

May 6, 2022

By Email to deborah.tackett@miamibeachfl.gov

By Email to barrykleinboa@gmail.com

By Email to bresaro@aol.com

By Email to kpaskalmb@gmail.com

By Email to laura@lawassocinc.com

By Email to nanlieb@aol.com

By Email to rick.hpb@gmail.com

By Email to stuartreedesq@aol.com

Chairman and Members of the Historic Preservation Board
c/o Debbie Tackett, Chief of Historic Preservation
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: Objection to Application for Certificate of Appropriateness for partial demolition and renovation of two buildings on the site, the total demolition of two buildings, the construction of two new additions and landscape and hardscape modifications for the property located at 1901 Collins Avenue, Miami Beach, Florida (Historic Preservation Board File No. 21-0481). (Shore Club Project)

Dear Chairman and Members of the Historic Preservation Board,

I represent the owners of units 1808 (Setai 1808, LLC), 2204 (Setai 2204, LLC), 2304 (Setai Unit 2304, LLC) and 3701 (Dr. Stephen Soloway) at the Setai Resort and Residences located at 101 20th Street, Miami Beach, Florida (collectively "The Setai Condo specified unit owners") concerning the above referenced matter.

The Setai Condo specified unit owners' properties are on the north side of 20th Street, immediately across the street and directly impacted by, the Applicant Shore Club Property Owner, LLC's development project at 1901 Collins Avenue, and on 20th Street, Miami Beach, Florida.

The Setai Condo specified unit owners hereby advise the Board of their objection to the proposed application. We incorporate the graphic presentation submitted to the Historic Preservation Board which is attached to this letter.

Proposed Project Incompatible with Historic and Contributing Buildings, and Inconsistent with Review Criteria

The Staff Report fails to provide a credible evaluation determining whether the project is compatible with the surrounding properties, compatible with the historic and contributing buildings on the site, and meets the Secretary of Interior Standards and the Certificate of Appropriate Criteria required to “evaluate the compatibility, appropriateness and impact” of proposed buildings “on adjacent properties and structures” pursuant to §118-564(3), Miami Beach Code. (emphasis added.)

In particular, the HPB is required to consider:

- “The proposed structure, and/or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties.” §118-564(3)(d), Miami Beach Code.
- “Relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.” §118-564(3)(e), Miami Beach Code.
- “Any proposed new structure shall have 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).” §118-564(3)(j), Miami Beach Code.
- “Any 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).” §118-564(3)(m), Miami Beach Code.

See graphic presentation submitted to the Historic Preservation Board which is attached to this letter.

The Setai Condo and its Units are Protected by the HPB Review Criteria and The Impact of the New Addition is Recognized and Protected by Law.

The Setai Condo specified unit owners will be adversely impacted by the incompatible and inappropriate proposed new building. My clients will suffer a special injury. *Fontainebleau Hotel Corp. v. Forty-Five Twenty Five Inc.*, 114 So. 2d 357 (Fla. 3d DCA 1959) holds that there is no right to air, light or view, across the adjacent property “unless by contract or statute.” *Id.* at 359 (emphasis added). The court in *Fontainebleau* noted “a property owner may put his own property to any reasonable and lawful use, so long as he does not thereby deprive the adjoining landowner of any right of enjoyment of his property which is recognized and protected by law” *Id.* (citing to *Reaver v. Martin Theatres*, 52 So. 2d 682,683 (Fla. 1951) (emphasis added). Here there is a specific review criteria ordinance, a law which is in place to protect views and other contextual

impacts of adjacent property owners. The impact of the new addition is recognized and regulated by law. The adverse impact is clear:

- The proposed structure is incompatible with the adjacent structures and does not enhance the appearance of the surrounding properties. §118-564(3)(d), Miami Beach Code.
- The new structure will have an adverse impact on adjacent buildings and view corridors. §118-564(3)(e), Miami Beach Code.
- It is not sensitive to and not compatible with the building site and surrounding areas and does not maintain important view corridors. §118-564(3)(j), Miami Beach Code.
- The additional building is not sensitive and compatible with the existing improvements both on the site and on the adjacent properties. §118-564(3)(m), Miami Beach Code.

Revision of Curb Cut tfor Loading Spaces Not Supported by Traffic Maneuverability Study

The proposed revision of the loading spaces and the reduction of the curb cut will render the loading area dysfunctional. The Applicant's Traffic Engineering Report on loading maneuverability shows the SU-40 vehicles entering the loading area crossing over the curb and sidewalk. It is obvious that the narrowing of the curb cut renders the entrance to the loading area to be geometrically dysfunctional.

Villa Setback

The Villa is setback only five (5) feet from the Beach Access Walkway. The Villa will place the Walkway in shadow during the morning and mid-day and the new tower will likely place the Walkway in shadow the rest of the day. The Villa must be setback no less than 20 feet further from the Walkway to avoid these shadows.

Failure to Provide Studies of Shadows and View Corridors

Although requested by members of the Historic Preservation Board to provide shadow studies and view corridor studies, none were provided in the Applicant's April 18, 2022 submission. The Setai Condo specified unit owners made a reminder request to the Applicant, but no shadow studies and view corridor studies were provided. See May 3, 2022 letter attached hereto.

Project Should Be Redesigned

The Applicant should be directed to redesign the building consistent with the review criteria and thereby render its design, massing and siting sensitive to the contributing buildings on site and the surrounding area, to be compatible with the historic district,

preserving the character of the neighborhood and historic district, as well as the contiguous and adjacent buildings and view corridors and to enhance the appearance of the surrounding properties.

Sincerely,

Kent Harrison Robbins

Kent Harrison Robbins
Attorney for Setai 1808, LLC, Setai 2204, LLC and Setai Unit 2304, LLC.

Enclosures: Graphic Presentation and Letter Request for Shadow and View Studies

cc: Tom Mooney, Planning Director: ThomasMooney@miamibeachfl.gov
Nick Kallergis, First Assistant City Attorney: NickKallergis@miamibeachfl.gov
Michael Larkin, Attorney for Applicant: MLarkin@brzoninglaw.com
Neisen Kasdin, Attorney for Applicant: neisen.kasdin@akerman.com
Dan Gelber, Mayor: DanGelber@miamibeachfl.gov
Mark Samuelian, City Commissioner: MarkSamuelian@miamibeachfl.gov
Steven Meiner, City Commissioner: stevenmeiner@miamibeachfl.gov
Ricky Arriola, City Commissioner: RickyArriola@miamibeachfl.gov
David Richardson, City Commissioner: DavidRichardson@miamibeachfl.gov
Alex Fernandez, City Commissioner: Alex@miamibeachfl.gov
Kristen Rosen Gonzalez, City Commissioner:
Kristenrosengonzalez@miamibeachfl.gov

