

July 25, 2022

**VIA ELECTRONIC DELIVERY**

**City of Miami Beach Planning Board**  
c/o Mr. Thomas Mooney, Planning Director  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Re: Final Submittal / Letter of Intent for Planning Board Application PB22-0503  
(the “Application”) / Properties located at 1665 & 1667 Washington Avenue,  
Miami Beach, Florida (collectively, the “Property”)**

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Dear Planning Board Members:

Our firm represents KK 1665 Washington LLC and BSD Raleigh Trustee LLC, a Delaware limited liability company as the trustee of the Raleigh Land Trust (collectively, the “**Applicant**”), in connection with certain land use and zoning matters relating to the abovementioned Property before the Planning Board. Please consider this correspondence as the letter of intent requesting a Conditional Use Permit (“**CUP**”) allowing the construction of a 6-story, office development at the Property in excess of 50,000 gross square feet under Section 142-303 and mechanical parking spaces with car elevators under Section 130-38.

**I. The Property**

The Property is generally located at the southwest intersection of Washington Avenue and 17<sup>th</sup> Street. Specifically, the Property consists of two (2) individual parcels (North – surface parking lot & South- office/commercial tower). 1667 Washington Avenue is owned by BSD Raleigh Trustee LLC, a Delaware limited liability company as the trustee of the Raleigh Land Trust and 1665 Washington Avenue is owned by KK 1665 Washington LLC. Per the Miami-Dade County Property Appraiser’s Office, the Property contains approximately 12,000 +/- square feet of lot size.

The Property is zoned CD-3, Commercial High Intensity District, which allows for a wide array of business and professional office and commercial uses as permitted uses. Currently, the Property is improved with an office building and a surface parking lot. Additionally, the Property is located within the Museum Historic District but does not contain any historically designated structures. The Property currently has a surface parking lot with 30 parking spaces that operate as a legal non-conforming 24-hour self-park and valet parking lot with a curb cut in excess of 22’ for two-way car traffic. In addition, the southern lot consist of an approximately 10,111 sq. ft. of retail and commercial uses in a 75’ office building constructed in the 1990’s.

## **II. Proposed Office Development**

The Applicant is requesting approval of a CUP to allow construction of a beautifully designed, mixed use development with Class A office space as the primary use. As detailed in the plans prepared by Kobi Karp and updated July 22, 2022 (the "**Plans**"), the proposed development consists of a 6-story building with ground floor commercial, five levels of Class A office, and a landscaped rooftop deck (the "**Project**"). Specifically, the ground level contains approximately 1,094 square feet of commercial space for a small, coffee shop that will service the future office tenants and local visitors. The upper levels of the Project (Levels 2-6) contain Class A, west-facing office space ranging from 3,800 +/- square feet to 4,400 +/- square feet, with each floor intended for single office tenants. Notably, all the office levels above the second floor contain open space terraces overlooking the Soundscape Park neighborhood. The Project is zoned under CD-3 zoning district which MB City Commission adopted on June 22, 2022 at second public hearing permitting for office buildings a height of 80'.

The Project is designed with internalized parking on Levels 2 through 6, designed toward the rear portion of the Property. The parking spaces on these upper levels are accessed via a car elevator that is operated by a valet attendant. The internalized parking program consists of 58 parking spaces, including mechanical lift parking spaces, and therefore satisfies the applicable parking requirement. The Project is within MB Code section 130-31 parking district 7, which has zero parking requirements for office use, but allow providing parking as in district 1 without counting towards FAR. The general vehicular circulation for the Project consists of both an ingress and egress driveway located on the southwest corner of the Property fronting Washington Avenue with direct access to the loading entry way (tucked on the far South side of the Property) as well as the car elevator toward rear of the Property. Additionally, the Project is also designed to allow secondary egress onto Washington Avenue via the existing, abutting alley to the South of the Property. The sunset provision for district 7 was extended another 5 years adopted at second public reading at MB Commission meeting of July 20, 2022.

## **III. Conditional Use Permit Criteria.**

Pursuant to Section 142-303(a)(10) of the Code, the Applicant requests a Conditional Use Permit from the Planning Board for the new construction of the mixed-use office development, exceeding 50,000 gross square feet. As detailed below, the Application complies with the review criteria for the issuance of a CUP for new structures above 50,000 square feet, in accordance with Sections 118-192(a) and 118-192(b) of the City of Miami Beach Code of Ordinances (the "**Code**").

### **a. Section 118-92(a)**

#### ***i. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.***

As detailed above, the Project - consistent of a mixed-use development with Class A office space - is consistent with the uses permitted under the City's Comprehensive Plan and underlying CD-3 zoning district.

