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December 31, 2023

Chair and Members of the Planning Board
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: Letter of Intent for a Modification to an Existing Conditional Use Permit - Planning Board File No. PB23-0632 f/k/a PB17-0144 – 3921-3925 Collins Avenue, Miami Beach, Florida**

Dear Chair and Members of the Planning Board:

Our Law Firm represents HHLP Miami Beach Associates, LLC, as the property owner, HHLP Miami Beach Lessee, LLC, an affiliate tenant of the owner that currently operates the hotel, and 3921 Collins Avenue LLC, the food and beverage operator (collectively, the "Applicant") in this application for a Modification to the Conditional Use Permit ("CUP") previously issued under Planning Board File No. PB17-0144, a copy of which is attached hereto. The purpose of this application is to update the membership interests to the Applicant-entities, but the limited liability companies currently recited in the CUP remain the same.

Condition No. 2 of the CUP requires "any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit." Due to a recent transaction, the ultimate upstream membership interest(s) of both the HHLP Miami Beach Associates, LLC and HHLP Miami Beach Lessee, LLC have changed from the disclosures reflected under the last application. The updates to the ownership disclosure are reflected in Exhibit "B" and Exhibit "C" to the Land Use Hearing Board Application filed with this letter. Additionally, the membership interests of 3921 Collins Avenue LLC have changed as well, which are reflected on Exhibit "D" of the. Notwithstanding the updates to the membership interests, there are *no* changes proposed to the previously approved Operations Plan or the previously approved Architectural Plan(s), copies of which have been included with the application materials submitted herewith.

As it is now standard with CUP's similar in nature, the Applicant is also seeking to update Condition No. 2 of the CUP to read as follows: "This Conditional Use Permit is issued to HHLP Miami Beach Associates, LLC, HHLP Miami Beach Lessee, LLC and 3921 Collins Avenue LLC only. Any changes in ownership or operator shall require the new owner or operator to submit an affidavit, approved by the City, to the City of Miami Beach Planning Department transferring approval to the new owner or operator and acknowledging acceptance of all conditions established herein."

Below please find the Applicant's responses to satisfy each of the Sea Level Rise and Resiliency Review criteria pursuant to §7.1.2.4 of the City's Resiliency Code.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

**(D) Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.**

Not Applicable.

**(E) 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.**

Not Applicable.

**(F) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public right-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 3 additional feet in height.**

Not Applicable.

**(G) 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.**

Not Applicable.

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

Not Applicable.

**(I) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry floor proofing systems will be provided in accordance with Chapter 54 in General Ordinances.**

Not Applicable.

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

Not Applicable.

**(K) Cool pavement materials or porous pavement materials shall be utilized.**

Not Applicable.

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

Not Applicable.

In light of the foregoing, the Applicant respectfully requests that the Planning Board approve this application for a Modification to the existing CUP with regards to the updates to the ownership disclosure(s) for the Applicant.

In the case you should require additional information, please contact the undersigned.

Very Respectfully Submitted,

/s/ James E. Rauh.

James E. Rauh

Enclosures as stated.