Historic Preservation Board File No. 21-0481

1901 Collins Avenue Shore Club



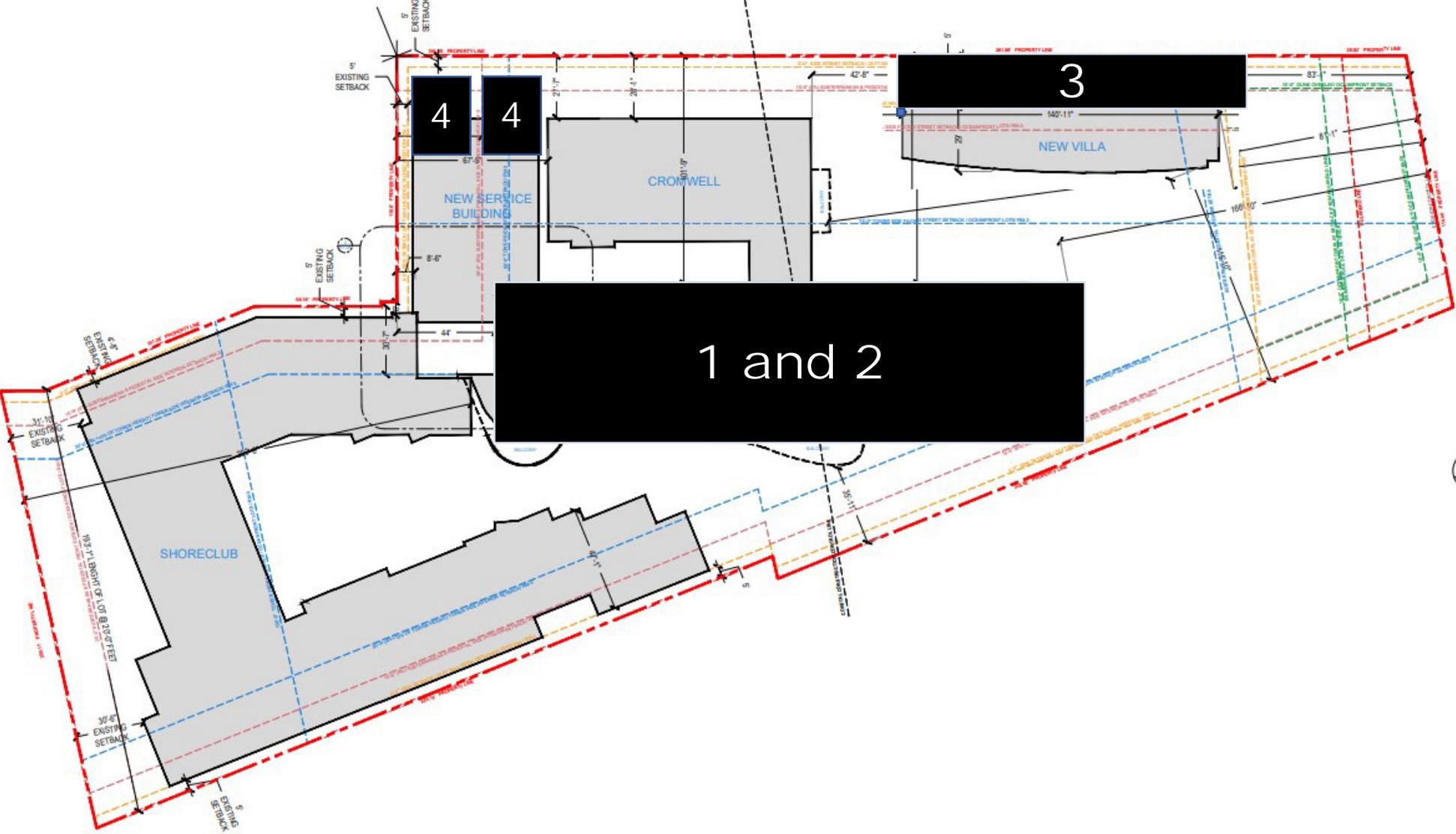
Presentation by Law Offices of Kent Harrison Robbins, P.A.
on behalf of the Setai 1808, LLC, Setai 2204, LLC, Setai Unit 2304
LLC, and Dr. Stephen Soloway.

May 10, 2022

FOUR PARTS TO A COMPLEX PROBLEM:

1. CONTEXT
2. SCALE OF TOWER
3. VILLA SETBACK
4. LOADING

1. CONTEXT 2. SCALE OF TOWER 3. VILLA SETBACK 4. LOADING

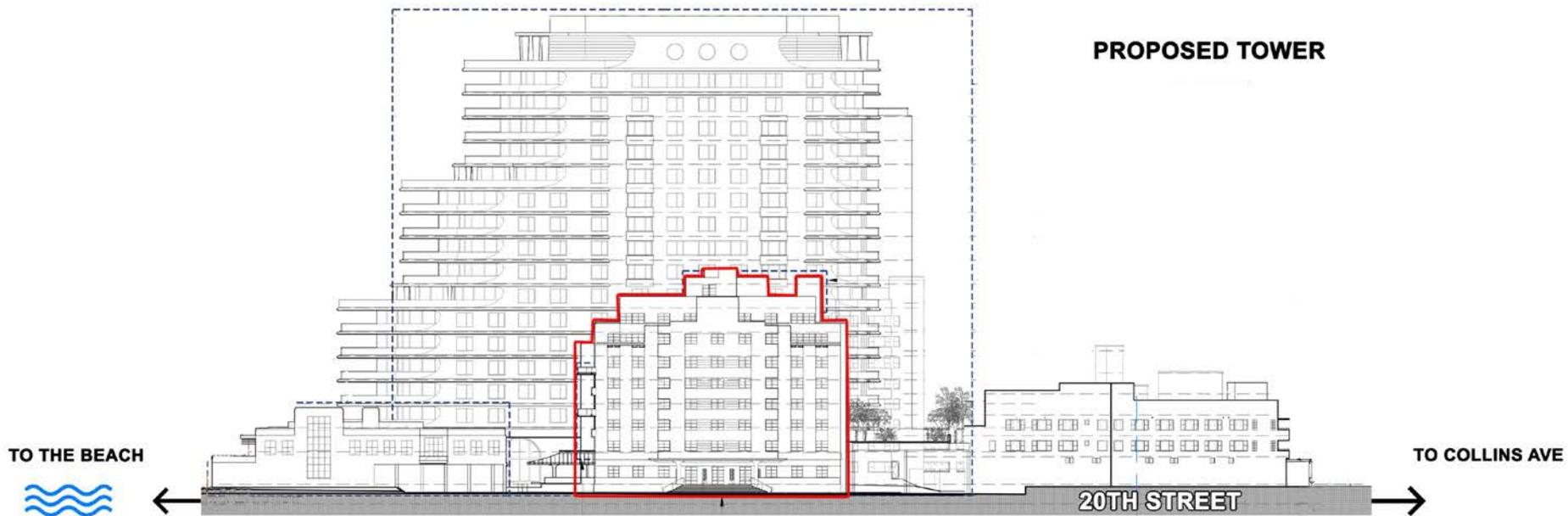
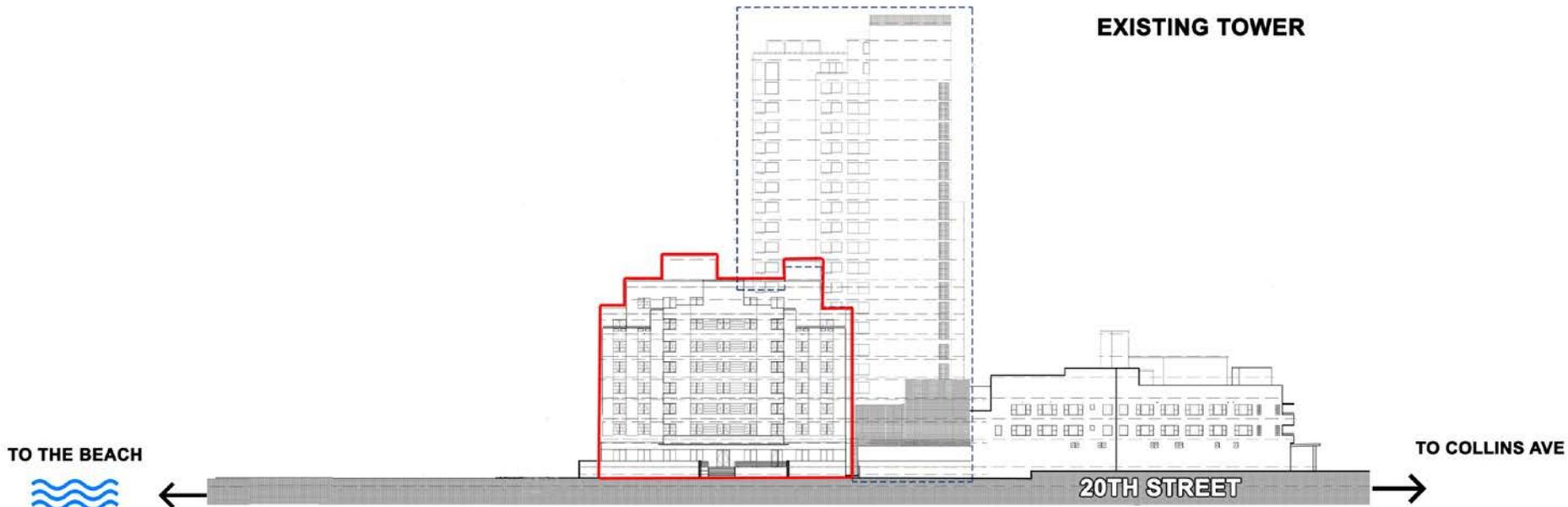


