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March 18, 2022

VIA ELECTRONIC 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 – Letter of Intent for Design Review Board
Application No. DRB22-0814 (the "Application")**

Dear Mr. Mooney:

Please accept this Letter of Intent on behalf of Sunset Land Associates LLC (the "Applicant"), in support of its Application to the Design Review Board ("DRB") for the approval of the project known as "Eighteen Sunset" (the "Project"). The Project is located at 1759 Purdy Avenue, in Miami Beach, Florida, and is identified by folio no. 02-3233-012-0540 (the "Property"),¹ and subject to DRB Order No. DRB17-0198 (the "2018 DRB Board Order"),² as modified by DRB Order No. DRB20-0549 (the "2021 DRB Board Order"³ and, together with the 2018 DRB Board Order, the "DRB Orders").

I. Background

The Property consists of approximately 0.77 acres, located within the Sunset Harbor neighborhood and has a land use designation of Medium Intensity Commercial Category (CD-2) and is zoned

¹ Previously, the Property address was 1752, 1738, 1730, and 1724 Bay Road, and 1759, 1747, 1743, and 1733 Purdy Avenue, and was identified by folio nos. 02-3233-012-0550, -0530, -0540, -0520, -0510, -0500, -0490, and -0480.

² Recorded December 17, 2018 in Official Records Book 31256, at Page 1958, Official Records Book 31256, at Page 2269, Official Records Book 31256, at Page 2500, Official Records Book 3126, at Page 2548, Official Records Book 31256, at Page 2598, Official Records Book 31256, at Page 2607, Official Records Book 31256, at Page 2725, Official Records Book 31257, at Page 335 of the Public Records of Miami-Dade County, Florida.

³ Recorded June 22, 2021 in Official Records Book 32573, at Page 4976, Official Records Book 32573, at Page 4889, Official Records Book 32573, at Page 4989, Official Records Book 32574, at Page 5, Official Records Book 32574, at Page 45, Official Records Book 32574, at Page 59, Official Records Book 32574, at Page 88, and Official Records Book 32574, at Page 113 of the Public Records of Miami-Dade County, Florida.

CD-2. In 2018, the Property received approval for a new five (5) story mixed-use project with ground floor retail uses pursuant to the 2018 DRB Board Order.⁴ The 2018 DRB Order was later modified on May 4, 2021, to include office use and increased building height pursuant to the 2021 DRB Order. The 2021 DRB Order resulted in the conversion of the residential units on the third and fourth floors to up to 29,728 square feet of commercial office space, as well as an increase in the overall height to sixty-five (65) feet in accordance with Ordinance No. 2021-4415, which allowed the Project an additional height of ten (10) feet (from the previously approved fifty-five (55) feet). Copies of the recorded DRB Board Orders are attached hereto as Composite Exhibit "A" for your reference.

The plans submitted with this Application propose a modification of the plans approved by the DRB Board Orders to provide a required fire emergency stairwell at the south wall of the building in accordance with comments received by the City's Fire Department reviewers, and revise condition I.D.2.c in the 2018 DRB Board Order accordingly, as described in detail in section II below.

II. Proposed Modification

Since the approval of the 2021 DRB Order, the Project continued its due course through the City's permitting process, which involves the City's Fire Department ("Fire") review. In connection with the review and approval for the Project's Phase Permit No. PH2100098, Fire requested the addition of a stairwell at the south wall of the building within the setback area for safe evacuation during an emergency. It is important to emphasize that Fire does not review any proposed projects during the DRB's approval process. Thus, Fire first raised this comment after the approval of the DRB Board Orders.

The addition of this stairwell results in a loss of two (2) parking spaces and significant delays for the Project already in the final stages of the permitting process. In an effort to find alternative solutions to Fire's after the fact concerns, the Applicant has participated in numerous meetings with Fire, Building, and Planning Staff. However, Fire has determined that the stairwell is required for fire protection and life safety. Furthermore, Planning and Zoning Staff have determined that a modification of condition I.D.2.c in the 2018 DRB Board Order is required to accommodate the required fire emergency stairwell.

The proposed modification to condition I.D.2.c of the 2018 DRB Board Order is as follows:

⁴ The Project was also approved pursuant to Conditional Use Permit under File No. PB 17-0168 (aka PB 18-0168, recorded December 19, 2018 in Official Records Book 31260, at Page 4255, Official Records Book 31260, at Page 4266, Official Records Book 31260, at Page 1243, Official Records Book 31260, at Page 4360, Official Records Book 31260, at Page 1251, Official Records Book 31260, at Page 1262, Official Records Book 31260, at Page 4368, Official Records Book 31260, at Page 1270 of the Public Records of Miami-Dade County, Florida (the "2018 CUP"), as modified by the City of Miami Beach Conditional Use Permit File No. PB20-0344 recorded April 16, 2021 in Official Records Book 32453, at Page 3655, Official Records Book 32453, at Page 3547, Official Records Book 32497, at Page 2297, Official Records Book 32453, at Page 3645, Official Records Book 32453, at Page 2018, Official Records Book 32453, at Page 2352, Official Records Book 32453, at Page 3693, Official Records Book 32453, at Page 2620 of the Public Records of Miami-Dade County, Florida (the "2020 CUP"; and, altogether, the "Project CUPs").

FROM:

c. The garage level parking (second floor), shall be setback a minimum of ten (10') feet from the south property line. The entirety of such setback area (the roof of the ground floor) shall be open to the sky from this level upwards, and shall be re-designed to include a decorative wall, hardscape, landscape planter or landscape features in order to create a buffer between the garage and the residential units of the building to the south, in a manner to be reviewed and approved by staff.

