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Thomas R. Mooney
Planning and Zoning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Letter of Intent for Conditional Use Approval for a Structure Over 50,000 Square Feet and Mechanical Parking Lifts on Property Located at 2340, 2322, and 2318 Collins Avenue, Miami Beach, Florida
File No. PB18-0221

Dear Mr. Mooney:

This firm represents North Bay Owner, L.L.C., the applicant ("Applicant") and owner of the property located at approximately 2340, 2322, and 2318 Collins Avenue, Miami Beach, Florida (the "Property"). Please accept this correspondence as the Applicant's letter of intent for the attached plans and application seeking Conditional Use Permit approval from the Planning Board for a structure exceeding 50,000 square feet and the use of mechanical parking lifts in the proposed project ("Project") to be located on the Property.

The Property consists of three parcels comprising approximately 52,725 square feet in total, currently used as a surface parking lot and the Avis Rent-a Car location. The Property has a future land use and zoning designation of CD-3, High Intensity Commercial. Under the City of Miami Beach's (the "City") Comprehensive Plan, this future land use designation permits various commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments, residential apartments, hotels, and other accessory and conditional uses. The CD-3 zoning district permits a wide variety of commercial uses, encouraging high-intensity urban activity.

The proposed Project consists of a mixed-use structure containing Class A office space with ground level and second story retail and potential restaurant or food service uses. Replacing the existing surface level parking lot and car rental facility, the Project will serve as an important connection for the surrounding urban fabric and new pedestrian corridors. A 25-foot wide pedestrian paseo on the south side provides a landscaped through-block connection between Collins Avenue and Liberty Avenue with entries to the building. Restaurant and retail offerings are located on a raised platform level three feet above the street along Collins Avenue and the internal paseo. A vehicular entry and exit on Liberty Avenue allows access to the four-story parking garage pushed against the north site boundary.

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Five uniquely shaped, Class A office floors are stacked over the raised retail plinth screening the parking garage levels from the street. The upper three office levels divide into two separate buildings, each with their own circulation cores, creating a three-story open breezeway over the retail base. The office floors are proposed at 13-foot structural heights to allow for the clear ceiling heights required in the marketplace for Class A office space. Cascading glazing on the office floors are shaded by varied cantilevered walkways offering both shared and private outdoor gathering areas for informal meetings and collaboration. Tenant spaces are designed to allow for outdoor terraces, extending interior work spaces to the exterior. Vegetated roofs surround central screened mechanical equipment areas completing the stack.

The Project is seeking LEED Platinum and Wellness certification and incorporates a variety of sustainable elements. The 17'-6" high platform level retail plinth exceeds the minimum one-foot freeboard requirement utilizing the maximum five feet of freeboard in order to be able to adjust to and respond to future conditions related to floodplain management. The lushly planted public paseo incorporates passive water features along its variable path, reappearing at the intersecting breezeway above. Native planting overflows walkway edges facing the internal breezeway as well as exterior facades facing public streets. This central motif is carried through the north parking garage wall along intermittent horizontal niches.

Recurring flowing water along the tropical planters provides an overall calming effect and encourages the use of informal gathering spots as an alternative to the typical rigid conference room. The design takes advantage of the tropical Miami Beach climate by offering special solutions to the more traditional workplace. The rooftop of the Project will also provide flexible, passive outdoor working space for the use and enjoyment of the penthouse office tenants. There will be no general public access to the rooftop and no other such activities will take place on the rooftop pursuant to a settlement agreement affecting the Property entered into by the Roney Palace Condominium Association. Furthermore, any amplified sound on the rooftop must be broadcast through a carefully controlled distributed sound system.

As shown in the attached plans, the Project meets the required parking and incorporates 305 parking spaces to serve the various uses within the structure. In order to provide the required number of parking spaces while maintaining the architectural integrity of the structure, the Project design includes the use of mechanical parking lifts to reduce the footprint and visual impact of the parking garage. It also incorporates many of the new city alternative parking incentives in response to changing parking demands and the increasing use of ride services and alternate means of transportation.

Located only one block away from the City's proposed parking garage at 23rd Street and Liberty Avenue, this Project will advance the City's vision of transforming this area into a walkable and connected urban realm. An analysis of applicable conditional use and resiliency criteria is include below.

