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March 23, 2020

VIA HAND DELIVERY

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139

Re: Sunset Land Associates LLC and SH Owner LLC – Amendment to Letter of Intent and Response to Staff First Submittal Comments Application to Planning Board (PB20-0344, the “Application”)

Dear Mr. Mooney:

Please accept this letter on behalf of Sunset Land Associates LLC and SH Owner LLC (the “Applicants”), 1) as an amendment to the letter of intent dated March 2, 2020, and 2) as the narrative in response to Staff’s First Submittal Review Comments dated March 13, 2020 in connection with the Application.

I. Amendment to Letter of Intent

The Applicant hereby amends its letter of intent in response to comments 1 through 4 as follows:

1. Conditional Use Review Guidelines

With the approval of the Conditional Use Permit under File No. PB17-0168 a.k.a PB18-0168 (the “2018 CUP”), the project was deemed to satisfy the review guidelines set forth in Section 118-92(a)(1)-(8) of the City’s Code. Office use does not require a conditional use permit. However, the 2018 CUP included a condition that required a modification for any change of use. Now, a new use—office—is being proposed in addition to the previously approved uses and, as a result of this request, the residential density is being reduced from 12 to 2 units. The proposed minor modification does not affect the project’s compliance with Section 118-92(a)(1)-(8) of the City’s Code. As such, the project continues to meet the conditional use review guidelines, as follows:

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

The use is consistent with the applicable Land Development Regulations and with the City's Comprehensive Plan CD-2 land use category's stated purpose, which is to provide for "commercial activities, services, offices and related activities which serve the entire City."

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

The proposed project will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan, which allows up to 100 dwelling units per acre, and a floor area ratio of 2.0 for mixed use developments in the CD-2 category. The project's development program and FAR are well within this criteria. A concurrency analysis will be performed at the time of building permit application.

(3) Structures and uses associated with the request are consistent with these land development regulations.

Multi-family residential, office and retail uses are uses permitted in the CD-2 zoning district. The proposed structure has previously been deemed to be consistent with the land development regulations by both the Planning Board and the Design Review Board.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

Nothing in the proposed development will negatively affect the public health, safety, morals, and general welfare of the Sunset Harbour neighborhood or the City of Miami Beach. Deliveries, waste removal, and other operations associated with the approved and proposed uses will be adequately controlled pursuant to the conditions of the 2018 CUP.

(5) Adequate off-street parking facilities will be provided.

The proposed development will provide adequate off-street parking facilities in compliance with Parking District No. 5 regulations. The required office, retail and residential parking will be accommodated within the building and will be located on the second floor.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

The proposed development will incorporate the required safeguards stipulated in the 2018 CUP for the protection of the Property and its surroundings.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

This mixed-use project has been previously approved. The approved and proposed uses are permitted uses in the CD-2 zoning district. The project is consistent with the character of and pattern of development in the neighborhood, and, together with the conditions included in the 2018 CUP and the Design Review Board order (DRB17-0198; the “2018 DRB Order”), will not create a negative impact on the surrounding neighborhood.

(8) The structure and site complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

The structure and the site have been deemed to comply with the seal level rise and resiliency review criteria in Section 133-50 of the City’s Code pursuant to the 2018 CUP and the 2018 DRB Order. Please refer to section I.3. of this letter.

2. Review Guidelines For New Structures 50,000 Square Feet and Over

The project has been approved in its current scale and size pursuant to the 2018 CUP, under which the project was deemed to satisfy the review guidelines for conditional use for new structures 50,000 square feet and over, set forth in Section 118-192(b) of the City Code. Office use does not require a conditional use permit. However, the 2018 CUP included a condition that required a modification for any change of use. Now, a new use—office—is being proposed in addition to the previously approved uses and, as a result, the residential density is being reduced from 12 to 2 units. The proposed minor modification does not impact the scale or size of the development, and does not affect compliance with Section 118-192(b) of the City’s Code. As such, the project continues to meet the review guidelines for new structures 50,000 square feet and over, as follows:

(1) Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

As stated above, the proposed mixed-use development has received conditional use approval pursuant to the 2018 CUP. The operational plans for the restaurant uses within the project have been reviewed and approved as part of the 2018 CUP approval process. The requests under this Application do not affect the previously approved operations on the ground floor which required operational plans. The proposed office use on the third and fourth floors are intended to be Class A office space, with operations during normal business hours, and appropriate security systems will be implemented. Lastly, the offices are expected to generate a maximum of 128 employees (approximately 64 employees on each floor). An operational plan is not required for office uses.