- ii. 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 Project will not result in an impact that will exceed the thresholds for the levels of service as set forth in the City's Comprehensive Plan. It is important to note that the Property is currently improved with an office building and legal nonconforming surface parking. As such, the Project (although adding additional office space), will continue the current office use redesigned as a Class A space within a more efficient and sustainable building. Additionally, the increased office space will have a minimal impact on the level of service as it will provide internalized, onsite parking. In addition, the legal nonconforming 24-hour surface parking lot currently operating will be removed, reducing impacts to the surrounding properties.

- iii. Structures and uses associated with the request are consistent with these land development regulations.***

As mentioned above, the Project is a mixed use development with office space and a small cafe located at the ground floor. In compliance with Section 142-332 of the City Code, commercial uses (including office and eating and drinking establishments) are allowed as a main permitted use in the CD-3 zoning district and are therefore consistent with the City's land development regulations.

- iv. The public health, safety, morals, and general welfare will not be adversely affected.***

The Project will not adversely affect the public health, safety, morals, and general welfare of the neighborhood or City. To the contrary, the proposed state of the art office building designed with open terraces and a heavily landscaped rooftop deck should contribute to the overall health and general welfare of the future office tenants and visitors. Additionally, the Project will positively impact the residents of the surrounding areas by providing job opportunities and a space to gather at the ground floor coffee shop. The removal of the nonconforming surface parking lot will improve the surrounding areas.

- v. Adequate off-street parking facilities will be provided.***

The Project has no requirements for the main use, office under Sec. 130-31 District 7, nonetheless the Project is designed to accommodate parking on site as if it was following District 1 (58 parking spaces) and therefore exceeds the City's off-street parking requirements.

- vi. ***Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.***

The Applicant intends to ensure that the necessary safeguards and safety measures are in place to promote the protection of not only the tenants and patrons of the Project, but also the surrounding properties, persons, and neighborhood values. Specifically, the office building will include state-of-the-art security equipment (i.e. security cameras and attendants) at the Property. In addition there will be valet operations with fully enclosed parking, unlike the current situation.

- vii. ***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.***

As the Project is essentially a continuation and enhancement of the existing office use, the proposed use will not add an additional concentration of similar uses in the surrounding neighborhood. In fact, the proposed Class A office space will be a welcomed addition to this area and satisfy the growing demand for quality, office space within the City, all while facilitating a diversity of uses on this block which largely consists of hotel uses. The Project will be an improvement from the current office building on the south parcel.

**b. Section 118-192(b)**

- i. ***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.***

At this time, the office tenants (i.e. including the types of office tenants, number of employees, etc.) and the ground floor cafe tenant have not yet been finalized. However, the office and ground floor cafe use will maintain normal business hours in compliance with the City's Code. The building will have an operation plan that will include operations services as required with loading areas and trash removal allow the alley following City regulations.

Additionally, the Project (inclusive of Class A office space) is designed to attract world class businesses to the City.

- ii. ***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.***

As reflected in the Plans, the Project contains two (2) loading spaces located on the ground floor along the South side of the Property. All loading and delivery operations

are designed within these designated ground floor loading areas. The Plans also reflect that there is adequate turning radius and maneuverability for a delivery truck on the ground floor and within the general vehicular circulation. In addition, the service alley to the south will allow trash pickup.

Additionally, the exterior facade abutting the loading spaces is enhanced with a green screen system to ensure that the loading vehicles are not visible from the alley and the adjacent building to the South, and therefore substantially reduces any potential impact to the nearby properties and neighborhood.

**iii. *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 Project's height (80 feet) and scale is compatible with the existing, approved and permitted buildings in the surrounding area. For example, on the northern side of the block a hotel development was approved at 83 feet in height and is currently under construction. Additionally, 100 feet in height is permitted for office uses at the adjacent property to the South along Washington Avenue and 75 feet in height is permitted on the other side of the block to the East. Across the street sits 407 Lincoln Rd at over 150' in height. Therefore, the Project is in the middle range and is proposed at lesser height than what is allowed and approved in the immediate area. Therefore, the Project is compatible with the urban character and scale of the surrounding area.

**iv. *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.***

The parking plan provided in the Plans contemplates contracting with a valet operator to attend to tenants and patrons of the Project. The valet attendant will operate a car elevator to park the vehicles in one of the fifty-eight (58) parking spaces, including mechanical lift parking spaces, provided on levels two (2) through six (6). The parking plan will be amended as needed in order not to create any negative impacts to the area. The parking plan is using a 22' two-driveway in order to efficiently minimize impacts of traffic.

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

The primary customers will be visitors to the individual office tenants. Circulation and entrance will be through the first floor.

