the DRB approved DRB22-0859 permitting the construction of a modern, uniquely designed two-story, single-family understory home on the Property. This approval included several variances which are being maintained, and not modified or increased, by this modification application. Those approved variances, for reference, included: 1) a variance to allow the understory to be substantially enclosed on the east side when 50% is required to be open; 2) a variance to reduce the required 5'-0' setback from each side of the underneath of the slab of the first habitable floor above for all decking, gravel, pavers, non-supporting breakaway walls, open wood lattice work, louvers or similar architectural treatments to a 0' 0" setback; and 3) a variance to exceed by 3'-0" the maximum height allowed of 10'0" feet above the roofline in order to construct an elevator bulkhead up to 13'-0" above the roofline. The attached architectural plan set shows the previously approved DRB22-0859 sheets, including the 2022 sheets for the approved variances, alongside the proposed changes to the design requested in this modification application.

The Property is extraordinary, even by Star Island standards, at approximately 120,000 square feet. This modification application is truly minor in nature. In fact, while some adjustments have been made to the placement and configuration of the main understory home and guest house, the overall lot coverage and unit size are actually decreasing. Thus, but for the new variances and DRB approval for additional building height that is now permitted for understory homes, we believe all of the modifications could have been approved administratively. This legislative change approved by the City Commission in February of this year permits a base maximum height for flat roof understory homes of 31 feet (previously 28 feet) and allows by waiver approved by the Design Review Board an additional three feet to a total height of 34 feet.[1] This additional building height will provide even greater resiliency through an increase in the finished floor height of the understory home and appropriate ceiling heights for a home of this nature. As a result, Applicant is requesting DRB review of a modification to the DRB22-059 approval in order to increase the building height of the understory home from 28 feet to the new maximum allowed building height of 34 feet.

The vision for the property remains the same as originally approved by the DRB. It fuses sleek technical lines with fluid organic forms inherently found in nature. It is a warm and welcoming home embedded within a garden. The land gently sweeps upward in a dramatic green 'roofscape' towards a minimal yet sculptural second floor pavilion towards the rear of the property. Its elegant form and proportion are designed to reduce the perceived scale of the home and to compliment and contrast with the living pavilions embedded within the garden below.

The project intentionally emphasizes the extraordinary landscaping on the site, designed by the renowned Raymond Jungles. The rear yard includes an 8 foot wide walkway to the bay and boat dock area with seamless connectivity to the cabana and pool area. The main residence is set extremely far back from West Star Island Drive to create a sense of privacy. In order to ensure the house is both sustainable and resilient, the design includes the allowable five feet of freeboard, which in turn allows the parking for the home to be provided in the understory area under the home.

I. New Waiver for Commission Approved Maximum Building Height of 34 Feet

In February, the City Commission adopted new legislation amending the Single Family Residential District regulations to increase the height limit for understory homes. Previously, the maximum building height for a flat roofed understory home in the RS-1 District was 28 feet. Since the RS-1 and RS-2 districts already had a higher maximum height allowance of 28 feet, the DRB has often allowed understory homes on these properties to add up to an additional 3 feet, not to exceed 31 feet. The new ordinance increased the maximum building height to 31 feet and maintained the same ability for the DRB to allow understory homes to add up to an additional 3 feet, not to exceed 34 feet. As such, the Applicant is seeking the approval to utilize this new Commission approved building height for this project to a maximum building height of 34 feet.

[1] The Resiliency Code previously allowed for this same three feet of additional building height by waiver from 28 feet to 31 feet; thus, in increasing the maximum building height for flat roof understory homes to 31 feet, the City Commission simply retained the ability for the Design Review Board to grant this additional three feet.

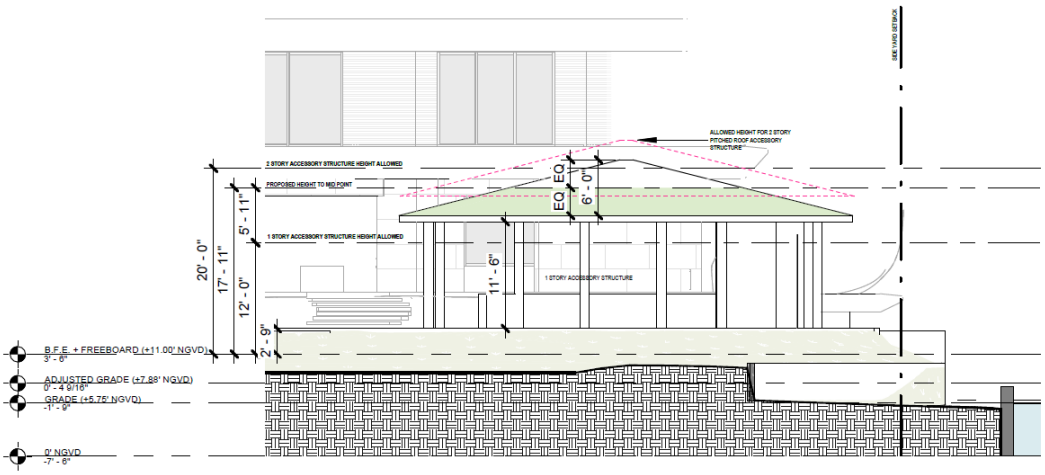
As noted above, this Property is truly unique, even for Star Island standards. The property at approximately 120,000 SF is four times the minimum lot size in the RS-1 District and this home is setback approximately 200 feet from Star Island Drive. Combined with the lush landscape and specimen trees being brought into this project, even at 34 feet, this magnificent home will be nearly invisible from Star Island Drive and heavily screened from the neighbors' views.

