



Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131
Tel: 305.374.5600
Fax: 305.374.5095

March 17, 2021

Chair and Members of the Historic Preservation Board
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

RE: Amended LOI re: Versailles – COA for modifications to the previously approved COA for a new design for the landscaping and hardscaping and ground floor amenities in the rear yard including in the Oceanfront Overlay Zone and Dune Preservation Overlay Zone; HPB20-0441

Dear Mr. Mooney,

Our firm represents 3425 Collins, LLC ("Owner") the owner of the parcel of land located at 3425 Collins Avenue (the "Property"), which is improved with the Versailles Hotel, a contributing historic structure in the Collins Waterfront Historic District.

On January 12, 2021, the Historic Presentation Board ("Board") reviewed and approved a COA for modifications to the contributing Versailles Building (HPB20-0389) ("Versailles Approval"); on February 9, 2021, the Board approved a COA for the approval of the redesigned new detached ground level tower addition ("Aman Approval") (collectively the "Proposed Project").

This application is for a COA for the design of landscaping and hardscaping on the Property and certain improvements in the rear yard portion of the Property ("Proposed Project"), including those areas designated as the Oceanfront Overlay Zone (the area 50' west of the bulkhead line) and the Dune Preservation Overlay Zone (the area in-between the Erosion Control Line (a.k.a. the eastern property line) and the bulkhead line), and including a guardhouse and pavilion in the front portion of the Property.

The Proposed Project is being developed -- by Aman Resorts/OKO Group in partnership with Owner -- as the last element of the Faena District. The Proposed Project, along with the previously submitted applications involving restoring the historic building and constructing the detached ground floor addition, demonstrates how the Aman design team is committed to preserving and restoring the past grandeur of the Property while maintaining the extremely high program requirements of Aman.

Faena District

The redevelopment of the Property is the last piece of the larger Faena District, stretching in parts from 32nd Street to 35th Street. The Faena District includes the neighboring Faena Hotel (formerly the Saxony and also a Roy France designed building), the Faena House condominium (designed by Sir Norman Foster and Brandon Haw and whose condominiums have sold for record high prices), the Casa Faena (formerly the Claridge), the Faena Parking Garage, the Bazaar (the historically replicated Atlantic Beach Hotel and another Roy France building), and the Forum (designed by Rem Koolhaas of the Office of Metropolitan Architecture). Beneath Faena Park, the Bazaar and the Forum is an underground parking garage. Altogether, the Faena District provides a couple of hundred parking spaces where before only a handful of surface parking spaces existed. The Faena District also involved the complete reconstruction of the beachwalk within the District boundaries as well as the construction of the 32nd Street and 35th Street end improvements and improvements to the 34th Street right of way ("34th").

The Proposed Project will continue the pattern that has made the Faena District a special place for residents and visitors alike — the preservation of important and invaluable historic buildings while injecting new life into the historic buildings and introducing new architecture and new uses that buoy the vibrancy and property values.

Description of Proposed Project

Aman Miami Beach Hotel and Residences embodies the beauty and balance of duality on a multitude of levels. IPC's design for the project seeks to fuse seemingly contrasting components through landscape with particular focus on scale, natural transitions and native botanical diversity. The new residential building, designed by Japanese architect Kengo Kuma, sits adjacent to the Versailles Hotel, a historic Miami Art Deco mainstay, which houses the hotel.

The architect for the Residences wanted IPC to bring a Japanese sensitivity to the landscape, with reference to the delicate textured bamboo forests of Northern Japan, while paying homage to regional Caribbean flora. Through the integration of layered vegetation, clumping tropical bamboos and *Dysoxylum* species, punctuated by rare regional palms and native ground cover, IPC developed a naturalized botanical transition mediating between old and new, native and exotic. Radiating out from the core area of the two buildings towards the street, IPC's plantings transition to a Caribbean palm canopy emphasizing texture and dappled shade with *Coccothrinax*, *Sabal*, and *Litsea* species.

