



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office

305.377.6222 fax

gpenn@brzoninglaw.com

VIA ELECTRONIC FILING

November 3, 2023

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Grand Venetian Condominium (10 Venetian Way,
Miami Beach, Florida) – Landscaping and Fencing
Revisions.

Dear Tom:

This firm represents the Grand Venetian Condominium Association, Inc. (the "Association"), the owner of the common areas of the Grand Venetian Condominium at 10 Venetian Way (the "Property"). Please consider this letter the Association's letter of intent in support of an application seeking approval for landscaping and fencing changes for the portions of the Property.

The Property. The Grand Venetian Condominium project is located at the southeast corner of Venetian Way and Island Avenue and borders Biscayne Bay on the east. To the south of the Property is the Belle Plaza Condominium. To the west of the Property is Belle Isle Park. To the north of the Property across Venetian Way is the "Bella Isla" multifamily project at 31 Venetian Way, which is nearing completion. The portion of the Property abutting Biscayne Bay is developed with a baywalk that runs along the eastern portion of the site and terminates at the Belle Plaza site.

Existing Approval. In 2007, the Design Review Board approved Application No. 21225 (the "2007 Approval") related to landscaping and fencing on the Property. At the time of the 2007 Approval, large hedges had been erected along Venetian Way, including extending into the right of

way. The 2007 Approval focused largely on this issue, requiring the removal of the existing hedges and barring the installation of hedges along the north and east perimeter of the Property.

The 2007 Approval also addressed the Property's baywalk, providing that the "existing baywalk along the east side of the [P]roperty shall be open to the public from dawn until dusk."

Changes Since 2007. Since the issuance of the 2007 Approval, the Association removed and replaced the large hedges along the right of way and at the northern entrance to the building. A short "Clusia rosea" grouping has been installed to buffer the existing backflow preventer in the northeast corner of the site. "Podocarpus," again kept low, has been installed along the far northeast corner, east of the entrance to the baywalk.

Other changes on the Property have been less pleasant. In recent years, the building's unit owners and residents have noted a significant increase in security issues in the baywalk area, including people accessing the area after dark. While the publicly accessible hours are limited to dawn to dusk, the Association has found it impossible to firmly enforce this restriction given the lack of gating of the baywalk.

Other similarly situated sites have incorporated gates and fences to protect from unauthorized baywalk access on off hours, including, but not limited to, the Bella Isla development immediately across the street at 31 Venetian Way. The Association believes that installing a gate at the northern entrance to the baywalk will help limit the inappropriate access to the area in off hours.

2023 Application. The submitted plans propose two categories of revisions to the Property: (1) the removal of landscape species in front of the building that could become hedges if not properly maintained; and (2) the installation of a fence and gating system to secure the baywalk area during the night. As part of the fence, the Association will install signage reflecting that the baywalk is open to the public during the "dawn to dusk" period.

The proposed plans reflect changes in landscape material that are consistent with the goals of the 2007 Approval and propose to introduce a new gate and associated fence that will allow the Association to enforce the "dawn to dusk" baywalk limitations and enhance the safety of building residents. We believe that these changes will be a

significant improvement to the quality of life of building residents and will help encourage the public to use the baywalk.

Sea Level Rise and Resiliency. Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

This provision is not applicable to the instant application.

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

This provision is not applicable to the instant application.

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

This provision is not applicable to the instant application.

- (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.

The proposed landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area.

- (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.

This provision is not applicable to the instant application.

(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.

This provision is not applicable to the instant application.

(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.

This provision is not applicable to the instant application.

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

This provision is not applicable to the instant application.

(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 54 of the city Code.

This provision is not applicable to the instant application.

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

This provision is not applicable to the instant application.

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

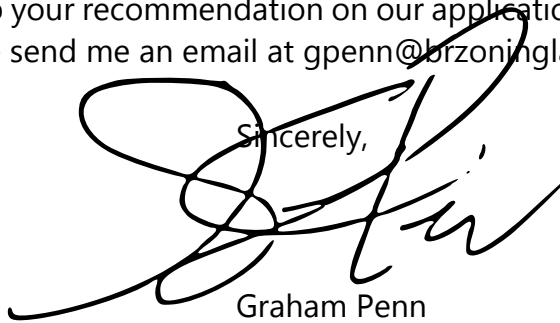
This provision is not applicable to the instant application.

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

This provision is not applicable to the instant application.

Conclusion. We look forward to your recommendation on our application. If you have any questions or comments, please send me an email at gpenn@brzoninglaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Graham Penn', written over the word 'Sincerely,'.

Graham Penn