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July 2, 2021

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

**RE: Letter of Intent — 5333 Collins Avenue – First Submittal  
Application for Design Review Board Approval**

Dear Mr. Mooney:

On behalf of 5333 Collins Acquisitions LP, a Delaware limited Partnership ("**Applicant**"), please accept this letter of intent and application for Design Review Board approval for 5333 Collins Avenue, in the City of Miami Beach (the "**Property**").

**Project Overview**

The Property is located in the RM-3, Residential Multifamily, High Intensity zoning district and currently contains an existing structure with 120 residential units. Based on the survey enclosed with the application, the Property is approximately 106,015 square feet (2.434 acres)<sup>1</sup> and there is an existing 15-story building with surface parking and a pool at the rear of the Property. Applicant intends to demolish the existing improvements.

The purpose of this application is to seek approval from the Design Review Board ("**DRB**") to demolish the existing improvements and construct a new multifamily project (the "**Proposed Project**" or "**Project**"). The Proposed Project consists of 100 residential units contained in a 19-story tower, with approximately 317,918 square feet of floor area, 183 parking spaces and 2 loading spaces.

Applicant designed the Proposed Project to meet all requirements under the City of Miami Beach's ("**City**") Land Development Regulations ("**LDRs**" or "**Code**"), and thus no variances are required. The Proposed Project complies with all requirements under RM-3 including height, FAR, setbacks, parking and

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<sup>1</sup> Note that there is a small parcel to the west of Collins Avenue, which is approximately 6,200 square feet (0.1423 acres) and zoned WD-1, that is included as part of the folio, but is not included as part of the scope of this application.

density. In fact, the permitted density would allow the Applicant to develop approximately 365 units, whereas Applicant is only proposing a maximum of 100 units for the site. Therefore, the Proposed Project is at least 265 units below the maximum permitted density, or approximately 27% of the potential permitted density pursuant to the comprehensive plan. In addition, there are currently 120 units on the Property. Therefore, there is a net decrease of 20 units and thus a low impact on the surrounding area.

### **Project Design and Landscape**

The tower is being designed by the Office for Metropolitan Architecture ("**OMA**"), together with O'DONNELL DANNWOLF & PARTNERS ARCHITECTS INC ("**ODP**"), as described in greater detail below.

*5333 Collins Avenue offers an extraordinary palette for architecture, design and living. Rather than conceiving the building as a monolithic slab, or filling the site to block the distinctive water-to-water location, a series of slender "towers" are rotated to orient views away from neighbors towards the Atlantic Ocean and Biscayne Bay. These "towers" are then merged and lifted into one simple and timeless form, shaped by the specifics of site. This multi-tower design and its 45-degree articulation to the water on two sides allows residents to experience unique open views of sunrise, sunset, the Miami skyline and the ocean while enjoying multiple corner exposures. The base of the building is carved to create a dramatic moment of entry along Collins and covered exterior amenities facing the ocean, while the crown is stepped to provide generous terraces facing the water both to the east and west. Gracious residences with dramatic floor to ceiling windows and extensive private outdoor space bring the outdoors in while creating a level of privacy usually only found in private single-family homes.*

*Along the length of the building, the towers are subtly distinguished in both the shape and color of their balconies. The alternating expression of the individual towers breaks down the scale while creating a sense of rhythm as one moves around the tower. This rhythm and contrast of material, shape and color is at once familiar, paying homage to Miami Beach art deco and midcentury modern past, while creating something new, drawing from the unique qualities of its context.*

*While many developments have turned their back on Collins, creating an urban wall against the ocean, the Proposed Project opens up towards the City and the ocean. Through lifting and rotation, creating maximum connection, view, and porosity through the site, while also creating moments of privacy, seclusion and exclusivity for residents. The development at 5333 Collins builds on the inherent qualities of its unique site to create a distinctive development that will be an emblematic addition to the Miami Beach skyline.*

The landscape is being designed by Gustafson Porter + Bowman, together with Architectural Alliance Landscape ("**AAL**"), as described in greater detail below.