Moving from the Kuma residential building to the adjacent restored Versailles Hotel, IPC's landscape reflects the architectural symmetry of Art Deco. Native plant compositions transition from their natural growth habit into sculptural, formalized privacy hedges.

Pool decks in both the residential and hotel areas are treated with different cuts and patterns of local filled and sealed limestone while a stabilized regional aggregate is used for pathways and terraces on the beach side.

The intent of the Dune Preservation Overlay Zone and Oceanfront Overlay Zone regulations is to gradually reduce the intensity of oceanfront property usage closer to the Atlantic Ocean. The Proposed Project meets that intent by concentrating the more active pool

uses in the Oceanfront Overlay Zone, while 100% of the Dune Preservation Overlay Zone is landscaped or open space, which is 20% more than what is required.

Finally, the Proposed Project incorporates a guardhouse and pavilion at the front of the Property for the safety and security of the residents and hotel guests. Applicant proposes to use glass block for the guardhouse design, which is contextually appropriate with the 1940s Versailles. The proposed mid-century design will be semi-transparent and reflective during the day, and will create an elegant translucent glow at night. The pavilion has transparency due to the expensive glass slabs (without any aluminum or steel mullions), which creates the feel of an open air pavilion, while blending and reflecting the surroundings, landscaping and blue skies. Most importantly both the guardhouse and the pavilion will be partially wrapped with landscaping, to blend them environmentally with the surrounding landscaped grounds.

VariANCES

The Proposed Project requires the approval of three (3) variances from the Dune Preservation Overlay Zone and Oceanfront Overlay regulations and one (1) variance from the front setback requirement.

1. *Sec. 142-774(4). Dune Preservation Overlay: Sites having less than 300 linear feet of oceanfront frontage shall be limited to one dune crossing and/or promenade linkage.* Here, Applicant is proposing two promenade linkages, one for each use (the "Promenade Variance")

2. *Sec. 142-775(d)(2). Dune Preservation Overlay: Minimum yards in the dune preservation district shall be as follows: Fifteen feet adjacent to any side property line, municipal park, street end, or right-of-way.* Here, Applicant is proposing certain improvements within the Dune Preservation which will be setback 9'-10" from the north property line and 4'-3" from the south property line ("Dune Setback Variance")

3. *Sec. 142-802(3). Oceanfront Overlay: There shall be a minimum required 15-foot setback from a side lot line and a minimum required ten-foot setback from the bulkhead line.* Here, Applicant is proposing certain improvements within the Oceanfront Overlay which will be setback 9'-10" from the north property line and 4'-3" setback from the south property line ("Oceanfront Setback Variance")

4. *Sec. 142-247(a). Front setback requirement is 20 feet.* Here, Applicant is proposing that the guardhouse be setback 9'4" from the west property line ("Guardhouse Variance").

The Property has 200 feet of ocean frontage and Owner proposes to have two promenade linkages. The two linkages are proposed because there are two different uses on the Property, hotel and residential condominium. Each use would have its own connection to the beach walk. This is a fairly common setup for properties with multiple uses, including next door in the Faena District as the Faena House Condominium and Faena Hotel each have their own connection to the beach walk.

The Proposed Project complies with the side yard setbacks as required in the Faena District Overlay; however, the Dune Preservation and Oceanfront Overlay have more restrictive side setbacks for the applicable portions of the Property covered. Variances #2 and #3 relate to the two promenade walkways, each of which has a handrail and accessible ramps, located

at the north and south ends of the Property. The two walkways tie directly into the two promenade linkages. The variance requests for The Dune Setback and Oceanfront Setback Variances are the same: 9'10" from the north property line and 4'3" from the south property line, but one covers the area for the Dune Preservation Overlay and the other covers the area of the Oceanfront Overlay. The only improvements encroaching into the Dune and Oceanfront side setback areas are the handrail and accessible ramps. Collectively variances #1-3 will be referenced herein as the "Dune and Oceanfront Variances."

