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### **VIA HAND DELIVERY & ELECTRONIC SUBMITTAL**

January 21, 2022

Kent Walia, Director of Community Development Community Development Department City of North Miami Beach 17050 NE 19 Avenue North Miami Beach, Florida 33162

Re: Letter of Intent for Site Plan Approval for the Property located at 1959-1999 NE 164 Street North Miami Beach, Florida

Dear Mr. Walia:

This law firm represents GFS Corp. (the "Applicant"), the contract purchaser of the property located at 1959-1999 NE 164 Street (the "Property") in the City of North Miami Beach (the "City"). Please let this letter serve as the Applicant's required letter of intent in connection with an application for a two-phased Site Plan Approval and accompanying requests for administrative waivers, non-use variances and vacation of portion of an alley.

<u>Property Description.</u> The Property constitutes the north blockface of NE 164 Street between NE 19 Avenue and NE 20 Avenue. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio Nos. 07-2216-001-0370 and 07-2216-001-0360. The Property has a lot size of approximately 81,163 square feet (1.9 acres). The Property is currently developed with surface parking, a 1-story commercial building and a 1-story residence. A "T"-shaped 20' wide alley runs through the block and identifies the majority of the north border of the Property. The southern extension of the alley separates the western approximately quarter of the Property from the eastern three-quarters of the Property.

The Property has a future land use designation of Fulford MU/TC, Mixed-Use Town Center and an accompanying zoning designation of MU/TC, Mixed-Use Town Center District ("MU/TC District"). Figure MUTC-1, the Sub-Areas Regulating Plan

designates the Property Transition Sub-Area. The Street Network Connectivity Regulating Plan provides that the existing alleys north and crossing the Property are to be vacated for the assembly of parcels and all other existing streets are to remain. Notably, the portions on both sides of the southern extension of the "T"-shaped alley are already assembled for development, therefore, the Applicant requests vacation of that portion.

<u>Proposed Development.</u> The Applicant proposes to redevelop the Property with a mixed-use project called "NMB Place" that befits the MU/TC District. The proposed development consists of two exquisitely designed 28-story mixed-use towers, which operate independently and are divided by a central roadway with a landscaped median, and contain retail and office uses and 700 combined multifamily residential units and associated parking (the "Proposed Development"). The Property will be developed pursuant to the phasing schedule below.

Phase 1 – West Tower

Construction Drawings and Building Permits Phase 1: 2022-2023
 Construction Phase 1: 2023-2025

Phase 2 – East Tower

Construction drawings and Building Permits Phase 2: 2024-2025
 Construction Phase 2: 2025-2028

West Tower. The tower at the west (the "West Tower") features a vast ground-level public plaza at the southwest corner of the Property, which is a required open space, 11,540 square feet of ground-level retail, 6,810 square feet of office space fronting on NE 19 Avenue that serves as an active liner to the 7 levels of parking with 484 parking spaces. The tower portion consists of 20 floors with a combined total of 350 units. Indoor and outdoor amenities, such as pool and pool deck, are located on the 9<sup>th</sup> level on top of the podium.

East Tower. Similarly, the tower at the east (the "East Tower") features a ground-level plaza at the southeast corner of the Property, which notably is not a required open space, 9,858 square feet of ground-level retail space, a podium with 7 levels of parking and 388 parking spaces and a tower of 20 floors with 350 units. Congruent with the West Tower, indoor and outdoor amenities are also located on the 9<sup>th</sup> level on top of the podium.

All floors comply with the City's Zoning and Land Development regulations (the "Code"), specifically Section 24-58(R)(2) of the Code that allows the ground floor to be twenty (20) feet and all floors above at fourteen (14) feet. The first floor is twenty (20) feet, parking levels two (2)

through seven (7) are ten (10) feet, floors eight (8) and nine (9) are twelve (12) feet, floors ten (10) through twenty-seven (27) are ten (10) feet, and floor twenty-eight (28) is fourteen (14) feet.