SHORE CLUB
PROPOSED
NORTH ELEVATION





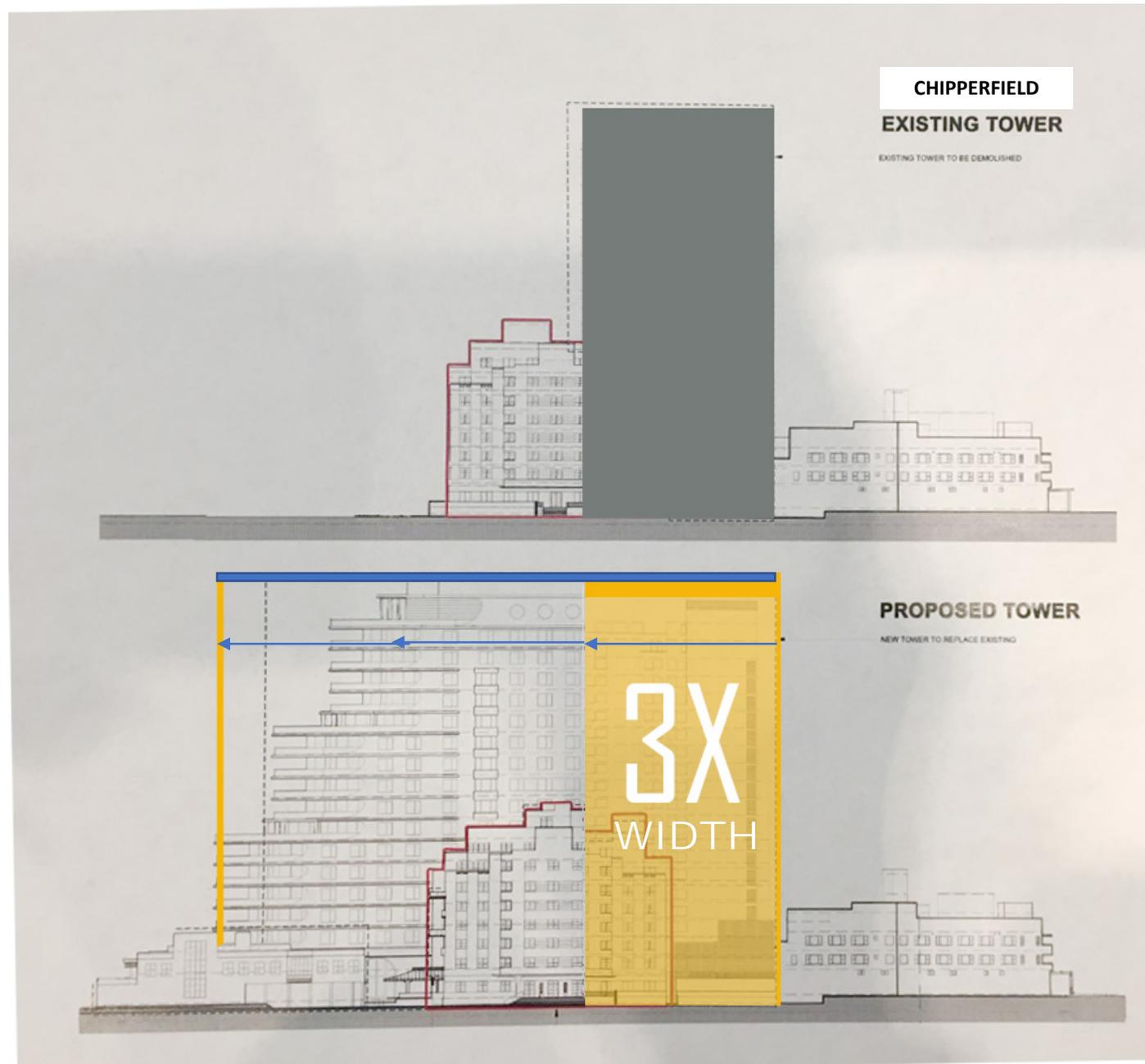
A4.25 of Applicant's Final (4/18/22) Submission Plans



NEW
BUILDING
WILL BE

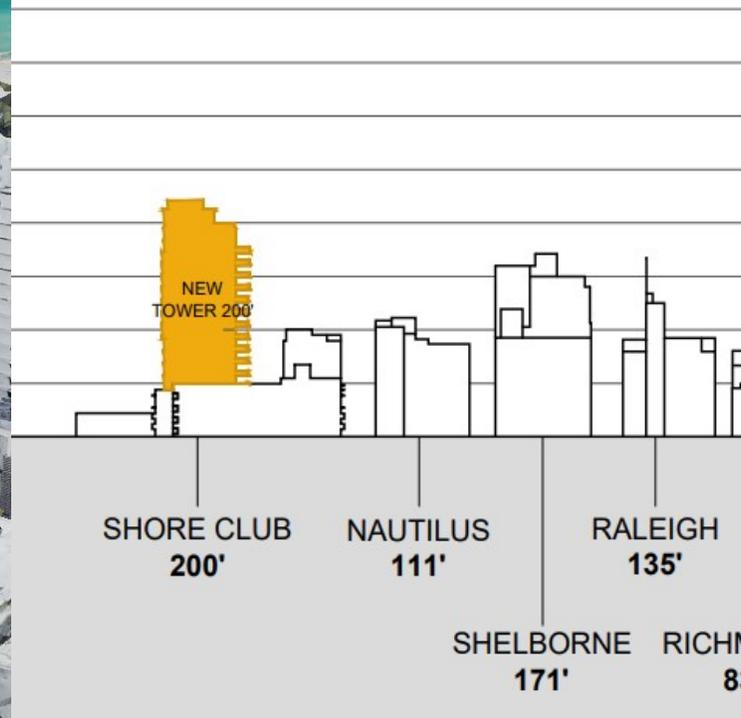
3X

THE WIDTH
OF THE
EXISTING
SHORECLUB
TOWER



PROMINENT URBAN BLOCK





A **PROMINENT URBAN CITY BLOCK** WITH BUILDINGS FROM THE LUMINARIES OF THIS HISTORIC DISTRICT ALL IN CONTEXT WITH EACH OTHER

- 7 Stories 1939 Robert Taylor Cromwell
- 3 Stories 1949 Albert Anis/Mel Grossman Shore Club
- 8 Stories 1955 Mel Grossman
- 20 Stories 1998 Chipperfield Tower

NAUTILUS AND SHELBORNE by MORRIS LAPIDUS and/or IGOR POLEVITSKY

The Applicant submitted an Historic Resource Report which does **NOT** address the **IMPACT** of the **PROPOSED INFILL DEVELOPMENT** on the site.

The Applicant's Proposal Negates and Denies our History.