Variance #4 allows for the proposed guardhouse to be setback 9'4" from the west property line, in order to allow for the necessary security at the entrance of the Property for the two distinct hotel and residential uses. The hotel and residences share a common entrance driveway (as opposed to separate driveways which would create a worse urban condition); therefore there is a need for a guardhouse to separate the incoming vehicles. In addition, the guardhouse would serve to activate Collins Avenue with an active use closer to the pedestrian realm. Variance #4 will be referenced as the "Guardhouse Variance," as indicated above.

The City Code establishes seven (7) individual criteria by which requests for variances are evaluated by the HPB. These criteria are listed below in bold and underline text, with our response following each criterion in plain text.

The City Charter, Subpart B, Article I, Sec. 2 also states, "*Where there are **practical difficulties or unnecessary hardships** in the way of carrying out the strict letter of said Zoning Ordinance, the Board of Adjustment shall have the power in passing upon appeals, to vary or modify any regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done.*"

We believe our responses below will demonstrate that there are both practical difficulties and unnecessary hardships associated with our request for the variances.

A) DUNE AND OCEANFRONT VARIANCES (VARIANCES #1-3)

(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;

Not every property in the RM-3 zoning district has multiple land use on the same property but those that do tend to have separate connections to the beach walk for each use. Also, the Property is unique in that on both the north and south sides it abuts public parking lots and rights of way/street-ends that are over 100' wide. Therefore, the Dune and Oceanfront Variances, which are only for the pedestrian walkways in the Dune Preservation and Oceanfront Overlay areas, do not negatively affect any abutting property owner or the public because the side yards are heavily landscaped and screened.

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

The Proposed Project complies with the side yard setbacks as required in the Faena District Overlay; however, the Dune Preservation and Oceanfront Overlay have more restrictive side setbacks for the applicable portions of the Property covered. Variances #2 and #3 relate to the two promenade walkways, each of which has a handrail and accessible ramp, located at the north and south ends of the Property. The two walkways tie directly into the two promenade linkages. The variance requests for The Dune Setback and Oceanfront Setback Variances are the same: 9'10" from the north property line and 4'3" from the south property line, but one covers the area for the Dune Preservation Overlay and the other covers the area of the Oceanfront Overlay.

Introducing two uses – hotel and residential condominium – is necessary to create an economically viable project that is able to restore the historic Versailles building. The unique situation of the Property in terms of it being situated between two extra wide public spaces is not the result 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;

Granting the Dune and Oceanfront Variances will not confer any special privilege on the Applicant. Many properties with multiple land uses in the RM-3 district have multiple connections to the beach walk to accommodate the users of the different land uses. Moreover, the handrail and accessible ramps are the only improvements encroaching into the Dune and Oceanfront side setback areas.

(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;

Literal interpretation of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the RM-3 zoning district. Many properties with multiple land uses in the RM-3 district have multiple connections to the beach walk to accommodate the users of the different land uses. Furthermore, the only improvements encroaching into the Dune and Oceanfront side setback areas are the handrail and accessible ramps.

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

Generally, sites with less than 300 linear feet of oceanfront frontage shall be permitted one promenade linkage (with a cap of four linkages per site). Here, the linear feet of oceanfront frontage is 200 feet. One additional connection to the beach walk is the minimum number of additional connections needed to make reasonable use of the land

for the two proposed uses. The side yard setback variances are the minimum necessary to still be able to provide landscape screening.

(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;

Approval of the Variances will not be injurious or detrimental to the area or public welfare. Each connection to the beach walk will be a secured connection.

(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.

Granting the requested variances would be consistent with the comprehensive plan and does not reduce levels of service as set forth in the comprehensive plan.

B) GUARDHOUSE VARIANCE (VARIANCE #4)

(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;

Not every property in the RM-3 zoning district has multiple land uses on the same property. The multiple uses require a high level of security to protect the residents of the project and also the hotel guests. Having a guardhouse at the very front of the Property will allow for better control of ingress and egress at the Property ensuring better safety for the residents and hotel guests.