Pedestrians will mainly access the Proposed Development through the plazas at the corners, which lead into spacious lobbies. Vehicular access is through the central landscaped roadway, which provides substantial separation between the podiums and towers. The parking garages are located in the towers' pedestals on levels 2-8 and are accessed through the central roadway. Vehicles will be able to circulate through the Proposed Development from NE 164 Street and from the existing alley north of the Property which is accessed via NE 20 Avenue.

Height. Regarding the towers' overall height, the additional stories provide higher floor to ceiling heights and better distribution of residential units for increased quality of living that is necessary to meet today's market demands. The additional stories in no way serve to increase the intensity of the Proposed Development. The additional stories further allow enhanced architectural expression that decreases massing of the two towers towards the south, which greatly streamlines the aesthetics by allowing an uninterrupted south wall line for the two towers at the center, rather than having bookends for each tower. This results in an enhanced architectural design that is better for the neighborhood and for the tenants. Moreover, this improves and allows for a larger open-air amenity area on the 9<sup>th</sup> level.

Streetscapes and Easements. Along NE 19 Avenue, the Applicant provides the required UG-2 Urban Greenway. Due to the existing right of way width and configuration, to achieve the twenty-four (24) feet greenway, the Applicant provides the western portion on the Property, approximately ten (10) feet in the north that tapers smaller as head south, and, therefore, the Applicant will grant an easement to the City for public access on this portion. Regarding the north alley, the Applicant proposes a five (5) foot green space/walkway accessible to the public and will also grant an easement to the City for public access. Along NE 164 Street, the Applicant provides the required Type S3 streetscape. Due to conflicts with existing utilities located on NE 164 Street, specifically an 8-inch force main, the Applicant cannot provide all required street trees, as discussed in Waiver (d), below. Mitigation trees will be provided off-site at a location agreed upon with the City staff.

Security Plan. The urban design of the Proposed Development discourages criminal activity through providing the buildings right at the sidewalk with lots of fenestration. The plazas leading to the lobbies are regular in shape and open without tall obstructions and will be well-lit. The Proposed Development will have manned security 24/7 at a central location assisted by cameras in all public areas on the ground level, including the two plazas and central private roadway, and the parking levels and amenity areas. Security patrolling will be provided as

needed and managed by a licensed and certified security company. Through the permit process, the Applicant will ensure appropriate lighting in all locations to enhance security and provide safety. Additional security will be provided through access control entry to the offices, lobbies and elevators, with cards, key fobs, or other devices for off-hour access.

Requests. In order to achieve the Proposed Development, the Applicant respectfully requests approvals, administrative waivers, non-use variances and vacation of the alley as follows:

## Approvals and Administrative Waivers:

- a. Site Plan Approval for the Property pursuant to the proposed development plan;
- b. Administrative Waiver of lot width requirement per Section 24-58 Figure MU-8 Lot Standards for Tower Building Type to allow for a tower development on a lot with a width of 160 feet when a 200 feet minimum is required;
- c. Administrative Waiver of the active liner requirement per Section 24-58(K)(2)b.i. for levels 2-8 of the parking garage fronting on NE 20 Avenue (side frontage) and alleyway (rear frontage) and approval of the alternative liner; and
- d. Administrative Waiver of tree standards for the NE 164 Street frontage allowing for twelve (12) trees to be planted rather than the required nineteen (19) trees due to conflict with an 8-inch force main abutting the Property.

#### Non-Use Variances:

- e. Non-use variance to allow decorative screening of the parking garage fronting along NE 164 Street (primary frontage) instead of the liner building required per Section 24-58(K)(2)b.i. (the "Parking Liner Variance");
- f. Non-use variance to waive the 15-foot tower setback from the podium required per Section 24-58 Figure MU-8 to permit a 11'-4" and a 7'-7" setback at east side of the East Tower (the "Tower Setback Variance");
- g. Non-use variance for a reduction of the furnishings and green area, including to allow the sidewalk in the public right-of-way along NE 19<sup>th</sup> Avenue to be located abutting the right-of-way with an easement to comply with the 6 feet minimum required by Section 24-58.1(I)(1)(b) Figure MU/TC-9 (the "Furnishings and Green Area Variance").
- h. Non-use variance of the impervious area standards as required per Section 24-58(S)(3)(a) Figure MU-8, specifically, to allow 98.2% of impervious area at the podium level where 90% is maximum permitted (the "Impervious Surface Area Variance").