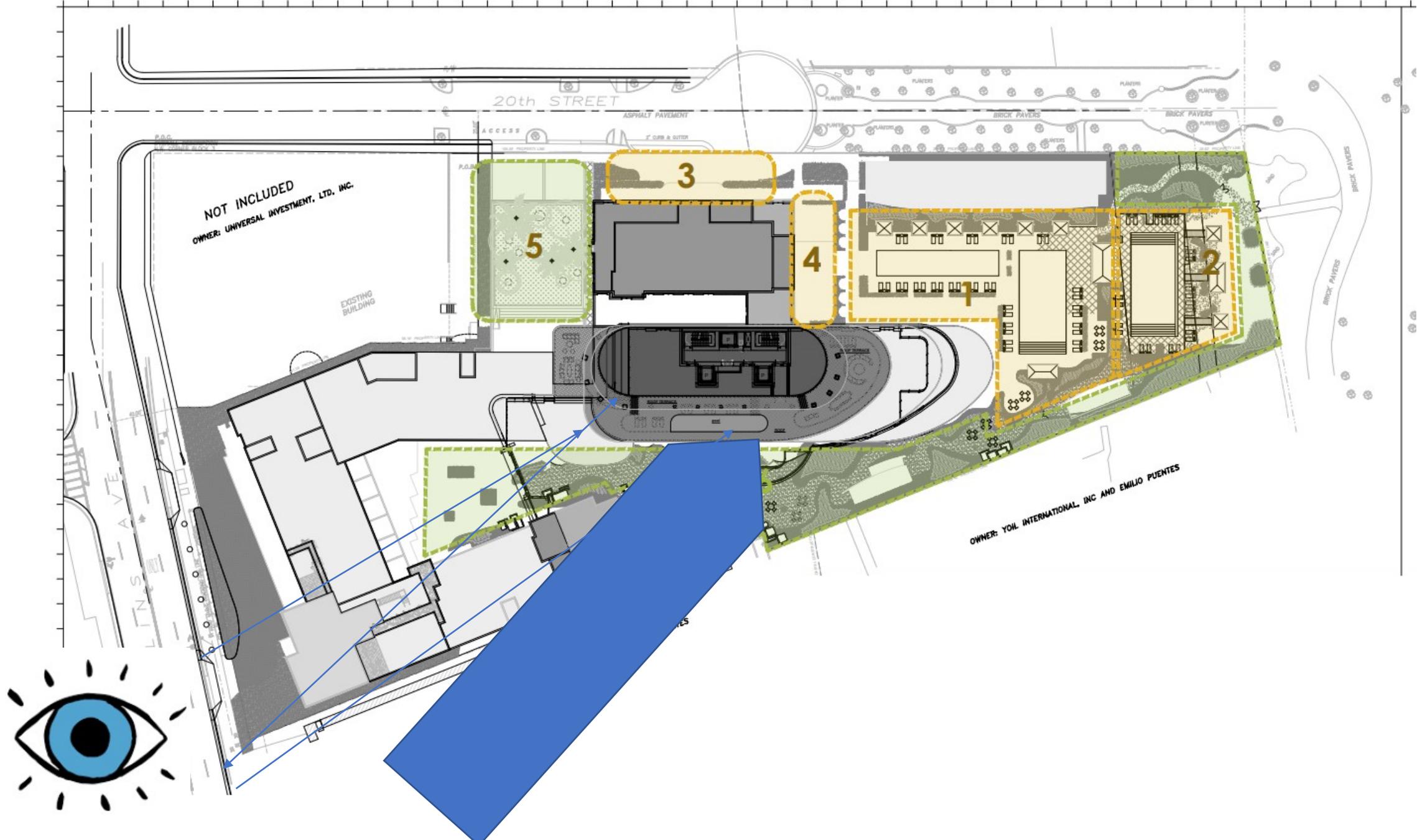


NORTH ELEVATION

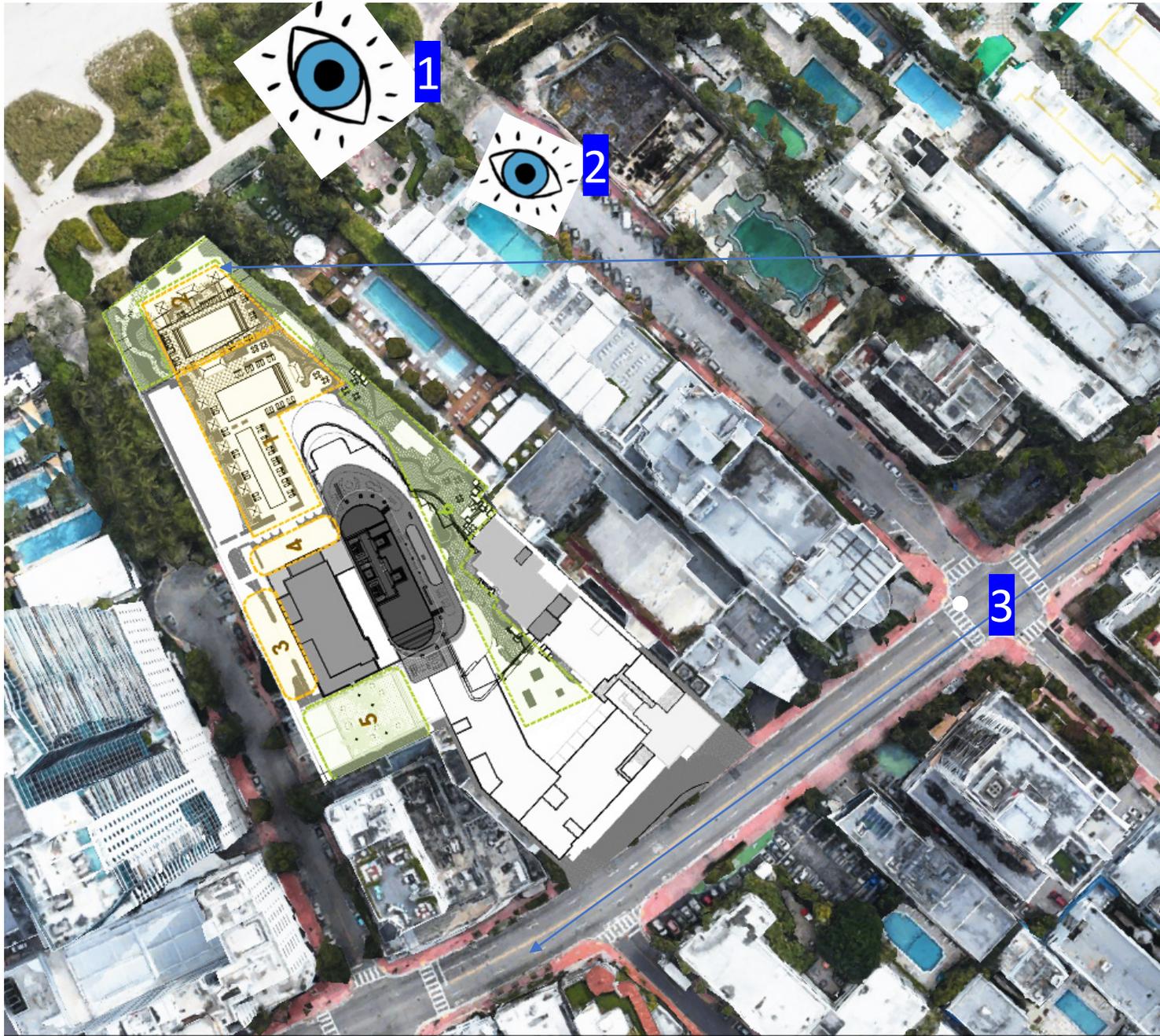


SOUTH ELEVATION

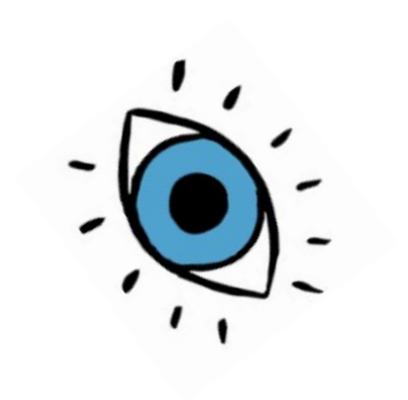
VIEWS FROM THE SOUTH ON COLLINS AFFECTED BY WIDTH OF TOWER