Conditional Use - Section 118-92(a)

The Applicant requests conditional use permit approval pursuant to Section 118-192(a) of the City's Land Development Regulations ("LDRs"). Under this Section, the Planning Board shall consider the following criteria when considering an application for conditional use:

- (1) *The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.*

As noted above, the Property has a future land use designation of CD-3 High Intensity Commercial under the Comprehensive Plan, which permits various commercial uses including business and professional offices, retail sales and service establishments, and eating and drinking establishments. The proposed uses include office, retail, and possible restaurant or food service uses and are consistent with the Comprehensive Plan.

- (2) *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 meet all applicable levels of service levels and will pay all applicable connection and mitigation fees in the Middle Beach transportation management area.

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

As noted above, the Property has a zoning designation of CD-3 High Intensity Commercial, which permits a variety of commercial uses. The proposed structure and uses are consistent with the LDRs although it seeks approval of a three foot height variance in order to provide the minimally necessary floor to ceiling height to create truly Class A office facilities--a first on Miami Beach.

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

The proposed project will greatly enhance this area of the Collins Avenue corridor for Miami Beach residents and visitors. Replacing an inactive surface level parking lot, this Project will provide increased street-level activation, pedestrian activity, and office and retail uses needed in this area and important pedestrian connections from the neighborhood to the north and west to the beach..

- (5) *Adequate off-street parking facilities will be provided.*

Appropriate to this urban context, the Project will incorporate the recently adopted alternative parking incentives including bicycle parking, carpool and van parking, drop-off and loading zones, scooter and moped parking, and showers for cyclists and pedestrians. In accordance with the alternative parking incentives, the Project will provide 306 off-street parking spaces.

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

The Applicant has studied the surrounding structures and uses extensively to ensure minimal impact of the Project. The Avis Rent A Car operation located to the south of the Property will be incorporated directly into and inside the Project. The elevation bordering the hotel to the north will be thoughtfully designed with interesting visual elements.

- (7) *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.*

The Project includes 135,000 square feet of Class A office space, a new and very desirable use with amenities in Miami Beach. The addition of office space in this location will diversify uses and create new and important high quality employment opportunities within the neighborhood and the City.

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

The Project complies with the sea level rise and resiliency review criteria including incorporating the Freeboard encouraged by the City. More detailed responses to the review criteria are included below.

Conditional Use for New Structure Over 50,000 SF - Section 118-92(b)

The Applicant requests conditional use approval pursuant to Section 118-192(b) for a structure over 50,000 square feet in the CD-3 zoning District. Under this Section, the Planning Board shall consider the following criteria when considering an application for a new structure 50,000 square feet and over:

- (1) *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.*

A draft operational plan has been provided as part of the application although the Applicant does not have committed tenants at this point so it will be amended as tenants are identified. The Project contains primarily office uses that will operate during normal business hours, creating minimal impact on surrounding uses.

- (2) *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.*

A proposed delivery schedule is included within the draft operational plan provided to the City. The Project will not permit late-night deliveries and includes proper loading areas to avoid disruption to local traffic.

- (3) *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 consists of six stories and is compatible with the surrounding neighborhood. Replacing an existing surface parking lot, the Project will provide an appropriate

transition between the eight-story Gates Hotel to the north and the two-story commercial building to the south, where no urban connectivity exists now.

- (4) *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.*

A proposed parking plan is included in the plans submitted to the City. The parking provided is sufficient to serve the uses within the Project. In this urban context, many visitors to the Property are expected to arrive via rideshare, bicycle, or on foot as this area becomes increasingly pedestrian in nature. Appropriate facilities have been incorporated to accommodate these alternate means of transportation.

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

The floor plans submitted to the City demonstrate both indoor and outdoor circulation plans and ingress and egress points within the structure, breezeways, stairwells, and internal and external corridors for customer circulation and provides important new pedestrian circulation connections that do not currently exist in the area.

- (6) *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.*

The Applicant has developed a security plan for the Project and will update it as the operation and specific tenants are better defined, based on the final configuration and needs of the tenants.

- (7) *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 study was completed and submitted to the City. The Applicant is actively working with the City's transportation staff and peer reviewers.

- (8) *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 required loading areas and parking structures do not face residential areas and do not have openings where they face adjoining areas directly. The loading areas are located on the west side of the Project, across from a Florida Power & Light utility facility. All other surrounding uses are either commercial or hotel uses.

- (9) *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 sanitation and waste facilities in the Project meet all applicable code requires and are internal to the Project.