#### Vacation of Alley:

Approval of vacation of the portion of the existing 20' alley oriented north-south that traverses the western area of the Property.

#### Analysis for Approvals and Administrative Waivers.

a. Site Plan. The Property is the Transition-Sub Area subdistrict of the MU/TC District. The Proposed Development is exactly the kind of development envisioned for the Property. The thoughtfully designed towers offer a desirable mix of uses that will create pedestrian-oriented spaces where people can live, work and play. The Proposed Development will contribute to the creation of a modern urban downtown area, synergizing with other nearby developments, the Snake Creek Canal and the future greenway to transform the area. The Proposed Development not only provides ground level retail, but vast and beautifully designed plazas that will substantially increase the street-level activity and encourage pedestrianism. The design employs varied materiality on the elevations to give dimension and texture to the buildings and employs a two-tower typology to effectively break up the buildings' massing.

The Applicant satisfies the site plan review standards laid out in Section 24-172(G) of the Code. Although the Proposed Development proposes 28-story towers, the towers are 315 feet in height as permitted under the MU/TC District's Height Regulating Plan. The additional stories are necessary in order to accommodate the development on this narrow and substandard lot and they do not increase the intensity of the Proposed Development above what would otherwise be permitted. To the contrary, the additional height streamlines the design and lets the buildings have a gently south façade and allows for a better outdoor amenity level. Accordingly, the 28-story towers are permitted pursuant to Table MU/TC-2, Note (3).

b. Lot Width. The lot width of the Property varies at 137.60 feet fronting on NE 19 Avenue, 160 feet fronting on the west side of the existing alley, and 140 feet fronting on the east side of the existing alley and NE 20 Avenue. The Code requires that any structure above 8 stories is developed as a tower. The building typology standards pursuant to Section 24-58 of the Code require a minimum lot width of 200' for a tower typology. The Property is located within the Transition sub-district of the MU/TC District and is designated to allow for up to 25 stories and 315 feet in height. A tower structure is what is reasonably expected and planned for this Property and can be accomplished despite its narrow width.

Most of the properties along this corridor within the MU/TC face a similar issue with lots of substandard widths due to the existing platted layouts of the properties. The Applicant seeks to develop the Property pursuant to the allotted density and intensity in

accordance with and encouraged by the MU/TC District regulations. The existing layout of the Property and existing platted alley network make it so that compliance with the lot width standard cannot be reasonably achieved. Notably, the Property fronts three wide streets that further allow the towers to be compatible with the surrounding uses.

- c. Parking Liner. Section 24-58(K)(2)b.i. of the Code calls for the development of a minimum 20-foot liner building along the NE 19 Avenue, rear alleyway and NE 20 Avenue elevations (side and rear frontages) to screen the parking garage. While the Applicant has provided the required active liner along the NE 19 Avenue frontage, due to the previously discussed lot constraints, an active liner cannot be reasonably provided on the rear alleyway and NE 20 Avenue frontages. The Code allows for the Director to waive the active liner requirement in the side and rear frontages as long as alternative screening through architectural elements which ensures that no parked vehicles are visible from the street is provided. The Proposed Development provides for artistic screening of the garage with varying and interesting architectural elements that are consistent and harmonious with that of habitable space. This screening is sufficient so that no parked vehicles are visible from the street at any angle and the varying decorative architectural elements increase the towers' aesthetics and better the pedestrian experience. Due to the lot constraints highlighted, no reasonable design solution can accommodate the required parking garage with active liner use along each frontage.
- d. Street Trees. The Code's street tree standards require nineteen (19) trees to be planted along NE 164 Street. Due to conflict with an 8-inch force main abutting the Property only twelve (12) street trees may be planted and the Applicant requests a waiver of applicable tree standards. In lieu of planting the additional required number of trees, the Applicant will provide mitigation trees at on off-site location agreed upon with City staff.

