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TAPANES
ZONING, LAND USE AND
ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office
305.377.6222 fax
gpenn@brzoninglaw.com

March 1, 2024

VIA ELECTRONIC FILING

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Historic Preservation Approvals for Partial Demolition and Design and Loading Space Variance for New Mixed-Use Development 7410 Collins Avenue (File No. HPB23-0580) and 7401-25 Harding Avenue (File No. HPB23-0579).

Dear Tom:

This firm represents 7410, LLC (the "Applicant"), the owner of the above-referenced sites on Collins Avenue and Harding Avenue just north of 74 Street (collectively the "Property").

Please consider this letter the Applicant's letter of intent in support of application numbers HPB23-0580 and HPB23-0579 for to allow for the redevelopment of the Property with two new mixed-use buildings, with the overall development consisting of residential, office, and commercial uses. Application HPB23-0579 is also requesting a single variance related to the provision of loading spaces.

Description of the Property.

7410 Collins Avenue (02-3202-003-0180) is approximately 15,000 square feet and is developed with an approximately 20,693 square foot retail building originally developed as a "Pantry Pride" supermarket. While certain architectural elements of the building remain on the east and south facades, the building was significantly altered in the half century following its development. For example, significant amounts of former storefront were enclosed, especially along 74 Street and the southeast corner of the structure.

7401-25 Harding Avenue is approximately 30,000 square feet in size and consists of 7401 Harding Avenue (02-3202-003-0210), 7409 Harding Avenue (02-3202-003-0220), 7417 Harding Avenue (02-3202-003-0230), and 7425 Harding Avenue (02-3202-003-0240). The 7401-25 Harding Avenue is located west of the platted alley of Collins Court and has served as a parking lot for the commercial use at 7410 Collins Avenue for over half a century.

7410 Collins Development. The Applicant proposes to demolish non-contributing portions of the existing façade and develop a ground level addition behind existing south and east façade areas. The Applicant further proposes to restore the storefront system in a manner more consistent with the historic commercial façade. The existing architectural elements of the building will be restored and enhanced as part of the project. The expanded building will be 30,000 square feet in size and will include approximately 8,494 square feet of commercial space and eighteen (18) residential units.

7401-25 Harding Development. The Applicant proposes to develop 7401-25 Harding with eight townhomes, approximately 3,900 square feet of commercial use, and approximately 38,805 square feet of office space. The proposed building has been designed to be compatible with the surrounding neighborhood, protecting the privacy of adjacent residential unit owners.

Operations. Vehicle access to the development will be exclusively from Collins Court. All loading and delivery access will be accessed from the alley, with trash rooms located at the ground floor. Pedestrians will access the office and commercial spaces directly from 74 Street and Collins Avenue. None of the currently proposed uses would require conditional use approval.

The building will be served by a unified security system. The proposed uses are not expected to create a queue. If queuing occurs, there is more than adequate room to accommodate that queuing within the Property.

Plan Review Standards. Below are the standards applied by your Department and the Historic Preservation Board as well as the status of the proposed development with each criterion:

a. 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.

The provided plans provide the necessary details.

b. 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 provided plans provide the necessary details.

c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

The provided plans provide the necessary details.

d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Care has been taken in the design of the proposed development to be compatible as possible with the surrounding development.

e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces 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 preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

The Owner has created the site plan in a manner that most efficiently utilizes the Property without negatively impacting the surrounding area.

f. 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 any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the

site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Care has been taken to enhance the pedestrian experience and minimize the amount of vehicular and pedestrian interaction. Both sites will be accessed from Collins Court.

g. 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 and consistent with a city master plan, where applicable.

The building elevations have been designed to minimize glare on adjacent parcels.

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

Landscaping has been designed in a manner to provide buffering from adjacent uses.

i. 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.

Care has been taken in limiting the glare and noise escaping the Property. All of the parking will be inside the new structures.

j. Any proposed new structure shall have 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).

There are no view corridors that need to be retained. The building massing of each structure has been designed to be compatible with the neighboring properties..

k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, 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 sidewalk street, or streets shall have residential or commercial spaces, or shall have the

appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Both proposed buildings include commercial uses at the ground level and all parking is located underneath the structures and/or hidden by parapet walls.

l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Both rooftops screen mechanical equipment, stairs, and elevators..

m. Any 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).