(2) Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

Delivery operations will remain as approved in the 2018 CUP. All mass delivery of merchandise will be received from the rear (Bay Road side) of the Property, where an adequate off-street loading dock and area will be located, as illustrated on Sheet A-2.0_P of the proposed site plan. All delivery trucks will be allowed to enter and exit the Property during business hours to minimize any adverse impacts to the residents of Sunset Harbour. Delivery and loading from the loading dock will operate during customary business hours from 7 AM to 4:30 PM. All retail and office tenants, and residents will have separate direct access to the loading area through the service corridor and elevator. The path of travel for loading uses will not intersect with the path for retail and office patrons or residents.

In addition, certain retail storefronts along Purdy Avenue may also have delivery of smaller items directly from loading spaces on Purdy Avenue. The Applicant intends to designate certain on-street parking spaces along Purdy Avenue and Bay Road for loading between 7 AM and 4:30 PM. Lastly, trash removal from the main dumpster(s) located in the loading dock area will typically take place in the hours between 6 and 10 AM.

(3) Whether the scale of the proposed use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.

The scale of the proposed mixed-use development will remain as approved in the 2018 CUP, which was deemed compatible with the urban character of Sunset Harbour and an enhancement to the neighborhood. The project will comply with those conditions of the 2018 CUP intended to minimize potential adverse impacts on the surrounding area.

(4) Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

Please refer to Sheet A2.2_P. The parking plan is in conformance with the 2018 CUP. All required parking can be accommodated within the building and will be located on the second floor. The parking plan meets all required parking and operational needs of the structure and proposed uses.

(5) Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

Please refer to Sheets A-2.1_P. Outdoor circulation is in conformance with the 2018 CUP. A breezeway with a shared use promenade runs through the center of the building to provide pedestrian access to the commercial uses, office and residential lobby areas. The breezeway will provide access to stairways and elevators to allow for pedestrian access to the parking garage on the second floor and will connect to the office and residential lobbies. Vehicular access to the parking garage will be via Bay Road. This layout is consistent with what

is currently found in the neighborhood and has proven to be a successful scheme to protect pedestrians on Purdy Avenue and to facilitate ingress and egress to projects of similar scale, including the Lofts at Sunset Harbour and the Sunset Harbour Parking Garage.

(6) Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

The security plan remains unchanged from the 2018 CUP. The building and its parking garage will be supervised at all times to ensure the safety of all residents, commercial tenants, and patrons. Because the parking garage will serve all proposed uses, the security and safety of the parking facility will be the shared responsibility of the condominium's Homeowners' Association (HOA)/residential homeowners, and the owner/developer and/or commercial landlord and/or office landlord. Supervision of the parking garage will be outsourced to a third party management company (either on a standalone basis or for the entire property) that has experience managing residential and commercial parking structures or parking components of condominium buildings, and those costs will be shared and funded on a pro-rata/per parking space basis.

(7) Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

A traffic study analyzing projected traffic, circulation patterns, impacts and mitigation has been prepared by Kimley-Horn and Associates, Inc., and has been updated to address comments with this submittal.

(8) Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

This Application results in no new noise impacts, as analyzed and approved as part of the 2018 CUP. In fact, replacing 10 residential units with office use will result in less risk of noise overall. The off-street loading zone, parking garage, and delivery and sanitation areas will be configured, designed and engineered to minimize noise, odors, and any related adverse impacts to the residents, commercial tenants, patrons, and neighboring properties. The main trash rooms on the ground floor will be enclosed. All on-site trash disposal will be physically blocked from view and noise limited by a wall and roofed enclosures within the Property.