# Analysis for Non-Use Variances.

The Applicant respectfully requests three non-use variances in order to effectuate the best development possible for this unique Property. All requested non-use variances meet the criteria laid out in Section 24-176(C) of the Code for granting non-use variances:

(1) The non-use variance maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. The non-use

variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community

- e. Similar to the previously discussed Parking Liner Waiver, the Applicant seeks an accompanying Parking Liner Variance to permit the required 20-foot active liner along NE 164 Street to be replaced with alternative architectural screening. Again, the Parking Liner Variance is needed in to accommodate the full scope of the development on this substandard narrow lot that spans the entire north blockface of NE 164 Street between NE 19 Avenue and NE 20 Avenue. The platted conditions of the lot create a situation where fitting a functional parking garage that accommodates the level of density anticipated and encouraged for this Property is not possible without using the entire floorplate. Therefore, while the Applicant has been able to accommodate the 20-foot liner along NE 19 Avenue, it cannot reasonably do so along NE 164 Street. The basic intent and purpose of this Code requirement is to protect the general welfare of the public by curtailing the visual impacts of multilevel parking garages and ensuring aesthetically pleasing façades that can be enjoyed by the public. The proposed architectural screening meets the intent and purpose of the Code by ensuring that parked vehicles are not visible from the street from any angle and by providing varying interesting architectural treatments that create an aesthetically pleasing design and beautify the Property and the neighborhood. Further, the Property fronts three wide thoroughfares that provide appropriate spacing between nearby structures that allow the Proposed Development to be compatible with the surrounding neighborhood.
- f. The Applicant seeks a Tower Setback Variance to waive the 15 feet tower setback from the podium required per Section 24-58 Figure MU-8 of the Code, on the east side of the East Tower. For the most part, the Proposed Development complies with this setback requirement; the request amounts to approximately only 10% of the entire tower setback frontage. Specifically, on the East Tower, the narrow lot and its varying dimensions create a challenge for laying out the units making it difficult to provide the 15-foot setback on the east side of the East Tower. Notably, the Applicant is substantially complying with the requirement by providing a 11'-4" setback at the north portion and a 7'-7" setback at the south portion of the East Tower. The intent of this Code provision is to create articulation and movement and clearly distinguish the podium from the tower to effectively break up the massing of the structure. The East Tower complies with the intent of the Code as the tower is setback from the podium at various depths and locations and the design incorporates varying treatments on the façades which effectively break up the buildings' massing. NE 20 Avenue is also a wide thoroughfare that acts as an additional transition area for the tower to not intrude on other developments further east. Moreover, the

overall design divides the West Tower and the East Tower with a broad central landscape roadway that is open to the sky and interrupts the continuous elevation along NE 164 Street. This breaks up the massing of the towers, as well as creates a symmetrical design that appropriately addresses the three street frontages. Further, the Proposed Development complies with all other setback requirements and provides 15% of the lot area as open space when only 10% is required. As such, the requested variance meets the intent and purpose of the Code.

- g. The Applicant seeks the Furnishings and Green Area Variance to reduce the area show on the applicable streetscape plans, including the amount of sidewalk in the public right-of-way to allow the Proposed Development a 6 foot minimum sidewalk abutting the public right-of-way along NE 19<sup>th</sup> Avenue only at the location of the required street trees. Section 24-58(J)(1) provides that the periphery of any site fronting on a public right-of-way shall be improved by the provision of sidewalks, streetlights, street furniture, street trees and other elements, covering the entire area from face of curb to face of building. Further, Section 24-58.1(I)(1)(b) Figure MU/TC-9 requires that the sidewalk in the public right-of-way be 6-foot wide. Due to the existing conditions at the site and NE 19 Avenue, the Applicant can only provide street trees in the narrower area, and notably cannot provide a continuous 6-foot wide sidewalk in the public right-of-way. As a result, the Applicant requests a reduction of the furnishings and green area and to allow for the sidewalk adjacent to the building. The Applicant will provide an easement to the City to allow use of the sidewalk area.
- h. The Applicant seeks a Impervious Surface Area Variance to allow a reduced amount of pervious area at the ground level as set forth in Section 24-58(S)(3)(a), Figure MU-8, of the City Code. Specifically, for this Tower building type, to allow for 1.80% pervious surface area at ground level where 10% minimum required and 98.21% of impervious surface area where 90% is the maximum allowed. As discussed with Staff, the plentiful landscaping on the amenity level, 9.04% (7,342 SF) can be used as a factor when calculating pervious surface area, and when included with the pervious amount on the ground floor achieves compliance with 10% minimum and meets the intent of the Code with respect to the impervious areas. As such, the Applicant seeks the Impervious Surface Area Variance for the ground level to comply with the applicable surface area requirements.
- (2) Appropriate conditions and safeguards, in conformity with the Code, may be prescribed as a condition of the granting the variance, and violation of such conditions shall be deemed a violation of this Code.