TO:

c. The garage level parking (second floor), shall be setback a minimum of ten (10') feet from the south property line. The ~~entirety of such~~ setback area (the roof of the ground floor) shall be open to the sky from this level upwards, and shall be re-designed to include a decorative wall, hardscape, landscape planter or landscape features in order to create a buffer between the garage and the residential units of the building to the south, in a manner to be reviewed and approved by staff. **However, this shall not preclude any stairwells, doorways, access points, equipment, or structures required by the Fire Department or Building Life Safety Code.**

This proposed modification of condition I.D.2.c in the 2018 DRB Board Order allows the Project to comply with Fire and Building Life Safety Code requirements while remaining respectful of the adjacent neighbors to the south. The required emergency stairwell has been located away from the residential units to the south and will not obstruct the view from those units. As such, the original intent of the condition is maintained and accomplished with the proposed modification. It should be noted that the Project CUPs also required this setback and specifically directed the Design Review Board to approve the final condition.

The emergency stairwell extension will be constructed with the same building conditions as the main structure (steel columns, concrete walls and relevant finishes – as detailed in the supporting design documents). Internally, it provides all required features and elements such as hand rails, lighting, sprinklers, fire doors, ventilation, etc. The stair will be fully enclosed from the ground floor up to the transition from L2 into L3 levels, and will include intermediate fire doors at each level and exit onto Purdy Avenue sidewalk. As the stairwell transitions up to the L3 level the stairs will open and have a dividing wall/handrail to separate it from the L3 balcony.

The Project continues to maintain separation with the neighboring building to the south and significantly exceeds the minimum required front, side, and rear setbacks. In addition, the Project will provide the previously approved green roof element with substantial landscaping and additional landscaping and setback on the south side of the second level to create a buffer between the garage and the residential units to the south.

The Project features an interesting and exciting mix of materials and extensive glazing. Overall, the Project will result in a noteworthy addition to the Sunset Harbour neighborhood that will beautify the area, while providing the kind of Class-A office space with superior design that will help fortify the City's economic future and create a significant financial benefit to the City.

III. Compliance with Design Review Criteria

With the approval of the DRB Board Orders, the Project was deemed to satisfy the design review criteria set forth in Section 118-251 of the Land Development Regulations. The proposed modification request does not affect the Project's compliance with Section 118-251. As such, the Project continues to meet the design review criteria, as follows:

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

Satisfied.

(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.

Satisfied.

(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.

Satisfied. The Project continues to maintain separation with the neighboring building to the south and significantly exceeds the minimum required front, side, and rear setbacks. In addition, the Project will provide the previously approved green roof element

(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.

Satisfied. The color, design, and landscape remain in compliance with the plans approved by the 2021 DRB Order, including substantial landscaping on the south side of the second level to create a buffer between the garage and the residential units to the south.

(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.

Satisfied. The proposed site plan modifications are consistent with the plans approved by the 2021 DRB Order.

(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.

Satisfied. The proposed modification will not impact the adjacent units in the abutting property and it is the minimum change needed to satisfy Fire's life safety requirements.

(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.

Satisfied. The purpose of this Application is to ensure an efficient building design and, more specifically, to meet the requirements set forth by the City for safety and fire protection.

(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.

Satisfied.

(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.

Satisfied.

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

Satisfied.

(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.

Satisfied.

(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).

Satisfied. The scale of the proposed Project is compatible with nearby buildings and the CD-2 zoning district regulations, including the Height Ordinance. To ensure compatibility, the Project significantly exceeds the minimum required front, side, and rear setbacks, and provides a green roof element with substantial landscaping as well as additional landscaping and setback on the south side of the second level to create a buffer between the garage and the residential units to the south.

(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.

Satisfied. The proposed site plan modifications are consistent with the plans approved by the 2021 DRB Order.

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

Satisfied. The proposed site plan modifications do not propose a change to the rooftop design approved by the 2021 DRB Order.

(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).

Not Applicable; all existing improvements and structures have been demolished.

(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.

Satisfied. No change is proposed to the first level pedestrian experience along the streets and sidewalks.

(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.

Satisfied. No changes proposed to these design elements.

(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; none proposed.

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

Satisfied. See below.

IV. Compliance with Sea-Level Rise and Resiliency Criteria

Similarly, with the approval of the DRB Board Orders, the Project was deemed to satisfy the sea-level rise and resiliency criteria set forth in Section 133-50(a) of the Land Development Regulations. The proposed modification request does not affect the Project's compliance with said criteria. As such, the Project continues to meet the design review criteria, as follows:

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

Satisfied.

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

Satisfied. No changes proposed to these design elements.

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

Satisfied. No changes proposed to these design elements.

(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 incorporated into landscape design.

(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

Satisfied. 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 and the appropriate principles were incorporated into the approved building design.

(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, 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.

Satisfied. No changes proposed to these design elements.

(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.

Satisfied. No changes proposed to these design elements.

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

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.

Satisfied. No changes proposed to these design elements.

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

Satisfied. No changes proposed to these design elements.

(11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied. No changes proposed to these design elements.

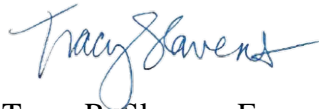
(12) The design of each project shall minimize the potential for heat island effects on-site.

Satisfied. No changes proposed to these design elements.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this application. Thank you in advance for your considerate attention to this request. If you 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, reading "Tracy Slavens". The signature is fluid and cursive, with the first name "Tracy" and last name "Slavens" clearly distinguishable.

Tracy R. Slavens, Esq.

Enclosures

cc: Mr. Bradley Colmer
Mr. Greg Togel
Mr. Charlie Gilbert

EXHIBIT "A"

DRB BOARD ORDERS