(9) Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

The operations of the structure remain the same as approved under the 2018 CUP. All sanitation areas will be located on the rear of the Property with easy access for an authorized waste hauler to provide private waste collection and recycling services. Commercial/office

tenants and residents will use secondary access via the trash shoot available on every floor as well as the service corridor to discreetly access the trash rooms.

(10) Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.

The Application does not create any new adverse impacts, as the size of the structure remains the same as approved under the 2018 CUP. The Sunset Harbor neighborhood is a thriving enclave with an urban character. No adverse impacts will be created due to the proposed development's proximity to similar size structures and residential uses. The proposed development will invigorate activity and enhance the desirability of this unique neighborhood. Setbacks and buffering remain as approved. In addition, the project will comply with the 2018 CUP conditions except as modified by this Application.

(11) Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

The proposed structure was previously approved under the 2018 CUP. The introduction of office use does not result in new impacts relating to the structure's cumulative effect. The project, once complete, will be a positive addition to the Sunset Harbour neighborhood, and creates a context friendly, urban development to an underutilized parcel of land. Architecturally, the building responds to the intended scale and land-use of the City, with focus on the scale of the adjacent properties with the fluid movement of the architectural forms.

3. Sea-Level Rise and Resiliency Criteria – Section 133-50(a)

With the 2018 CUP, the project was deemed to satisfy the sea-level and resiliency criteria set forth in Section 118-192(b) of the City Code. As noted above, office use does not require a conditional use permit. However, the 2018 CUP included a condition that required a modification for any change of use. Now, a new use—office—is being proposed in addition to the previously approved uses and the residential density is being reduced from 12 to 2 units. The proposed minor modification does not affect the project's compliance does not affect compliance with Section 113-50(a) of the City's Code. As such, the project continues to meet the sea-level and resiliency criteria as approved by the 2018 CUP, as follows:

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

A recycling or salvage plan for partial or total demolition will be provided under separate cover at the appropriate time in the development process.

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

All proposed windows will be hurricane proof impact windows.

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

Passive Cooling systems, including, but not limited to, operable windows, will be provided.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Resilient landscaping has been incorporated into landscape design.

(5) Whether 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 including a study of land elevation and elevation of surrounding properties were considered.

Adopted Sea level rise projections in the Southeast Florida Regional Climate Action Plan, including a study of land elevation and elevation of surrounding properties, were considered.

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

The ground floor, driveways, and garage ramping are adaptable to the raising of public rights-of-ways and adjacent land.

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

All critical mechanical and electrical systems are located above base flood elevation.

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Not applicable.

(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 of 54 of the City Code.

Wet or dry flood-proofing systems will be provided in accordance with Chapter 54 of the City Code for habitable space located below the base flood elevation plus City of Miami Beach Freeboard.

(10) Where feasible and appropriate, water retention systems shall be provided.

As noted above, wet or dry flood-proofing systems will be provided in accordance with Chapter 54 of the City Code for habitable space located below the base flood elevation plus City of Miami Beach Freeboard.

4. Waivers and Variances.

No waivers or variances are being requested with this Application. The 2018 DRB Order, approved “[t]he Application for Design Review Approval for the construction of a new five-story multifamily building with ground floor retail uses with one or more waivers, to replace six vacant lots and two buildings.” In addition, item D.2.a. of the 2018 DRB Order approved the additional 5'-0" height at the ground level as proposed under the approved plans. This waiver was analyzed and supported by Staff as noted in the Staff Report, which reads as follows:

Finally, the applicant has incorporated resilient methodology in the design of the ground floor plan. With ground floor volumes proposed at 26'-0" high, the retail spaces can adapt to future changes elevations by allowing for ground floor slabs to be “repoured” and spaces re-used. Staff is supportive of the additional 5'-0" of height for the ground floor retail. However, in order to ensure compatibility with the neighboring property to the south, staff recommends that the garage level parking (second floor), be setback a minimum of ten (10') feet from the south property line and improved with a green roof with a minimum soil depth of three (3') feet, inclusive of substantial landscaping to create a buffer between the garage and the residential units of the building to the south.