The Applicant understands that conditions and safeguards may need to be implemented to accommodate the variance requests, which are compelled due to the substandard lot width and a desire execute the best design for this Property.

(3) The nonconforming use of adjacent lands, structures, or buildings shall not be considered grounds for the authorization of a variance.

The requested variances are not requested due to nonconforming uses of adjacent lands, structures, or buildings. Instead, they relate to the narrow lot widths and long-standing conditions. The proposed uses and dimensions of the building on the site are within the parameters of what is called for such a site in the Transition sub-district of the MU/TC district. The proposed mixed-use residential development will serve to realize the revitalization of the MU/TC District in the manner envisioned by the City when creating these mixed-use corridors.

Analysis for Alley Vacation. The street network connectivity regulating plan of the MU/TC District expressly identifies the alley on this block "to be vacated (for assembly of parcels only)." The portions on both sides of the southern extension of the "T"-shaped alley, approximately 20 feet by 140 feet, are under the same ownership and already assembled for development. See Exhibit A. The existing alley precludes the effective and efficient in-fill mixed-uses development intended by the MU/TC District and the Proposed Development provides for the appropriate building siting and circulation via the wider central roadway. Vacating this portion does not effect the other portions of the alley, which will remain accessible to the other owners in the nearby area. Therefore, the Applicant requests vacation of that portion that traverses the Property. The Applicant will work with the City to seek approval of the vacation of the alley concurrently with this application for the Proposed Development.

Community Redevelopment Area Tax Incentives. The Property is located in the City's Community Redevelopment Area (CRA) and based on the details above the Proposed Development meets the eligibility requirements for direct financial incentives. As such, the Applicant plans to apply to the City's Community Redevelopment Agency (CRA) to request applicable tax incentives through a Development Agreement approved separately by the CRA. Pursuant to Section 24-58.1(O) of the Code, the Applicant understands and agrees to conditions in the Resolution for the approval of the Proposed Development that require it to work with the CRA and negotiate the required Public Infrastructure and Streetscape Assessment, Public Open Space Assessment and Public Art Assessment in order to obtain CRA funding through the separate CRA process. Regarding the Public Art, the Applicant proposes sculptural art and/or wall murals in the west plaza.

<u>Conclusion.</u> The Proposed Development will contribute to the MU/TC District's development as an important center for living, working, shopping, and entertainment. The Proposed Development will be a welcomed addition and a significant improvement from existing conditions that will serve as a catalyst to the further improvement of this area of the City. The Applicant respectfully requests approval of the site plan and accompanying waivers, non-use variances and alley vacation. If you have any questions with regard to this request, please contact me at (305) 377-6236.