*The landscape design responds positively to its east side dune edge context and west side street context. To the east, the property line is defined by a minimal vertical slatted gate and fence. The dune, a timber boardwalk and native dune plants rise up to meet the top of the bulkhead wall and swimming pool deck.*

*The planting to the west of the swimming pool and within the north and south setbacks is densely planted with native trees, palms and shrubs, to create a barrier to prevailing ocean winds. This protects lush and intimate sub-tropical garden feature to the north and south sides of the building.*

*The Collins Avenue planted landscape is bold, to work with the scale of the street. A line of majestic Royal Palms shade the street and announce the rise in the ground up to the building's western prow. Here bands of smaller Shade trees and low ground cover plants allow views between the street and the building's main entrance.*

### **Compliance with the LDRs and Design Review Criteria**

The site plan, location, appearance and design of the Proposed Project is generally consistent with the LDRs, and specifically with Section 118-251 ("**Design Review Criteria**"). The proposed project is sensitive to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding community.

**(1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.**

The existing conditions at the Property consist of mostly surface parking, hardscape, impervious surfaces, with almost no landscaping or greenery. The Proposed Project will contain the required open space, landscaping, trees, and drainage for this site. In addition the Proposed Project will meet the requirements of the oceanfront and dune preservation overlays.

**(2) 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 building, drives, parking spaces, walkways, means of ingress and egress, landscaping and other improvements have been carefully contemplated by the design team to create an attractive project, which complies with the Code, and fits within the context of the neighborhood. Landscaping on the Property, which is currently sparse and not well planned, will be significantly upgraded on all sides of the Property. The existing parking consists of approximately 71 surface parking spaces, which can be viewed from the right of way. The proposed parking will be concealed in a garage.

**(3) 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 Project plans are appropriately dimensioned to show compliance with all of the applicable zoning requirements, and oceanfront and dune preservation overlays.

**(4) The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in Section 118-252.**

The color, design, landscape materials and architectural elements of the exterior of the building have all been designed to meet the guidelines identified in section 118-252, which are further detailed in the enclosed Site Plan.

**(5) The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances,**

**architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.**

The proposed site plan, appearance and design of the new building are in conformity with the standards of the Code, and conform with the design guidelines by the Design Review Board.

**(6) The proposed structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.**

The design of the Proposed Project is compatible with and elevates the surrounding area. The proposed architecture contains a rhythm and contrast of material, shape and color which pays homage to the Miami Beach art deco and midcentury modern past, while creating something new, drawing from the unique qualities of its context.

**(7) The design and layout of the proposed site plan, as well as all new and existing buildings 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 contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.**

The design and layout of the proposed site plan has been carefully thought out to provide efficient uses, safety, fire protection, positive contextual relationship with the surrounding neighborhood and view corridors. Appropriate lighting, view corridors, and pedestrian sight lines are detailed throughout the site plan. While many developments have turned their back on Collins, creating an urban wall against the ocean, the Proposed Project opens up towards the city and the ocean. Through lifting and rotation, creating maximum connection, view, and porosity through the site, the Proposed building creates unique view corridors. The development at 5333 Collins builds on the inherent qualities of its unique site to create a distinctive development that will be an emblematic addition to the Miami beach skyline.

**(8) 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 all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.**

A traffic assessment was prepared by Kimley Horn in accordance with the agreed upon traffic methodology. Based on the decrease in the total number of units from 120 to 100, the Proposed Project is expected to result in a reduction of six (6) new vehicle trips during the weekday A.M. peak hour and a reduction of five (5) new vehicle trips during the weekday P.M. peak hour.

In addition, the Project team has taken great care in analyzing the existing curb cuts and designing the Project to interfere with traffic as little as possible. For example, the south bound curb cut will be a one way *entry* only since it is close to the traffic light, just a short distance north of the curb cut. There are segregated pedestrian paths, and all parking is conveniently located in the garage. There is space for bike racks within the parking garage so that the bike storage is shielded from the elements and is secured. There are sidewalks on the west side of the Project, which will be enhanced with more and better quality landscaping.

**(9) 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. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.**

Lighting will be provided to ensure safety of individuals and vehicles and to minimize any glare on adjacent properties. Further, lighting will enhance the Project at night.

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

Landscaping and paving materials are consistent with City's guidelines, and are compatible with the surrounding neighborhood. Landscaping on the Property, which is currently sparse and not well planned, will be significantly upgraded on all sides of the Property.

**(11) 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.**

The proposed landscaping plan adequately shields and buffers the proposed building from the adjacent public rights-of-way. The parking garage will shield headlights and vehicle noise as well from the adjacent properties.