- vi. ***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.***

As mentioned above, the Project and office development will include state-of-the-art security equipment as well as on site security to address the safety of business and users. The parking will be by valet only, in secured areas not open to the public as well as the valet ramp will be on the Project not Washington avenue.

- vii. ***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 circulation analysis has been provided that addresses the concerns in conjunction with the transportation department.

- viii. ***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.***

The Project includes a small, ground floor commercial space for a cafe intended for the office tenants and local visitors. This limited commercial use will keep normal business hours and there will be no augmented or amplified sound devices used at any time on the Property not otherwise allowed by the Code.

Additionally, the loading and parking areas are all internal to the site and should not create any noise related adverse impacts to the surrounding properties.

- ix. ***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 Project's garbage and disposal needs will fully comply with the City's Code, and a sanitation plan will be provided prior to the submission of a building permit.

However, the Project includes a fully enclosed trash room provided at the ground level for the office and small commercial uses. The trash room is conveniently located at the ground level to provide direct access to the ground floor commercial use and in close proximity to the internalized loading area and the alley.

- x. ***Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.***

As mentioned above, the height and scale of the Project is compatible with and in some instances, smaller than the existing and approved developments in the immediate area. Additionally, many of the abutting or adjacent properties contain hotel developments which cater to a transient demographic. As such, there are no traditional residential developments abutting or adjacent to this Property. Even so, the Project is not expected to produce adverse impacts to the surrounding uses.

- xi. ***Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.***

The development of the Property with the proposed Project will not adversely affect the surrounding properties as the Project is not creating a new use but improving and expanding a current use. The Project does eliminate the 24 hours a day legal nonconforming surface parking lot.

#### **IV. Mechanical Parking Criteria**

Pursuant to Section 130-38 of the Code, the Applicant requests a CUP from the Planning Board to allow mechanical parking lifts and vehicle elevators for the Project.

a. **Section 130-38(3)(c)(i)**

1. ***One set of schematic plans sufficient to show the proposed development project with accessory and main use off-street parking requirements satisfied by traditional, nonmechanical means, meeting all aspects of the design standards for parking spaces required in article III of chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions; and***

This is provided in Project Plans.

2. ***A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.***

As reflected in the Plans, the Project proposes fully internalized parking with 58 total parking spaces that are voluntary parking since under District 7 the City Code has no required parking for office use. The on-site parking garage consists of 50 traditional parking spaces, 3 mechanical-lift parking spaces (provided on Level 2 that can accommodate a total of 6 parking spaces) and 2 ADA parking spaces.

**b. Section 130-38(5)**

- 1. Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;***

As mentioned above, the Project is compatible with the urban character of the surrounding neighborhood.

- 2. Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated how the scale, mass, volume, and height of the building are reduced by the use of mechanical parking;***

The proposed use of mechanical parking lifts and vehicle elevators will improve the design characteristics of the Project, therefore introducing a more compatible development with the surrounding neighborhood. The mechanical parking lifts coupled with the use of the vehicle elevators provide a more efficient design and use of the space at the Property. If Project followed the zero parking requirements under the Code, it would potentially create a negative impact on the surrounding areas.

- 3. Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking;***

The proposed use of mechanical parking lifts and vehicle elevators would result in decreased intensity and height at the Property. By providing mechanical parking lifts and vehicle elevators, the required area that would otherwise be necessary to accommodate the optional parking and ramping is reduced. The mechanical parking lifts and vehicle elevators provide a helpful tool in reducing the intensity and increasing usable space. With this in mind, the Project is designed for the future and is people-oriented rather than vehicle-oriented.

- 4. Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;***

The mechanical parking lifts and vehicle elevators will be located toward the rear of the Property and is internalized on Levels 2 through 6. As such, the mechanical parking lifts, vehicle elevators and general parking operations should not be visible from an exterior view. This would be a substantial improvement on current conditions with an existing surface parking lot with you protections or buffers to surrounding properties.

- 5. In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings, whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner;***

Not Applicable. The Project proposes Class A office space and ground floor commercial use. There are no residential uses proposed for the Project.



- 6. *In cases where mechanical parking lifts are used/or valet parking, whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues;***

The proposed mechanical parking lifts and vehicle elevators will be operated by a valet attendant. As such, a covenant will be proffered.

- 7. *Whether a traffic study has been provided that details the ingress, egress, and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way;***

Please see David Plumber & Associates Traffic analysis dated May 11, 2022.

- 8. *Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided;***

Please see attached.