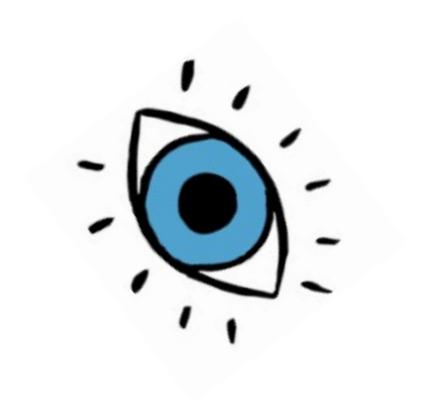


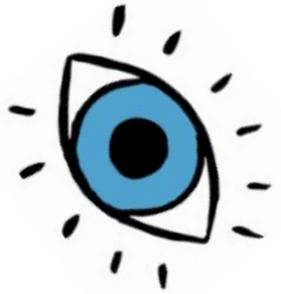
THREE VIEW CORRIDORS FROM SOUTH NOT STUDIED

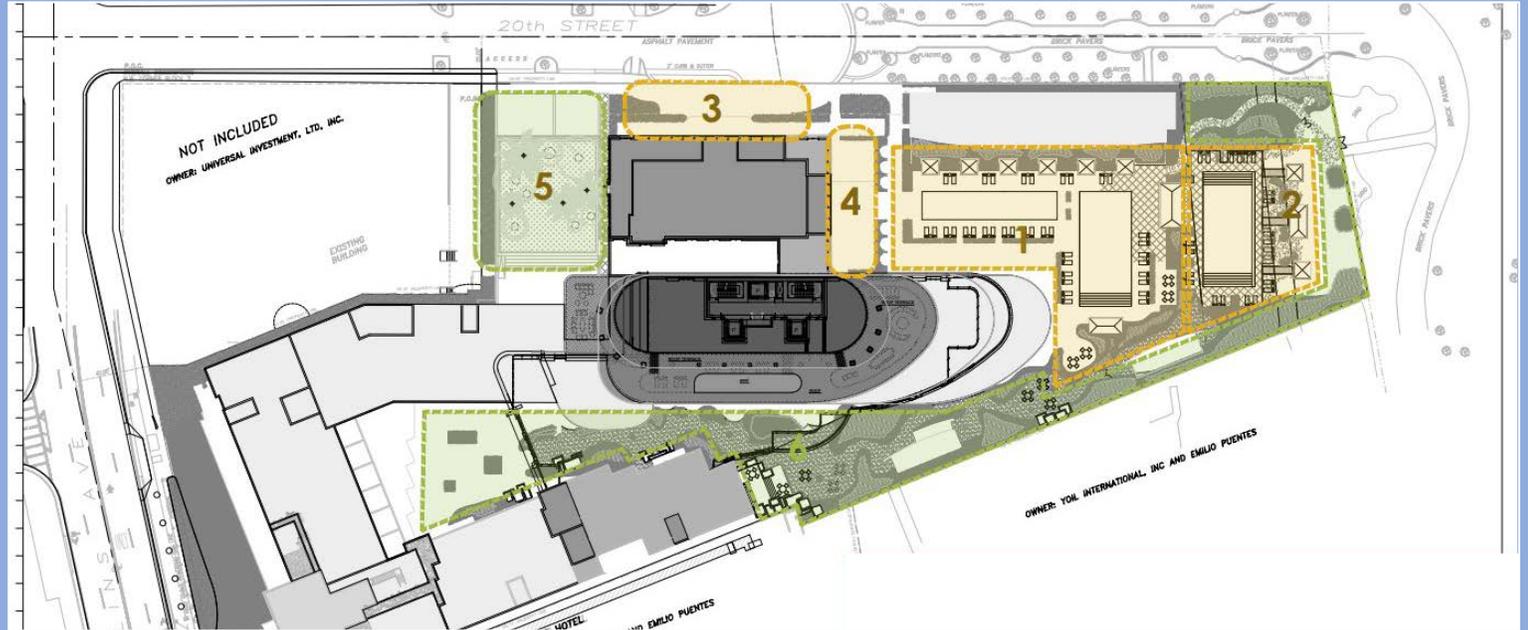
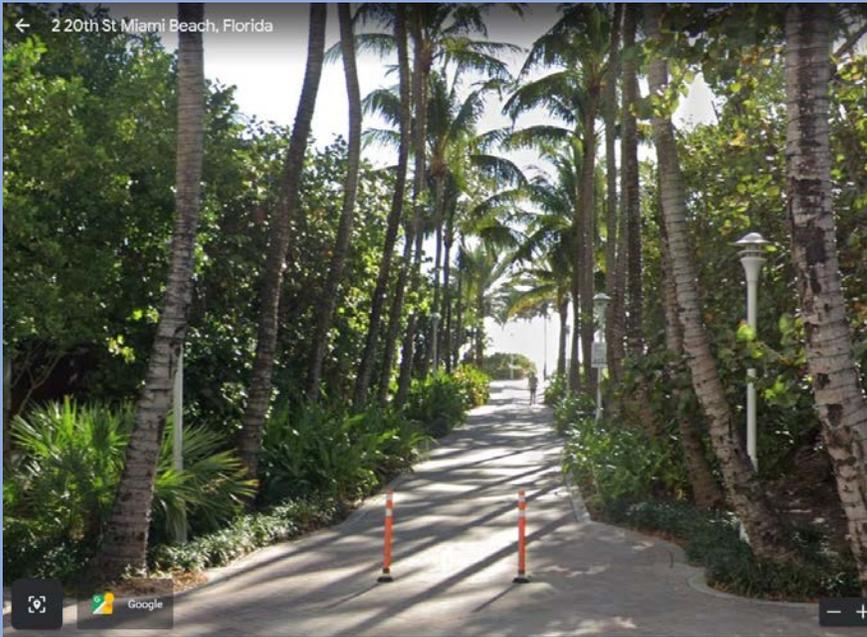