A copy of the 2018 DRB Order and Staff Report is provided with this submittal for your consideration. Approval of this Application shall not impact the 2018 DRB Order.

II. Response to First Submittal Review Comments Dated March 13, 2020

In connection with the 2018 CUP, a site plan entitled “Sunset Park,” as prepared by Domo Architecture + Design, and dated August 22, 2018 consisting of 76 sheets, was approved (the “Approved Plan”). Given that this Application is a modification, only certain sheets have been revised. The submittal includes the Approved Plan and proposed modified sheets.

The Applicants responses to the comments are as follows:

Planning Department Comments:

5. Operational Plan: Missing - Provide a complete operational plan including hours of operation, number of employees, Deliveries, trash pick-up, security, and other operational characteristics.

RESPONSE: Operational plans for the restaurant uses within the project were reviewed and approved in connection with the 2018 CUP. The approved operational plans have been provided for reference with this submittal. No additional operational plans are required for the office use.

6. FAR: In Order to have 2.0 FAR the project must have more than 25 percent of the total area of a building is used for residential or hotel units, area calculation is wrong, please revise: Ground floor: Residential storage 1 is opening exclusively to retail 2; it cannot be counted the way it is presented. Please revise or do not count this area. Second floor: residence garage should not count towards FAR and does not count towards the 25% of

required residential area, (required parking is exempt to count towards FAR). Roof Deck plan: proposed restrooms are not a height exemption, it should comply with CMB 142-1161 (a)(16). Private vestibule is not a height exception. It should be minimized to the greatest extent possible.

RESPONSE: The FAR calculations, including the calculations demonstrating satisfaction of the requirement that 25 percent of total area of the building is used for residential units, has been revised. Ground floor: opening into residential storage 1 has been revised to facility private access by penthouse 1 resident. Second floor: residence garage has been enclosed, redesignated as “air conditioned garage/storage area” and shall be counted towards FAR. Roof Deck: as discussed during our conference call on March 18, 2020 at 3:00 pm, at this time the restrooms will be preserved as approved. Applicants acknowledge that compliance with the Florida Building Code will be determined during the permitting process. In addition, the private vestibule has been minimized to the greatest extent possible, and two 8-foot private vestibules have been provided instead.

7. Zoning Data: provide a complete zoning data of the approved and proposed using Planning Department zoning data format.

RESPONSE: The enclosed revised plans include a complete zoning date of the approved and proposed plans using Planning Department zoning data format. Please see Sheet A-1.0_P.

8. Plans: Proposed plans are not legible. For example, on A- 1.2 dimensions, furniture & line weights are hard to see. Check also printed version of the plans.

RESPONSE: This comment has been addressed accordingly.

9. Plans: parking ramp access is 21’-6”, it should be 22’

RESPONSE: The parking ramp access has been revised to 22’-0”. Please see Sheet A-1.3_P.

10. Site plan/ground floor plan: indicate backflow preventer location (Check list item 42h)

RESPONSE: The location of the backflow preventer is provided on Sheet of the Approved Plan. A-2.0_P.

11. Plans: Provide at least two section drawings and provide section marks on all plans.

RESPONSE: Please refer to approved Sheets A-4.0 through A-4.2 included for reference in the enclosed plans.

12. Plans: A-1.6 Provide floor area for each PH.

RESPONSE: Refer to FAR calculations shown on Sheet A-1.1_P.

13. Plans: The layout of the residential penthouses are insufficient, please provide a complete floorplan showing bedrooms, baths, living areas etc.

RESPONSE: The enclosed plans have been revised to provide a complete floorplan for each of residential penthouse including bedrooms, baths, living areas, etc. Please see Sheet A-2.5_P.