This additional building height will ensure livable and climate responsive ceiling heights for the understory area as this new design will meet the new minimum understory ceiling height of nine feet. It also allows for a better design as the additional three feet will be mostly utilized to accommodate enlarged structural components and mechanical equipment within the roof terraces without sacrificing interior floor to ceiling height within the home.

II. New Variance Requests:

1. **Accessory Structure Height:** Pursuant to Subsection 7.2.2.3(b)(12)(B) of the Code, accessory structures are permitted to be a maximum height of two stories and 20 feet; however, one-story accessory structures are limited to a maximum height of 12 feet.

   The Applicant is requesting a five (5) foot height variance for the one-story cabana accessory structure which stands at 17 feet 11" tall despite being a single story structure. It should be noted that although a variance is required since it's a single story accessory structure, a taller twenty foot (20') two-story structure would be permitted in its place without a variance. The diagram included in the plans shows the permitted two-story accessory structure height in pink relative to the proposed cabana height.



Additionally, the cabana is in the rear of the Property near the pool and is set on a lower terrace area behind the understory home; thus, the elevation change minimizes its height in relation the home beyond. Finally, Raymond Jungles has designed lush side yare landscape to further screen the cabana from the neighbor's view.

2. **Front Yard Driveways Not Set in Sand:** Pursuant to Subsection 7.2.2.3(b)(1), Footnote (6), of the Code, "[a]ll allowable exterior walkways and driveways within the front … yard[] shall consist of pavers set in sand or other semi-pervious material. The use of concrete, asphalt or similar material within the required front or street side yards shall be prohibited."

   The Applicant is requesting a variance for the driveway paving located within the front yard, to consist of large format coral stone paving set on concrete. However, the Applicant is utilizing a unique strategy which we believe meets the intent of the Code. Rather than simply supporting these pavers with a uniform concrete slab, the Applicant has designed a special concrete grid foundation which will have 20-25% voids in the concrete, thus it will be ***semi-pervious*** allowing water to penetrate down through the coral pavers through the voids in the concrete and into the ground. This strategy meets the intent of the code while allowing the use and appropriate support system for this unique, large format coral rock paver material.

   This concrete-based support system is required in order to provide the necessary strength to support the spans of large format coral pavers proposed and to mitigate the potential cracking and failure of the large format coral stone slabs under heavy loading conditions. The coral stone pavers comply with the requirements of the City's resiliency code and were selected to match the paving on the rest of the driveway leading up to the house. The coral stone pavers are an indigenous, natural material in keeping with the landscape plans for the Project.

3. **Understory Pavers Not Set in Sand:** Pursuant to Subsection 7.2.2.3(b)(6)(G) of the Code, "[a]ll portions of the understory area that are not air-conditioned shall consist of pervious or semi-pervious material, such as wood deck, gravel, or pavers set in sand. Concrete, asphalt and similar material shall be prohibited within the non-air-conditioned portions of the understory area."

   The Applicant is proposing to utilize the same large format coral stone pavers in the understory that are being used in the driveways and, therefore, the Applicant is utilizing the same voided concrete grid system to provide the necessary support for these pavers while also meeting the semi-pervious requirement of the Code.

In order to authorize the requested variances, the Design Review Board shall review the following criteria:

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;

   This Property is extraordinary, even by Star Island standards, which are already unique and exceptional when compared to anywhere else in Miami Beach. The typical lot on Star Island is 100 feet x 400 feet – substantially larger than anywhere else in the City. This Property is 300 feet by 400 feet. The application of generic RS-1 regulations applicable to other areas of the City creates hardships and conditions unique to this Property and effectively deprives this Property of the same rights enjoyed by other properties. As for the

cabana, while the Applicant requires a variance, the cabana height is actually lower than what could otherwise be built by right if the Applicant included a two-story cabana rather than the proposed one-story cabana. This variance is softened further by the unique lot and design of the home and landscaping as discussed in detail above.