1. Beachwalk
2. 19th Street
3. Pedestrian Views Along Collins (Walking South to North)





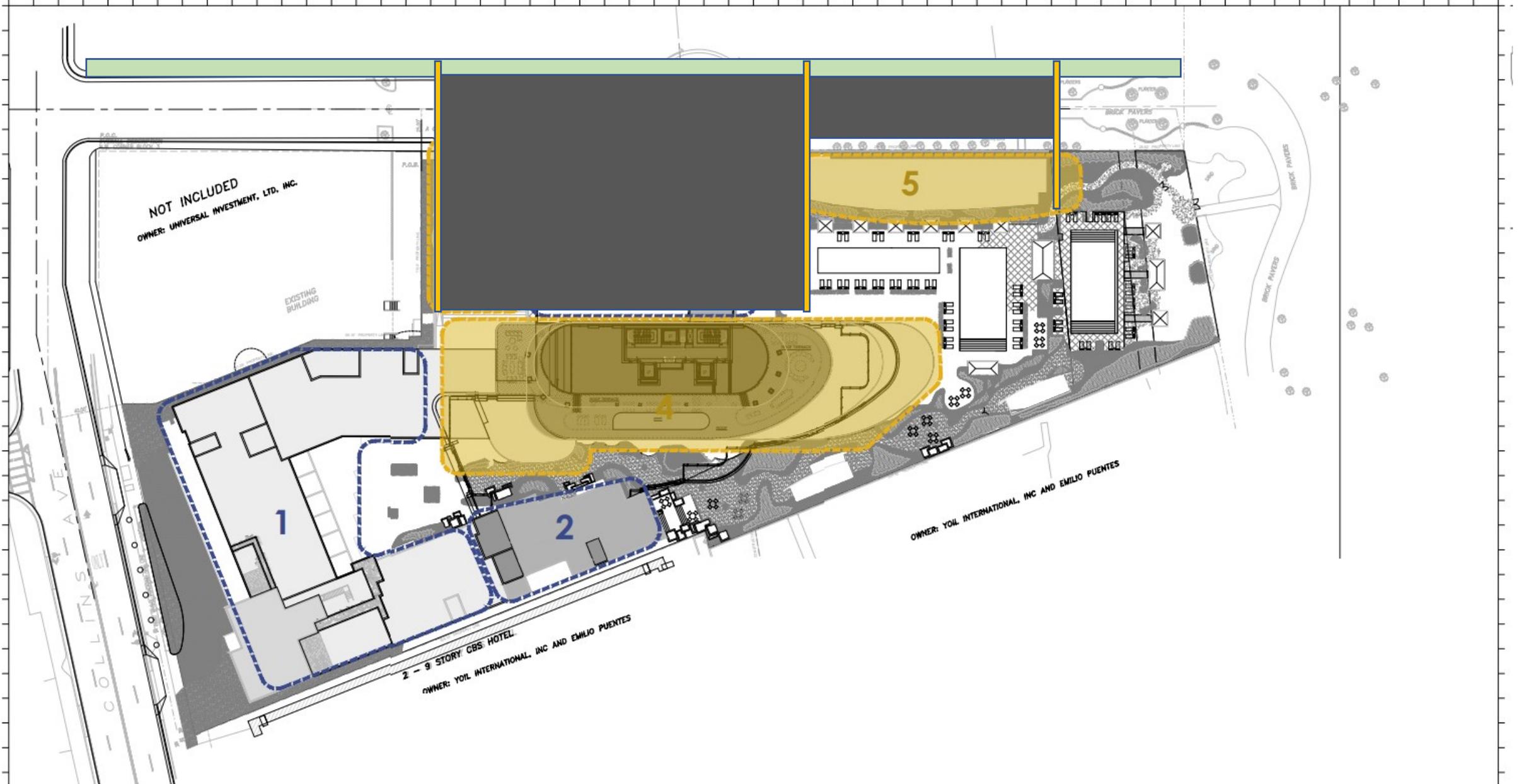




BEACH ACCESS IN SHADE

- FROM APPLICANT'S SUBMISSION NORTH ELEVATION

PEDESTRIAN ACCESSWAY TO BEACH IS +/- 50% IN SHADE



PROPOSED
FOOD & BEVERAGE
SEATING

SHORE CLUB BUILDING

Bar: 40 Seats

Total Seating of Shore Club Building: 40 Seats

GROSSMAN BUILDING

Indoor Dining: 53 Seats

Outdoor Dining: 10 Seats

Total Seating of Grossman Building: 63 Seats

CROMWELL BUILDING

Indoor Dining: 135 Seats

Outdoor Dining: 112 Seats

Bar: 57 Seats

Total Seating of Cromwell Building: 304 Seats

NEW RESIDENTIAL TOWER

Indoor Dining: 197 Seats

Outdoor Lounge: 74 Seats

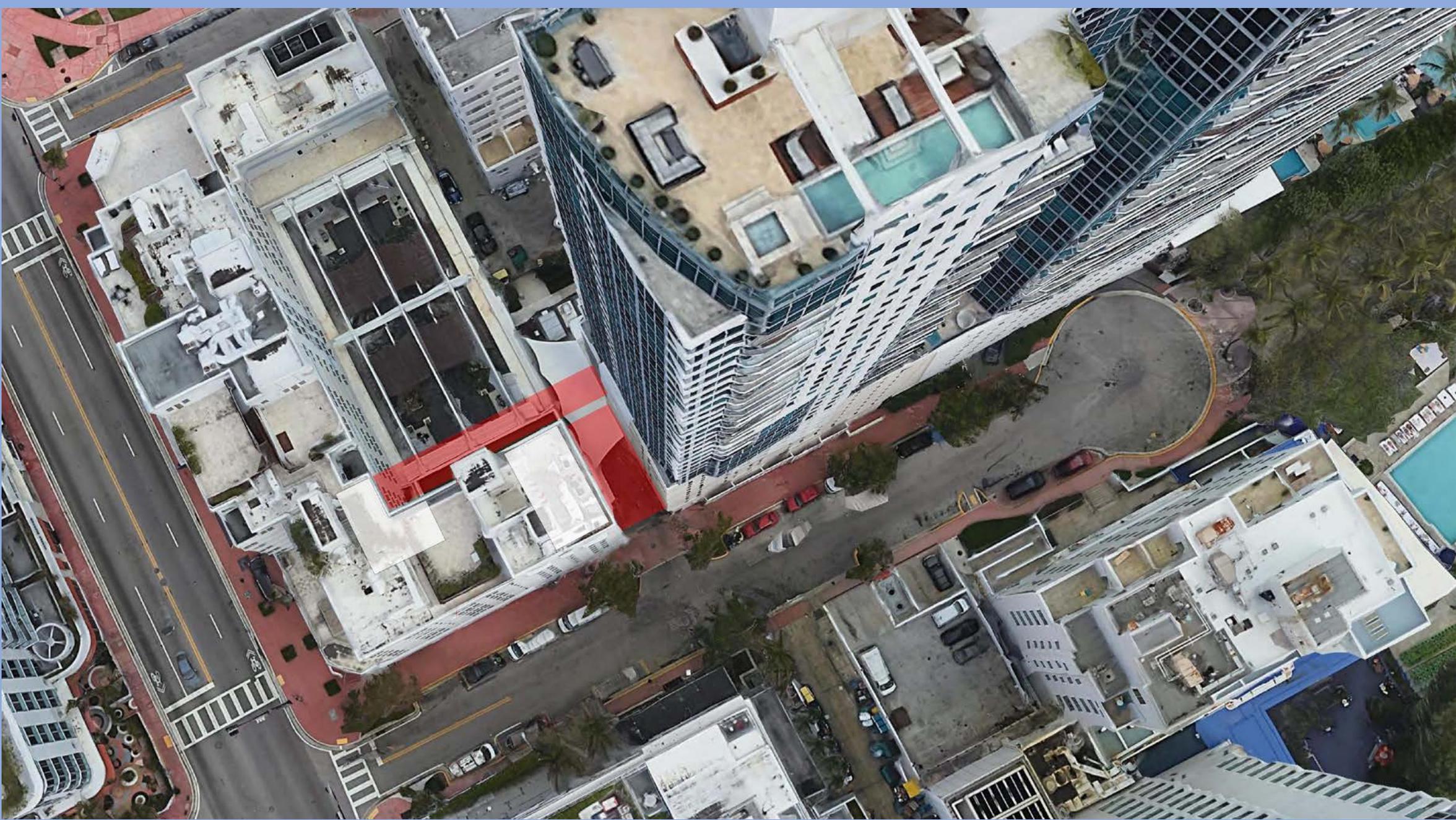
Total Seating of New Residential Tower: 272 Seats

TOTAL FOOD & BEVERAGE SEATING FOR ENTIRE SHORE CLUB PROJECT

679 SEATS



20th STREET



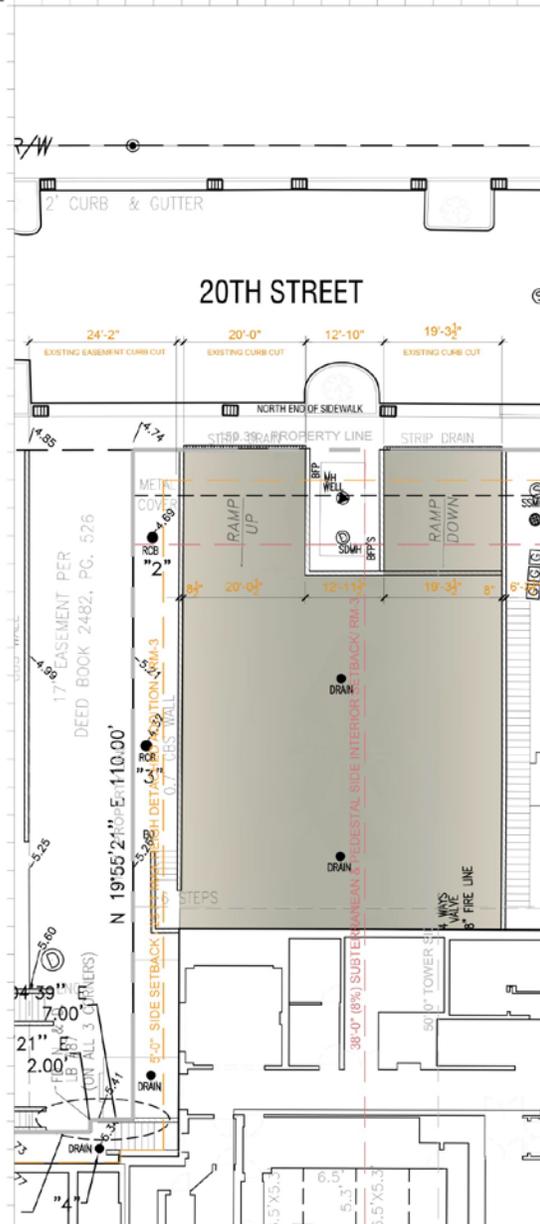
LOADING AREA PLAN

ORIGINAL DOUBLE LOADING ENTRY
REVISED TO SINGLE LOADING ENTRY

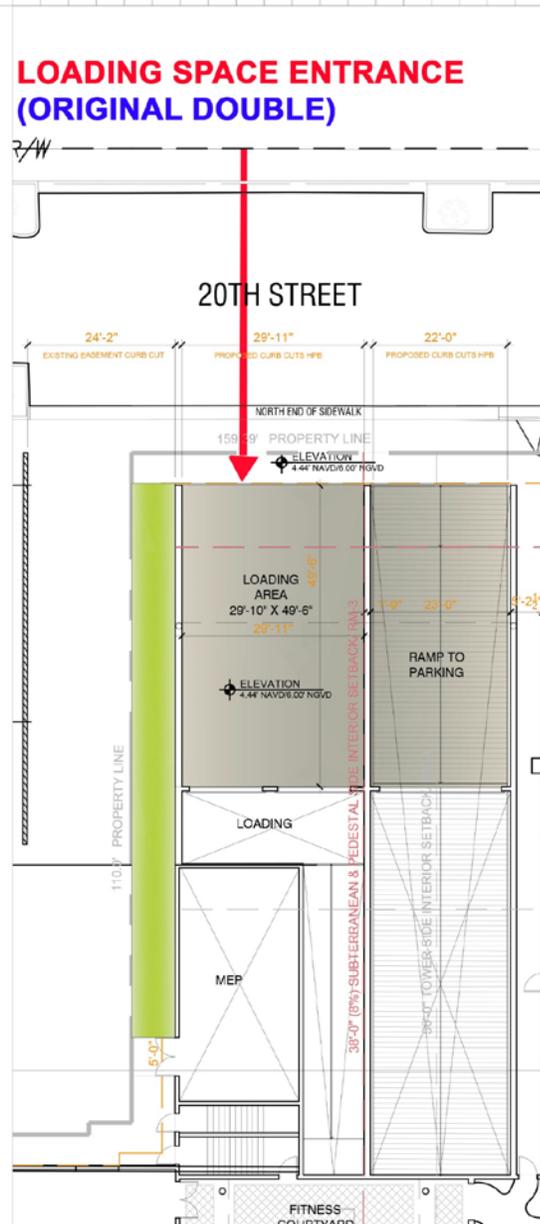
TANDEM LOADING PROBLEMATIC

CURB CUT REDUCED
FROM 29 FEET
TO 14 FEET

(FROM APPLICANT'S 12/14/22 SUPPLEMENTAL PLANS)