The additional development on the Property has been designed in a manner that honors and remains compatible with the existing building.

n. All portions of a project fronting a street or sidewalk shall incorporate of transparency at the first level necessary to achieve pedestrian compatibility .

Significant transparency has been designed on the first floor elevation of all three streets, including innovative open-air space at the northeast corner of 74 Street and Harding Avenue.

o. 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.

The loading spaces face the alley and trash areas have been located within the buildings.

Loading Spaces and Variance Request. The combined project includes four (4) loading spaces, with two provided on 7410 Collins and two provided on 7401-25 Harding. As combined, the development meets the overall loading requirements and the Applicant has agreed to record an easement, in a form acceptable to the City, making the loading area on 7410 Collins accessible to the development on 7401-25 Harding. The 7401-25 Harding development would require three loading spaces under the terms of the City's Resiliency Code. Because the 7410 Collins loading

spaces are "off-site" from 7401-25 Harding (located twenty feet away across the alley), the Applicant is hereby requesting a variance to allow for two on-site loading spaces on 7401-25 Harding where three loading spaces would be required. In sum, the combined project will meet the codified loading requirements but a technical variance is necessary.

Variance Standards. Below are the standards applied by your Department and the Historic Preservation Board regarding the requested variance as well as the status of the proposed development with each criterion:

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;

There are special conditions and circumstances that are peculiar to the Property that justify the requested minor variance. The 7401-25 Harding site is unique in that it is directly across a public alley from the 7410 Collins site and will be developed in concert with the 7410 Collins project.

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

The relationship between the 7401-25 Harding site and 7410 Collins was established decades ago.

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;

The overall project will provide all required loading spaces and the Applicant will record an easement in the form acceptable to the City Attorney that requires the retention of the loading spaces on 7410 Collins to serve 7401-25 Harding.

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;

The inability to rely on the loading spaces across the alley will uniquely negatively impact the use and development of 7410-25 Harding. Most similarly situated uses in the area have no on-site loading spaces at all and instead utilize adjacent alleys.

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

Allowing the 7410-25 Harding project to locate one of its loading spaces across the alley is the minimum necessary relief to allow for the reasonable redevelopment of the site.

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 location of one loading space across the alley from 7401-25 Harding will have no external impacts.

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 this request would be consistent with the comprehensive plan and it will not reduce the levels of service 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.

Granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria.

Practical Difficulty. There are multiple practical difficulties that must be addressed in order to make use of the 7401-25 Harding site for a mixed-use development. The failure of the Resiliency Code to allow for loading spaces to be located across a public alley (unlike the Code's treatment of parking) makes any redevelopment of the City's commercial zones unnecessarily difficult.

Sea Level Rise and Resiliency. Section 7.1.2.4 of the Miami Beach Resiliency Code establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

   A recycling and salvage plan will be provided.

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

   All new windows will be hurricane proof.

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

   Due to the nature of the uses proposed, operative windows are not appropriate in the office and commercial portions of the project. The townhome units are proposed to have operative windows.

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.

   The landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area.

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 project has been designed with sea level rise in mind.

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 project has been designed to accommodate the raising of adjacent rights of way in the future.

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.

   The plan is in compliance.

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

   This provision is not applicable to the instant application.

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.

   This provision is not applicable to the instant application.

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

    The project has been designed with stormwater retention as required.

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

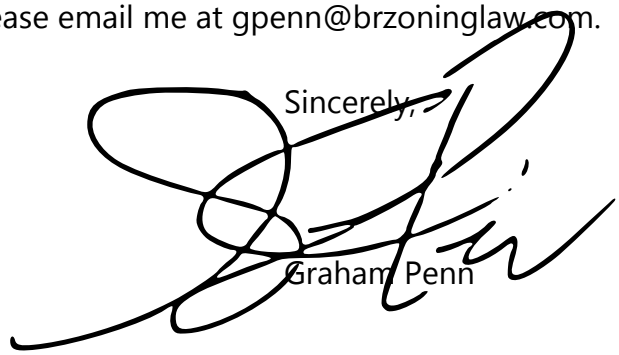
    The project can accommodate cool pavement where possible.

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

The use of generous overhangs in the design of both buildings, will limit the potential height island effect.

Conclusion. We look forward to your favorable recommendation. If you have any questions or comments, please email me at gpenn@brzoninglaw.com.

Sincerely,



Graham Penn