



August 22, 2025

Rogelio A. Madan, AICP
Development & Resiliency Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139

Re: *Letter of Intent for the Request to Modify Resolution No. 2022-284 Site Plan Approval*

Dear Mr. Madan:

This shall constitute the Letter of Intent on behalf of 6940 North Beach, LLC (the “Applicant”) in support of Application File No. DRB24-1070 (the “Application”) to the Design Review Board (“DRB”) for approval of a waiver of the pedestrian path pursuant to Section 7.2.14.6(c)(5) of the City Code and a variance of the setback requirements of Section 7.2.14.6 of the City Code.

The Property is zoned TC-C and located in the heart of the North Beach Town Center. The DRB previously approved the development of a 96-unit multifamily development, (the “Project”) with on-site amenities and retail space. Once approved, the Applicant submitted for building permits from the City of Miami Beach. The Applicant was informed by the Public Works Department that Abbott Avenue, a State road, was scheduled for raising by the Florida Department of Transportation (“FDOT”). The Public Works Department denied the permit and required the Applicant to redesign the Project consistent with the planned future road raising. However, when FDOT will commence that work is unknown. Consequently, the Project must be designed to accommodate a future raising of the road while the sidewalk must remain accessible to the current road elevation. The proposed design accomplishes both goals. Once the road is raised, the proposed ramps will be removed and the required clear pedestrian path restored.

The DRB and the Planning Department review plans based on the following criteria:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
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.
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.
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 2.5.3.2.

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.
6. 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.
7. 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.
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 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.
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.
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall 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.
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).
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.
14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
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).
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.
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.
18. 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.

19. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
20. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if applicable, shall be mandatory for design review board review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of an application for design review.

Having already been approved by the DRB, the above criteria have been found to be satisfied. However, a further review of some of the criteria is necessary for the current revision. Criteria 1, 2 and 8 above are relevant to the current review.

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

The City Code provides that comments from the Planning Department include comments from the Public Works Department. As cited above, it was not until the Public Works Department reviewed the plans for the Project that the raising of Abbott Avenue was revealed to the Applicant. Upon learning of this proposed capital improvement project, the Applicant and City Staff worked together to address the present and future needs of the area. After several design options were reviewed, including a wall separating Abbott Avenue from the sidewalk, the current proposal was found to be the most effective in maintaining pedestrian accessibility, and being removeable upon the DOT project completion.

Section 7.2.14.6(c)(5) of the City Code requires “a minimum 10 foot wide ‘clear pedestrian path,’ free from obstructions, including, but not limited to, outdoor cafés, sidewalk cafés, landscaping, signage, utilities, and lighting, shall be maintained along all frontages.” But, the City Code also provides that “should there be a conflict with the elevations and FDOT roadway projects, the DRB may waive the requirement for a continuous level elevation.” The Applicant requests such a waiver from the DRB.

Additionally, the Applicant seeks a variance from the 10-foot setback requirement of Section 7.2.14.6 of the City Code. Section 2.8.3 of the City Code sets forth the criteria for land use board to authorize a variance. Those criteria are 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;
2. The special conditions and circumstances do not result from the action of the applicant;

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;
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;
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
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;
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
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.
9. In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if applicable, shall be mandatory for board of adjustment review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may serve as a basis for the approval or denial of a variance application.

In 1949, a previous owner of the property recorded a “Deed of Dedication” (the “Deed”) of the easterly two feet of each lot to the City of Miami Beach for the “perpetual use of the public, for sidewalk purposes.” Surveys originally commissioned by the Applicant and submitted to the City did not reflect the dedication. In fact, the Miami-Dade County Property Appraisers office website shows the property having an area of 25,000 square feet. Prior to DRB’s approval of the Project, the survey was corrected, and the dedication was shown. However, neither the Applicant, City Staff nor the DRB realized that the dedication resulted in an encroachment into the required setback because the dedication was thought to be an easement. In an abundance of caution, this application was filed after the fact, and after the Project had been fully designed and the permit application begun.

The Deed appears to be unique to this property within this zoning district. As discussed before, if the Deed were for an easement instead of a fee simple dedication of land, this application would be unnecessary. The deeded property is maintained as a sidewalk in this application, and as such the Applicant is not receiving any special privilege denied to its neighbors. On the contrary, if the Applicant were denied this variance, the Project would be required to be further from the right of way than other projects in the zoning district. Additionally, the Applicant is asking for the minimum variance required to reasonably use the property by reverting the setback to the original property line prior to the recordation of the Deed. In short, the proposed variance merely allows the Project to be developed to the standards originally contemplated by the zoning code and the Land Development Regulations.

A redesign of the project at this stage would be unduly burdensome to the Applicant. The proposed variance does not change, in any way, the Project as it was originally approved by the DRB. It merely brings the property line consistent with the Property’s neighbors, an inconsistency not created by the applicant.

It is for the foregoing reasons that the Applicant requests approval of its proposed waiver and variance.

A handwritten signature in black ink, appearing to read 'Joe Jimenez', with a stylized, cursive script.

Joe Jimenez
JMZ Group