- 9. *In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed;***

The Project proposes a small commercial space, intended as a coffee shop, on the ground level. The coffee shop will primarily be used and accessed by the office tenants and patrons via the South entrance from the lobby, but will also invite members of the public through the North entrance from Washington Avenue. Overall, the Project is designed proportionally for the intended uses and minimizes any impacts to the surrounding neighborhood.

- 10. *Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated; and***

As mentioned above, the Property is adjacent to similarly sized structures, and in some cases, smaller than structures in the immediate area. Also, the block contains mainly hotel uses rather than traditional residential uses.

**11. *Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;***

The mechanical parking and vehicular elevators are fully enclosed and internal to the Project and are not visible from the public right of way. Therefore, the parking operations are not expected to result in an adverse, cumulative effect to the adjacent and nearby structures.

**c. Section 130-38(6)**

- 1. *The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage;***

As the mechanical parking lifts and vehicle elevators will be located in the rear interior of the Property and fully encapsulated in the building, any noise or vibration impacts resulting from this equipment should be minimal.

- 2. *For mechanical lifts, the parking lift platform must be fully load-bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below;***

Per the parking details provided on the Plans, the mechanical parking lift is fully load bearing. The platform that lifts the vehicle is one complete platform with no opportunity to drop liquids or debris from the undercarriage of the vehicle above onto the vehicle below.

- 3. *All freestanding mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system;***

Project will be in compliance with above condition.

- 4. *All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;***

Per the Plans, the mechanical parking lifts have an automatic hydraulic safety valve to prevent the accidental lowering of the platform while accessing the platform.

- 5. *The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;***

The Project is designed where each floor above the ground level measures at 13'7" at a minimum, including Levels 2 through 6 where the mechanical parking lifts will be located.

- 6. *All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and certified as safe and in good working order by a licensed engineer or the elevator authority having jurisdiction at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed engineer or firm, or the elevator authority having jurisdiction. Such report shall be furnished to the planning director and the building official; and***

The Applicant intends to coordinate with a licensed engineer or elevator authority to inspect the mechanical parking lifts and vehicle elevators and provide a report to the planning director and building official.

- 7. *All parking lifts shall be maintained and kept in good working order.***

The Applicant intends to implement a comprehensive maintenance plan, which will include the mechanical parking lifts and vehicle elevators. Additionally, the yearly inspection by the licensed engineer or elevator authority will ensure compliance.

## **V. Sea Level Rise and Resiliency Review Waiver**

Section 133-S0(a) provides review criteria for compliance with the City's sea level rise and resiliency criteria.

- i. A recycling or salvage plan for partial or total demolition shall be provided.**

The Applicant will provide a recycling or salvage plan prior to the submittal of a building permit, as may be necessary. Please refer to the demolition sheets provided as part of the Plans for the detailed scope of demolition plans for the redevelopment of the Property.

- ii. *Windows that are proposed to be replaced shall be hurricane proof impact windows.***

As reflected on the Plans, all windows for the Project will be impact resistant and is also designed with hurricane proof glass railings, louvers and storefront systems.

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

Passive cooling systems, such as operable windows, may be installed as appropriate.

- iv. *Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.*

The Project will include resilient landscaping, in accordance with Chapter 126 of the City Code.

- v. *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.*

Project will evaluate Southeast Florida Regional Climate Action Plan.

- vi. *The ground floor, driveways, and garage ramping/or 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.*

Project is designed to address up to three additional feet in height.

- vii. *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.*

The mechanical systems are located on the roof of the building, with landscaping and appropriate screening concealing the equipment from view.

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

Not Applicable; As part of the Project, the existing building at the Property will be demolished.

- ix. *When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry floodproofing systems will be provided in accordance with chapter 54 of the city Code.*

Not Applicable

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

Applicant will work with staff on an appropriate water retention system, as applicable and appropriate for the Project.

- xi. *Cool pavement materials or porous pavement materials shall be utilized.*

As reflected in the landscape sheets as part of the Plans, the Project contemplates the use of crushed aggregate for permeable interlocking paving systems.

- xii. *The design of each project shall minimize the potential/or heat island effects on-site.*

As provided in the Plans, the rooftop includes significant landscaping that consists of various trees, shrubs and other vegetation that will help reduce the urban heat island effect by shading the building surface.

#### **VI. Historic Preservation Board Application**

In furtherance of the development of the Property and the Project, the Applicant intends to submit a Historic Preservation Board Application. Note, the Project does not include any variances nor waivers at this time.

#### **VII. Conclusion**

The Applicant is requesting the approval of the above-mentioned CUP to allow for the new construction of a beautifully designed, mixed use development with Class A office space. Based on the foregoing, we respectfully request your favorable consideration and approval of this Application and Project.

Sincerely,

Alfredo J. Gonzalez