**(12) The proposed structure has 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).**

The Proposed Project has an orientation and massing which is sensitive to the surrounding area. The tower is rotated to orient views away from neighbors towards the Atlantic Ocean and Biscayne Bay. The massing is also compatible with the contrast of material, shape and color.

**(13) The building has, where feasible, space in that part of the ground floor fronting a 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 street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.**

Although the minimum required pedestal setback along Collins is 20 feet, the front pedestal setback is proposed at 36 feet and the tower is proposed to be setback approximately 56 feet at the front setback (where 50 feet is required). The garage is partially below base flood elevation and will not be visible from the public right of way, rather the residential entrances and façade will be seen upon approaching the site.

**(14) The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.**

The Project will have an appropriate and fully integrated rooftop architectural treatment. As shown in the Site Plan, the Project encloses the mechanical equipment, stairs, and elevator towers.

**(15) An 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 Project is not an addition onto an existing building; all existing improvements will be demolished and the Proposed Project consists of all new structures, which will be compatible with the surrounding area.

**(16) All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.**

The Project proposed is visually appealing, considerate of the surrounding neighborhood, and provides transparency for pedestrians, with windows and doors along the ground floor and upper levels of the Project, maintaining visual interest.

**(17) 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.**

There are two (2) off-street loading spaces provided in the parking structure, which will also contain the trash room, mechanical equipment, bike storage and security. There is also a temporary loading zone directly in front of the residential lobby for convenience.

**(18) In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.**

Not applicable.

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

The structure and site complies with the sea level rise and resiliency review criteria, as indicated below in greater detail.

### **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 are addressed below:

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

Applicant will work with Staff to ensure that an adequate recycling plan is provided as part of the submittal for a demolition permit to the building department.

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

Hurricane proof impact windows are proposed.

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

The windows for residential units will be operable.

- 4) **Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided.**

All new landscaping will consist of Florida friendly plants.

- 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, including a study of land elevation and elevation of surrounding properties were considered.**

The Southeast Florida Regional Climate Action Plan projects that sea level will rise 6 to 10 inches by 2030, 14 to 26 inches by 2060, and 31 to 61 inches by 2100 above the 1992 mean sea level. This represents NGVD elevations of 1.10' to 1.43' by 2030, 1.77' to 2.77' by 2060, and 3.18' to 5.68' by 2100 at Mean Sea Level. At Mean High Water this represents NGVD elevations of 2.31' to 2.64' by 2030, 2.98' to 3.98' by 2060, and 4.39' to 6.89' by 2100.

According to the survey, the ground varies in elevation from approximately 4.5' NGVD to approximately 11.8 NGVD. The first floor of the building is proposed to be at an elevation of 13 NGVD, and the second floor is proposed at 29 feet NGVD (where the base flood elevation is 8 feet). This will allow for the raising of the finished floor of the ground floor in the future if the surrounding roads are raised. The Project is therefore not anticipated to be impacted by Sea Level Rise in the timeframe included in the Sea Level Rise projection.

Additionally, a substantial seawall also protects the Property from storm wave impact from the Atlantic Ocean.

- 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.**

According to the Survey and Plans, Project elevations are well above road elevations.

- 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 systems will be located above base flood elevation and on roofs when available. Some mechanical systems are located below base flood elevation and are flood-proofed.

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

The existing buildings will be demolished as part of the Proposed Project.

**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.**

There are no habitable spaces located below the base flood elevation.

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

Although no significant impact on water retention at the Property is anticipated by virtue of the Project, Applicant will work with Staff to ensure that feasible and appropriate water retention systems are provided.

**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 Proposed Project eliminates the existing surface parking lot, and relocates the parking to a parking garage, which is partially below grade, to minimize the heat island effect. Hardscape areas will be limited. Landscaped areas will be planted with green lawns, bushes and trees for shade.

We respectfully request your favorable review of the Proposed Project. Please do not hesitate to contact me should you have any questions related to this matter. Thank you for your consideration.

Sincerely,

**AKERMAN, LLP**

  
Neisen O. Kasdin

cc: Michael Belush, Chief of Planning & Zoning, City of Miami Beach  
Fernanda Sotelo Chotel, Principal Planner, City of Miami Beach  
Marissa Amuial, Akerman LLP