BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236
E-MAIL: MAmster@BRZoningLaw.com

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DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES

VIA HAND DELIVERY

May 26, 2015

Nathan Kogon, Assistant Director
Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street, 11th Floor
Miami, Florida 33128

RE: Substantial Compliance Application for Property Located at 11150 Biscayne Boulevard, Miami-Dade County, Florida

Dear Mr. Kogon:

This law firm represents Belfonti Companies ("Applicant") in connection with the property located at 11150 Biscayne Boulevard in unincorporated Miami-Dade County, Florida ("Property"). This letter shall serve as the Applicant's letter of intent for a substantial compliance determination. The Applicant respectfully requests that the Department determine that the plans entitled "Esplanade – Proposed Multifamily Project," as prepared by Frances Anillo Toledo, LLC, signed and sealed on May 1, 2015 and consisting of 21 sheets, including landscape plans, ("Proposed Site Plan") are in substantial compliance with the plans approved by Resolution No. CZAB7-1-14 entitled "Proposed Multi-Family Rental Development 11200 Biscayne, LLC," as prepared by Behar Font Partners, PA, consisting of 16 sheets, dated stamped received December 18, 2013 and landscape plans entitled "Biscayne Village" as prepared by Font Designs, consisting of 3 sheets, dated stamped received January 7, 2014 with sheet LA2 last handwritten revision dated January 14, 2014, for a total of 19 sheets (collectively the "Approved Site Plan").

The Proposed Site Plan fully complies with the standards set forth in Section 33-310.1(A)(I) of the Miami-Dade County Code ("Code") in that it substantially complies with Resolution No. CZAB7-1-14.

Section 33-310.1(A)(I)(A) of the Code provides that development density and intensity have not materially changed in that:

1. *the number of buildings is not increased by more than ten percent;*

The number of buildings is the same. Both the Approved Site Plan and the Proposed Site Plan contain one residential building with an enclosed parking garage.

2. *the number of stories is the same or fewer;*

The number of stories is fewer. The Approved Site Plan contains a residential building with 9-stories and the Proposed Site Plan contains a residential building with 8-stories. The enclosed parking garage is the same for both; 6-levels with a roof-top parking level.

3. *the height of the buildings is the same or less;*

The height of the building is less because 1-story has been removed from the design. For the residential portion of the building, the Approved Site Plan provides a maximum height of 89′ 4″ to the roof and 99′ 8″ to the top of the parapet, where the Proposed Site Plan provides a maximum height of 79′ 4″ to the roof and 90′ 0″ to the top of the parapet.

4. *the number of units is the same or fewer;*

The number of units is the same at 402. Also, the number of required workforce housing units, specifically 51, has remained the same.

5. *the lot coverage and floor area is the same or fewer;*

The lot coverage and floor area have both been reduced. The lot coverage decreases from 88,783 square feet in the Approved Site Plan to 86,100 square feet in the Proposed Site Plan. The floor area decreases from 525,000 square feet in the Approved Site Plan to 438,400 square feet in the Proposed Site Plan.

6. *the number of bedrooms and corresponding parking spaces maybe increased or decreased by as much as 10%, based on the entire plan, provided the plan complies with all other requirements of this subsection and of this chapter.*

The Applicant has modified the types of residential units and added more amenity areas. As a result, the number of bedrooms has decreased by 10% from the Approved Site Plan to the Proposed Site Plan. The number of corresponding parking spaces has only decreased by about 3%.

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7. *Density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio has not changed.*

The Proposed Site Plan maintains the density (402 units) as the Approved Site Plan and as there is only one building, there is no transfer between buildings.

The Proposed Site Plan fulfills each and every of the objective standards set forth in Section 33-310.1(A)(I)(A) of the Code.

Section 33-310.1(A)(I)(B) of the Code provides the following subjective and objective design standards:

1. *the roadway patterns, including ingress and egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior site property lines than shown on the original plans;*

The roadway patterns, including ingress and egress points, in the Proposed Site Plan are in the same general location as shown in the Approved Site Plan.

2. *the parking area is in the same general location and configuration;*

The parking area in the Proposed Site Plan is in the same general location and configuration as the Approved Site Plan, both of which have parking along the perimeter drives and in the enclosed parking garage.

3. *the building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development, zero lot line, rowhouse, townhouse, and cluster development may also be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either (a) the underlying zoning district regulation, or (b) any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;*

The building setbacks in the Proposed Site Plan are the same or greater distance from the perimeter property lines as shown in the Approved Site Plan. The front and rear setbacks remain the same, and both side setbacks have increased in the Proposed Site Plans.

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4. *the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;*

The landscaped open space is in the same general location and has increased from 95,117 square feet in the Approved Site Plan to 98,500 square feet in the Proposed Site Plan.

5. *the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved.*

Both the perimeter walls and/or fences of the Approved Site Plan and the Proposed Site Plan are in the same general location and of the same type and design as previously approved.

6. *elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans;*

The building elevations and renderings in the Proposed Site Plan have substantially similar architectural expressions as those in the Approved Site Plan.

7. *recreational facilities, if shown on plans approved by a prior zoning action, either remain the same or are converted from one recreational use to another;*

The recreational facilities, located in the interior ground-level courtyard, are the same or have been converted from use to another, in the Proposed Site Plan as approved by the prior zoning action. Notably, a large barbecue area with covered trellises at the west end of the courtyard has been converted into a serenity pool area.

8. *if recreational facilities were not shown in the approved plans, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;*

Two additional amenity areas have been added on the ground-floor inside the building at the west side of the residential portion of the building. There is no increase in lot coverage or decrease in open space with this change because these areas are internal.

9. *if a variance for signage has been granted, the proposed sign(s) are no greater in size and are placed in the same general location on the site as approved by zoning*

action. An entrance sign location may be moved the same proportional distance as a relocated entrance drive.

A variance for signage was not requested or granted in the previous zoning action.

10. *the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the zoning code that were not previously approved at public hearing, or of expanding the scope of existing variances, alternate site development options, or other approvals pursuant to alternative development standards such that they would differ to a great degree from the strict application of the zoning code;*

The Proposed Site Plan does not have the effect of creating any noncompliance or nonconformity with the strict application of the zoning code that were not previously approved at public hearing, or of expanding the scope of existing variances, alternate site development options, or other approvals pursuant to alternative development standards such that they would differ to a great degree from the strict application of the zoning code.

11. *Additional outparcels may be added where: (a) there is no increase in the project's total floor area ratio or lot coverage; (b) there is no reduction in the total amount of landscaped open space; and (c) addition of the outparcel does not result in noncompliance with any other provision of this subsection on any other portion of the subject property.*

The foregoing subsection does not apply.

12. *reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of this code.*

The Approved Site Plan provides 686 parking spaces. The Proposed Site Plan provides 663 parking spaces. Although the number of parking spaces has decreased, the proposed number complies with the requirements of the Code, including the required handicap spaces.

As the foregoing demonstrates, the Proposed Site Plan complies with all objective and subjective design standards contained in Section 33-310.1(A)(I)(B) of the Code.

Last, Section 33-310.1(A)(I)(C) of the Code provides that the slope of any lake for which a modification is requested complies with Section 33-16 and all other

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applicable provisions of this Code. Neither Approved Site Plan nor the Proposed Site Plan provides for a lake. Therefore, the foregoing section does not apply.

We look forward to your prompt review and favorable determination. Should you have any questions or concerns, please contact me at (305) 377-6236.

Sincerely,

Matthew Amster

cc: Ben Fernandez

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