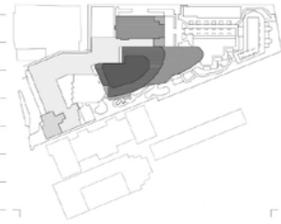
1 EXISTING LOADING SCALE: 1" = 20'-0"



2 HPB PROPOSED LOADING SCALE: 1" = 20'-0"



3 REVISED OPTION PER CITY COMMENT LOADING SCALE: 1" = 20'-0"



Rev	Date	Rev	Date

Shore Club
1501 Collins Ave
Miami Beach, FL 33139

Owner: WELLS FARGO
Name: 46 West 57th Street, Suite 1600
Address: New York, NY 10019
Address: 212-678-4196
Tel: wfs@wellsfargo.com
Email:

Design Architect: KCAD & FANMA COLLABORATION
Name: KCAD & FANMA COLLABORATION
Address: 1100 Avenue of the Americas, Suite 2000
Address: New York, NY 10020
Address: Tel: 212-678-4196
Tel: 212-678-4196
Email: info@kcadfanma.com

Consultant: LAMSON & LAMSON
Name: LAMSON & LAMSON
Address: 245 Washington Ave.
Address: Miami Beach, FL 33139
Address: 305-534-5722
Tel: info@lamsoncorporation.com
Email:

Consultant: HERITAGE ARCHITECTURAL ASSOCIATES
Name: Steve Aulford
Address: 4300 Biscayne Boulevard, Suite 210
Address: Miami, FL 33137
Address: Tel: 305-534-5722
Tel: +1(305) 573-3766
Email:

Architect: Kobi Karp Architecture and Interior Design, Inc.
 871 NW 20th Street
 Miami, Florida 33127 USA
 Tel: +1(305) 573-3766
 Fax: +1(305) 573-3766

Digital signed by Kobi Karp
 Date: 2022.02.11 15:40:23 -0500
 KOBI KARP
 Lic. # A10012578

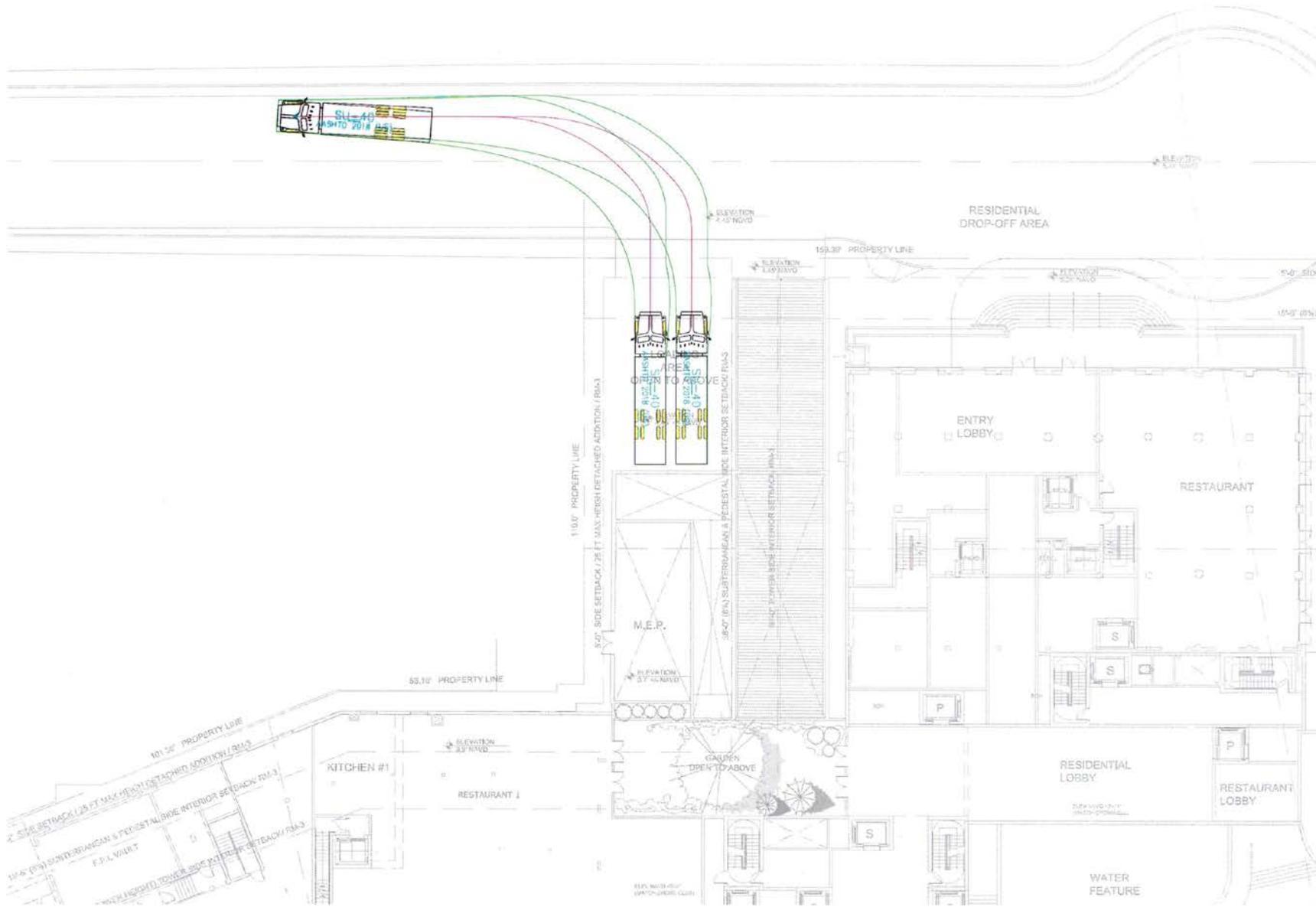


ENLARGED CROMWELL LOADING

Date: 12-16-2021	Sheet No.
Scale: 1/16"=1'-0"	A3.21
Project: 2134	

20th STREET
DOUBLE LOADING AREA
MANEUVERABILITY STUDY

(FROM APPLICANT'S **ORIGINAL** TRAFFIC STUDY)