Sincerely,

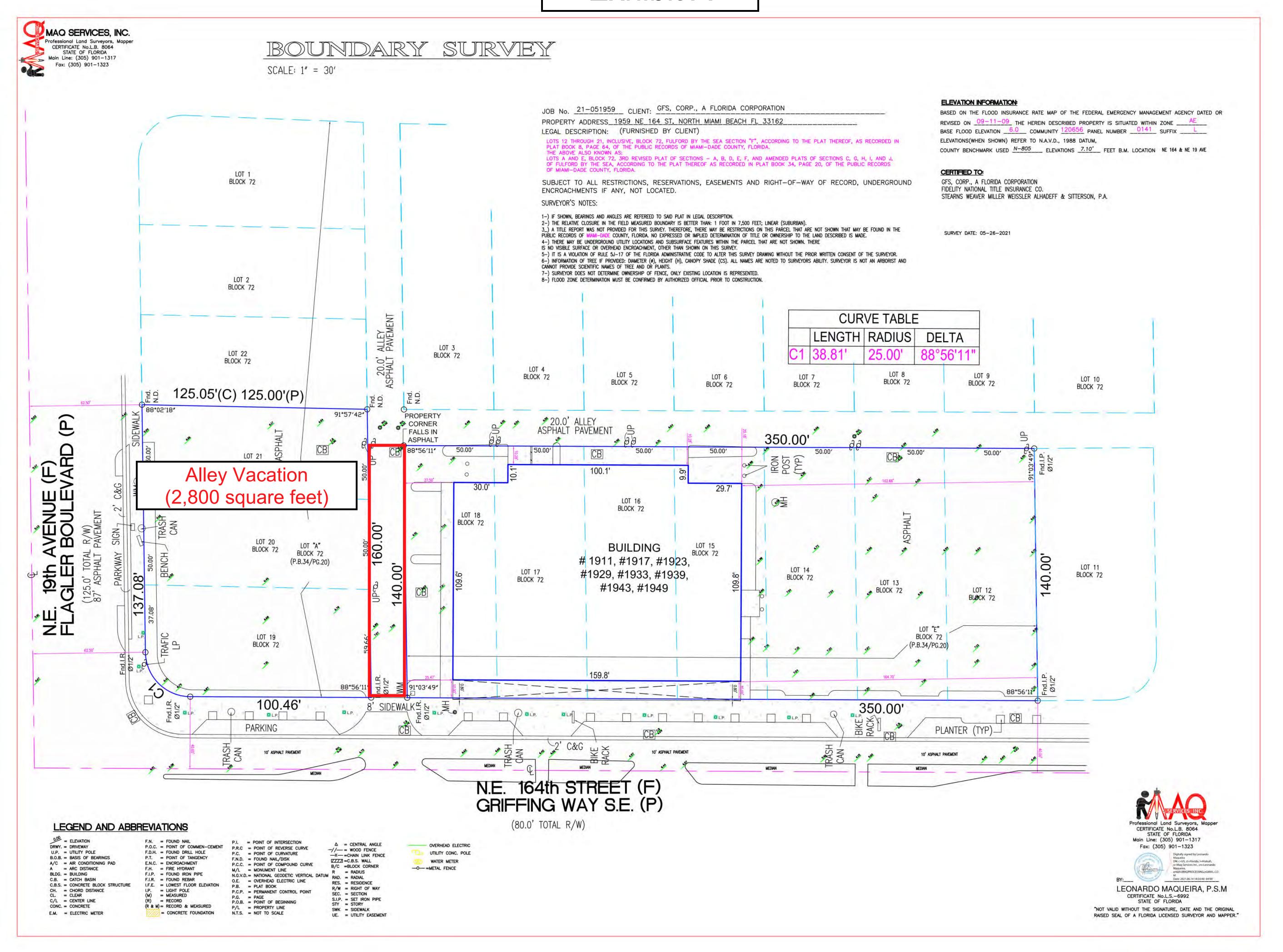
Matthew Amster

Matthe

#### Attachment

cc: Jeffrey Bercow, Esq.
David Butter, Esq.
Scott Greenwald

# Exhibit A



Bermello Ajamil & Partners

ARCHITECTURE - INTERIOR DESIGN - CIVIL ENGINEERING -LANDSCAPE ARCHITECTURE :

Bermello Ajamil & Partners, Inc.

Architecture Engineering Planning

Architecture Engineering Planning Interior Design Landscape Architecture 2601 South Bayshore Drive, 10th Floor Miami, Florida 33133 T: (305) 859-2050 F: (305) 860-3700

CLIENT:

GFS CORP.

NOT FOR CONSTRUCTION

Revision Schedule

Rev. # Revision Description Date

PROJECT NAME:
NORTH MIAMI BEACH
APARTMENTS

PROJECT ADDRESS: 1959 NE 164TH ST, NORTH MIAMI BEACH, FL 33162 PROJECT NO.:

TRAD SUBMITTAL

**PACKAGE** 08/05/2021

SHEET NAME
SURVEY

02006

SHEET NO.