14. Plans: provide a graphic scale and north arrow.

RESPONSE: This comment has been addressed accordingly.

15. Provide additional overall dimensions on all floor plans in addition to dimensions of, drive aisle width, parking spaces, room size, etc.

RESPONSE: This comment has been addressed accordingly.

16. 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.

RESPONSE: As proposed, the ground floor, driveway and garage ramping have a vertical clearance of 17 feet, which shall be sufficient to accommodate a potential raising of public rights-of-way and adjacent land. Nevertheless, please note that the public rights-of-way in the Sunset Harbour neighborhood have already been raised.

17. Provide a narrative.

RESPONSE: This letter shall serve as the narrative in response to Staff's First Review Comments.

Transportation Comments:

1. Please clarify the logic behind the following trip distribution assumptions:
 - a. All southbound trips are assumed to use 17th Street onto Dade Boulevard whereas the West Avenue bridge would be a more efficient route.
 - b. 5% of arrivals coming south of West Avenue to Dade Boulevard only to head north on Bay Road
 - c. Please elaborate on the trip distribution arriving from north.
 - d. Please elaborate on the trip distribution arriving from west.

RESPONSE: The trip distribution was modified to assign more traffic to West Avenue than Purdy Road, as valet will no longer be provided, pursuant to our

discussions with City of Miami Beach Transportation staff on March 16, 2020. All study intersections continue to operate at adopted levels of service.

2. Please clarify the changes to the trip distribution with transportation department prior to revising the level of service analyses.

RESPONSE: The trip distribution was updated and agreed upon based on extensive coordination with the City's Transportation Department.

3. Please provide the sight triangle at the garage driveway entrance.

RESPONSE: The sight triangles are provided on site plan submitted by the architect. Please see Sheet A-2.0_P.

4. Please discuss loading and trash operations.

RESPONSE: Provided in Approved Plan. See Sheet A-2.11. Delivery vehicles will operate in the same manner as the previously approved plan. They will back-in from Bay Road. The proposed plan provides two (2) tandem loading zones, total of four (4) loading zones, consistent with the same amount of space provided on the previously approved plan.

The trash loading operations will also be the same as with the previously approved plan. The trash dumpster will be wheeled out to the street and loaded on-street.

5. Please discuss if a gate will be provided at the garage driveway entrance. If so, please provide a gate queueing analysis.

RESPONSE: An entry roll-down gate with stack of one vehicle length (22 feet) will be provided at the garage driveway entrance in accordance with the Approved Plan. The gate and stacking configuration are the same as with the previously approved project pursuant to the 2018 CUP. Note that an entry gate analysis was prepared for the latest development program and site plan. The results of the entry gate analysis concluded that the 95th percentile queue is expected to be less than one (1) vehicle. The updated traffic study is attached.

6. Please indicate the bicycle parking spaces on the site plan.

RESPONSE: All bicycle parking spaces are shown on Sheets A-2.0_P of the site Plan.

7. The site plans indicate a restaurant use as part of the retail portion. Please verify if valet will be provided as part of this use.

RESPONSE: No valet will be needed based on the proposed modification.

8. Please verify if the breezeway will be closed to all motorized traffic.

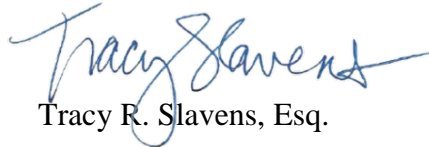
RESPONSE: The two (2) residential unit owners will be able to access the breezeway. However, dedicated valet service will not be provided.

Based on the above, we respectfully seek your favorable review, issuance of notice to proceed to the May meeting of the Planning Board, and recommendation of approval for this Application. Thank you in advance for your considerate attention to this request.

If you should have any questions or require additional information, please feel free to call me directly at 305-789-7642.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

A handwritten signature in blue ink that reads "Tracy Slavens". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tracy R. Slavens, Esq.

Enclosures