As for the front yard driveway and understory, the Applicant has designed this project to include extraordinary materials, utilizing large format coral stone paving. The Applicant could have used a lesser quality paver set in stand, but that would not be consistent or compatible with the quality of the design of this project. These large format coral pavers simply require special foundational support and the Applicant has gone to great lengths to design a voided-concrete support structure that will both be semi-permeable and provide the necessary support to these spectacular pavers.

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

   None of special conditions or circumstances are the result of the action of the Applicant. The Property is truly unique.

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;

   As described in 1) above, granting the requested variances will not confer any special privilege denied to others. In fact several of the variances requested above have been granted elsewhere on Star Island and in previous DRB approvals for the Property.

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 described under 1) above, the application of the land development regulations to this Property, without the relief requested, would impose unnecessary and undue hardships on the Applicant by imposing requirements far out of scale with requirements applicable to other properties and deprive it of the rights commonly enjoyed by others.

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

   The Applicant has sought the minimum variances necessary for the project and meets most of the extraordinary requirements imposed on this exceptional property.

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;

   As described above, the granting of the requested variances will clearly be in harmony with the general intent and purposes of the land development regulations.

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

   The granting of the requested variances is consistent with the comprehensive plan as it will allow for the construction of a single-family home on a property with a residential land use designation. The Project will not reduce applicable 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 133, article II, as applicable.

   See the Applicant's response to the sea level rise and resiliency criteria below.

III. Design Review Criteria

The City's Resiliency Code includes criteria for DRB approvals. The DRB shall consider how the Project addresses the City's Design Review Criteria pursuant to **Section 2.5.3.1**:

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

   Minimal disturbance to existing vegetation and natural features is planned, new vegetation is proposed, with appropriate drainage systems incorporated to ensure compliance with relevant regulations.

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.

   Parking, walkways, and utilities are integrated to enhance functionality while preserving the property's overall aesthetic.

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 submitted plans comply with this criteria.

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 color, design, and selection of landscape materials can be found at sheet LP.300 and the architectural elements of exterior building surfaces can be found on sheet A-3.0.

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 project meets the applicable architectural, and design guidelines, ensuring the project aligns with the intent of the City regulations and maintains the character of the neighborhood.

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 project is compatible with the surrounding environment and adjacent structures.

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.

Not applicable.

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.

Not applicable.

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.

Considerate lighting fixtures shall ensure safety and security, with minimal glare and reflection on neighboring properties. Lighting will be designed to enhance the architectural and landscape features of the Property, creating a welcoming atmosphere at night.

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

Selected landscape and paving materials complement the overall design, creating harmony between the natural and built environments.

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.

Buffering elements, such as walls and landscaping, will shield adjacent properties from headlights, noise, and light, ensuring privacy and minimizing impact on public spaces. Plentiful landscaping is proposed throughout the site.

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 proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area, the main understory home is situated deep within this spectacular 120,000 sf lot and all structures otherwise meet required setbacks to ensure its compatibility 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.

Not applicable.

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

Not applicable.

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.

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.

Not applicable.

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.

Not applicable.

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.

Not applicable.

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

See the Applicant's response to the sea level rise and resiliency criteria below.

IV. Sea Level Rise and Resiliency Review Criteria

Furthermore, the DRB shall consider how the project addresses the City's Sea Level Rise and Resiliency Review Criteria. Each of these criteria are addressed in turn below:

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

The Applicant will provide a recycling or salvage plan to the City prior to any demolition.

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

All windows within the proposed home will be hurricane proof impact resistant windows.

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

Where appropriate, operable windows will be incorporated into the project design to allow for a passive cooling system.

4) Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.

Landscaping shall comply with all Code requirements.

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 architect has studied the land elevation of the property and adjacent parcels, and has proposed a design that is compliant with the current Florida Building Code and addresses the need for improved resiliency to future sea level rise.

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 three additional feet in height.

The ground floor, driveways, garage ramping, and yard elevations are adaptable to future raising of public rights-of way and adjacent land.

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 will be located 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.

   The Project consists of new construction and all habitable portions of the proposed new design are located above design flood elevation.

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

    Stormwater retention systems will be provided per civil engineer design at time of permitting.

11) Cool pavement materials or porous pavement materials shall be utilized.

    Cool pavement or porous pavement materials will be utilized where most effective.

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

    The architect and landscape architect are utilizing materials that minimize the heat island effect.

This modification maintains and improves upon the beauty and ingenuity of the originally designed and approved project. The Applicant respectfully requests that the Design Review Board approve these enhancements and the three foot increase in allowed building height for the main understory home.

Sincerely,

Carter N. McDowell

Carter N. McDowell

CNM/NN