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

The Guardhouse Variance allows for the proposed guardhouse to be setback 9'4" from the west property line, in order to allow for the necessary security at the entrance of the Property to separate the two distinct proposed uses: hotel and residential. The historic Versailles hotel and residences share a common entrance driveway (as opposed to separate driveways which would create a worse urban condition); therefore there is a need for a guardhouse to separate the incoming vehicles. In addition, the guardhouse would serve to activate Collins Avenue with an active use closer to the pedestrian realm.

Introducing two uses – hotel and residential condominium – is also necessary to create an economically viable project that is able to restore the historic Versailles building.

(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;

Granting the variances will not confer any special privilege on the Applicant. Many properties with multiple land uses in the RM-3 district accommodate the users of different land uses, as well as various encroachments into the front yard setback.

(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;

Literal interpretation of the front setback requirements of the Land Development Regulations, which are truly intended for large pedestals and towers (whereas here the proposal is a small, approximately 10 foot tall and 112 square foot guardhouse) would deprive applicant of their expectation of safety, security and privacy at the Property.

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

The Guardhouse Variance is the minimum requirement to maintain permanent security personnel and infrastructure at the front of the Property, before the public has access to both uses. The historic Versailles hotel and residences share a common entrance driveway (as opposed to separate driveways which would create a worse urban condition); therefore there is a need for a guardhouse to separate the incoming vehicles.

(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;

Approval of the Guardhouse Variance will not be injurious or detrimental to the area or public welfare. The proposed guardhouse will increase safety, security and will enhance 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.

Granting the Guardhouse Variance would be consistent with the comprehensive plan and does not reduce levels of service as set forth in the comprehensive plan.

Sea Level Rise Criteria

In order to ensure that the Project is resilient in light of the effects of sea level rise, the sea level rise and resiliency review criteria from Section 133-50 of the LDRs is addressed below:

- 1) **1) A recycling or salvage plan for partial or total demolition shall be provided.**
Not applicable.
- 2) **2) Windows that are proposed to be replaced shall be hurricane proof impact windows.**
Not applicable.
- 3) **3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**
Not applicable.
- 4) **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.**
Resilient landscaping has been provided.
- 5) **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.**
Most of the rear yard area will be built up to approximately 14'-2" NGVD whereas currently the elevation varies between 5' and 6' NGVD. Base Flood Elevation is 8' NGVD. The Property will step and slope down as one heads east, coming down to meet the existing elevation of the beachwalk of approximately 9'-6" NGVD.
- 6) **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.**
Not applicable, but in the prior modifications to the COA all ramps will be able to absorb the additional 3 feet in height based on the current street elevation of Collins Avenue and side streets.
- 7) **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.**

All critical mechanical and electrical equipment will be located between 1 and 2 feet above base flood elevation with the exception of the FPL vault, which will be located at grade elevation as required by FPL.

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

The existing building is located above the base flood elevation but it cannot be raised up to the freeboard due to its historic designation.

- 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.**

All proposed construction located below BFE will be dry flood proof construction up to the BFE plus freeboard. All entrances to the basement located below BFE plus freeboard will be protected with flood panels or gates.

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

The project's Stormwater Management System will be designed to meet the requirements for on-site retention for the State of Florida Department Of Environmental Protection, the City of Miami Beach and the State of Florida Department of Transportation.

- 11) **Cool pavement materials or porous pavement materials shall be utilized.**

Cool pavement materials have been utilized.

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

The project's parking is located below grade, eliminating parking lots which contribute to the heat island effect. Hardscape areas will be limited. Landscaped areas will be planted with green lawns, bushes and trees for shade.

For the aforementioned reasons we respectfully request your favorable review of the Proposed Project and we look forward to working with your staff and presenting the project to the Historic Preservation Board.

Sincerely,



Neisen O. Kasdin