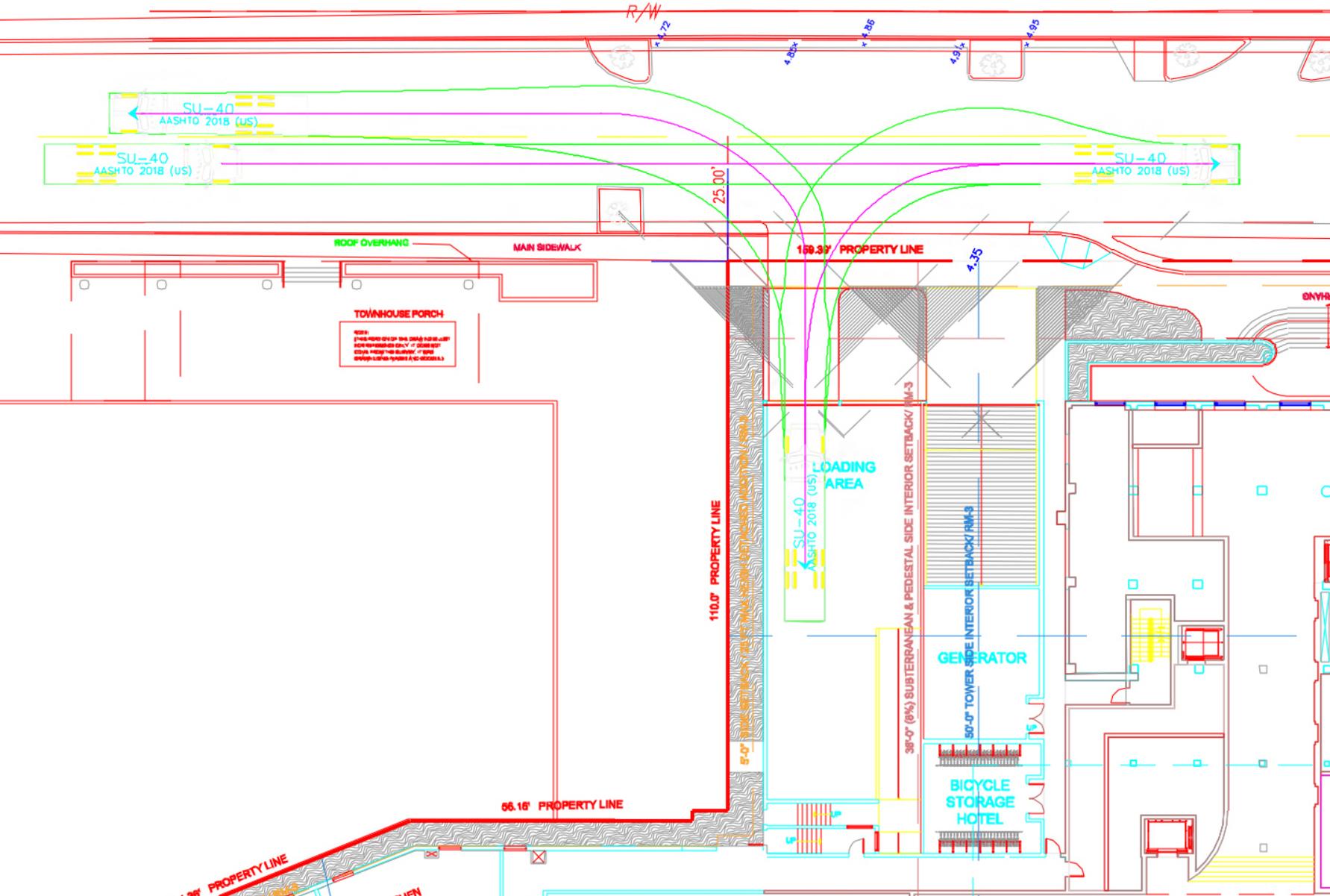


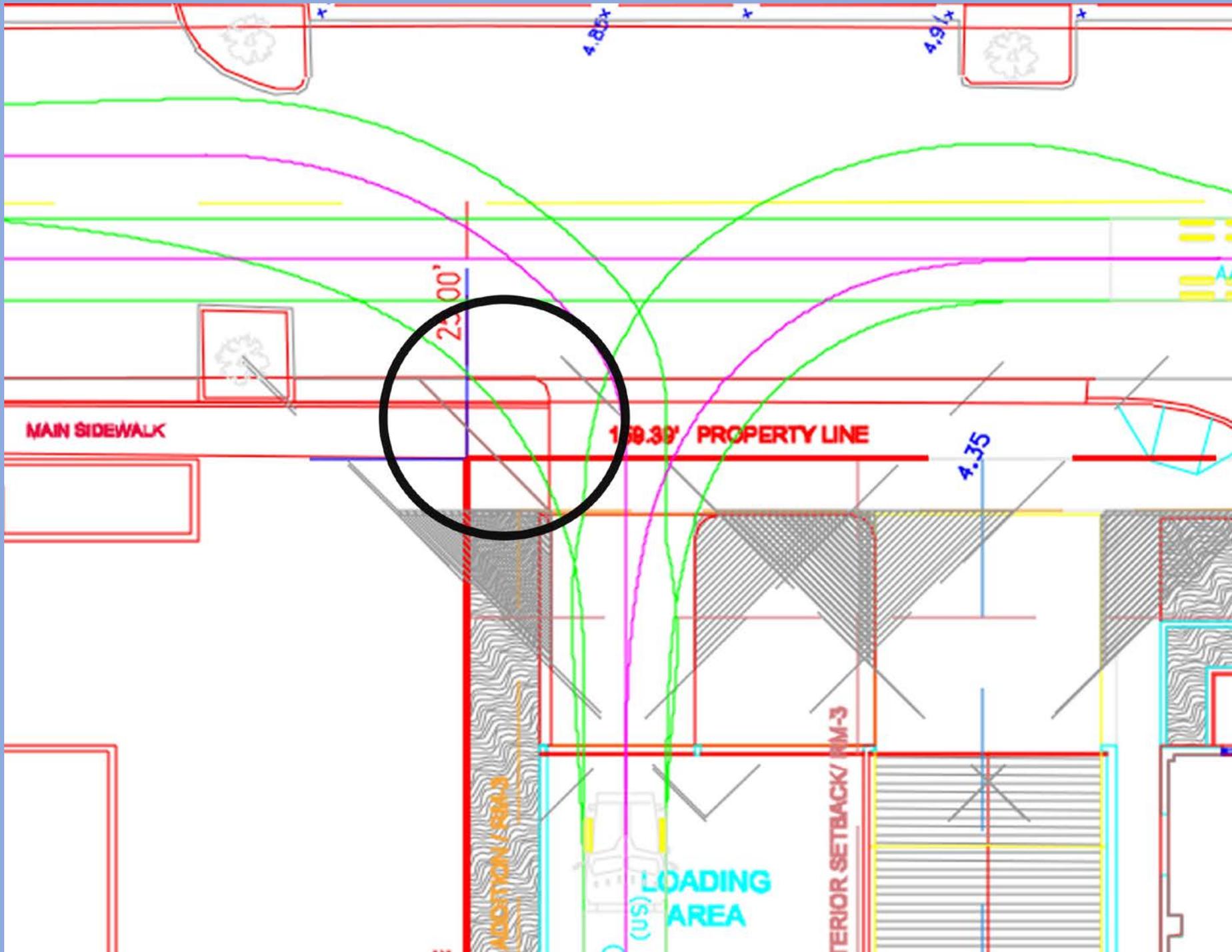
20th STREET
SINGLE LOADING AREA
MANEUVERABILITY STUDY

(FROM APPLICANT'S **REVISED** TRAFFIC STUDY)

SINGLE LOADING SPACE EGRESS

MANEUVERABILITY STUDY





PROPOSED ADDITION IS
NOT CONSISTENT WITH
HPB REVIEW CRITERIA

- The proposed structure is incompatible with the adjacent structures and does not enhance the appearance of the surrounding properties. §118-564(3)(d), Miami Beach Code.
- The new structure will have an adverse impact on adjacent buildings and view corridors. §118-564(3)(e), Miami Beach Code.
- It is not sensitive to and not compatible with the building site and surrounding areas and does not maintain important view corridors. §118-564(3)(j), Miami Beach Code.
- The additional building is not sensitive and compatible with the existing improvements both on the site and on the adjacent properties. §118-564(3)(m), Miami Beach Code.

May 3, 2022

By Email to: Mlarkin@brzoninglaw.com

By Email to: neisen.kasdin@akerman.com

Michael W. Larkin
Bercow Radell Fernandez Larkin & Tapanes, PLLC
200 S. Biscayne Blvd, Suite 300
Miami, Florida 33131

Neisen O. Kasdin
Akerman, LLP
Three Brickell City Center
98 SE 7th Street, Suite 1100
Miami, Florida 33131

Re: Request for Shadow Studies and Analysis of Views related to the Application for Certificate of Appropriateness for partial demolition and renovation of two buildings on the site, the total demolition of two buildings, the construction of two new additions and landscape and hardscape modifications for the property located at 1901 Collins Avenue, Miami Beach, Florida (Historic Preservation Board File No. 21-0481). (Shore Club Project)

Dear Mr. Larkin and Mr. Kasdin,

I represent the owners of units 1808 (Setai 1808, LLC), 2204 (Setai 2204, LLC), 2304 (Setai Unit 2304, LLC) and 3701 (Dr. Stephen Soloway) at the Setai Resort and Residences located at 101 20th Street , Miami Beach, Florida.

I have reviewed the April 18, 2022 Supplemental Submission made by the Shore Club, which Supplemental Submission did not include shadow studies showing the impact of the proposed tower on the adjacent buildings and properties, including their pools and decks, and did not include an analysis of the impact of the proposed tower on the view corridors, including those from the adjacent buildings and properties.

Please provide me with copies of the shadow studies and view analysis for the Shore Club project.

Sincerely,

Kent Harrison Robbins

Kent Harrison Robbins

Attorney for Setai 1808, LLC, Setai 2204, LLC, Setai Unit 2304, LLC and Dr. Stephen Soloway.

cc: Deborah Tackett, Historic Preservation and Architecture Officer:

deborah_tackett@miamibeachfl.gov

Tom Mooney, Planning Director: ThomasMooney@miamibeachfl.gov

Nick Kallergis, First Assistant City Attorney: NickKallergis@miamibeachfl.gov