- (10) *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 noted above, the Project is compatible with surrounding uses and structures. The Applicant has carefully studied the proximity of the Project to the Gates Hotel to the north and the design specifically mitigates any potentially adverse impacts through thoughtfully designed visual elements.

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

With the elimination of a surface parking lot, the cumulative effect of the Project with adjacent structures is minimal and will result in the creation of a walkable, active, and cohesive urban corridor, along with important new high quality employment in the City.

Conditional Use for Mechanical Parking Lifts - Section 130-38(3)(c)

The Applicant also requests conditional use approval pursuant to Section 130-38(3)(c) of the Miami Beach Code to allow for the use of the mechanical parking lifts. Pursuant to Section 130-38(5), the Planning Board shall consider the following criteria when considering an application for the use of a mechanical parking system:

- (a) *Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.*

As noted above, this six-story Project is bordered to the north by an eight-story hotel and to the south by the two-story commercial structure and a 17-story building to the East across Collins Avenue. The Project will replace an existing surface level parking lot between these lodging and commercial uses, thereby improving the Property's compatibility with the urban character of the surrounding neighborhood and creating a more connected and walkable environment.

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

Yes, the use of mechanical parking lifts allows the Applicant to reduce the footprint of the parking garage within the building envelope and line the garage with office uses and activated ground level space. This design conceals the parking garage, reducing the mass and visual impact of the structure.

- (c) *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 use of mechanical parking lifts does not result in an increase in density or intensity as controlled by the FAR and other land use limitations.

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

Yes, the mechanical parking lifts are located inside the enclosed garage.

- (e) *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.*

The Project does not incorporate residential uses. The parking lifts will be serviced by valet only and will not be used for self-parking.

- (f) *In cases where mechanical parking lifts are used for 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.*

Yes, all appropriate legal instruments required for valet operations will be provided.

- (g) *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.*

Yes, a traffic study was provided to City staff and the Applicant is actively working with the City's transportation staff and peer reviewers.

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

A valet analysis, maneuverability analysis, and lift maintenance instructions and diagrams are in process will be provided prior to the final filing. These materials will include the mechanical parking operation, the valet drop-off, and the staffing and technical requirements to ensure proper operation.

- (i) *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.*

All of the uses proposed for the Project are primary permitted uses pursuant to the CD-3 Regulations.

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

As noted above, the Applicant has carefully studied the proximity of the Project to the hotel to the north and has mitigated any adverse impacts through thoughtfully designed visual elements.

- (k) *Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed.*

As noted above, with the elimination of a surface parking lot, the cumulative effect of the Project with adjacent structures is minimal and will create a walkable, active, and cohesive urban corridor.

Sea Level Rise and Resiliency Criteria - Section 133-50(a)

The City's land use boards shall also consider the following sea level rise and resiliency criteria when evaluating a project, as applicable:

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

The Applicant will explore recycling and salvage opportunities for the small existing structures on site to be demolished and will provide a plan to City staff as appropriate.

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

Yes, all windows within the Project will be hurricane proof impact windows.

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

The Project incorporates passive cooling systems where possible.

- (4) *Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.*

The proposed plants are primarily native to Florida, salt tolerant, and resilient in the event of flooding.

- (5) *Whether 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, including a study of land elevation and elevation of surrounding properties were considered.*

Yes, the Project incorporates the City's freeboard allowance to permit the ground level of the structure to be raised should this become necessary in the future. Elements of the design have taken into account the proximity of the Project to the beach and canal.

- (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.*

The ground floor, driveway, and garage ramping are adaptable should the public right-of-way be raised.

- (7) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.*

Yes, all critical mechanical and electrical systems are located above base flood elevation and/or are on the roof of the structure.

- (8) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.*

Not applicable.

- (9) *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.*

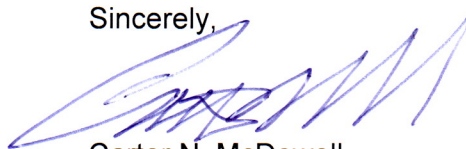
Not applicable.

- (10) *Where feasible and appropriate, water retention systems shall be provided.*

The Applicant is currently exploring possible water retention systems.

Based on the foregoing analysis, the Applicant respectfully requests conditional use approval from the Planning Board for a new structure over 50,000 square feet and the use of mechanical parking lifts to allow the Project to operate efficiently, to deliver a unique and context-sensitive design, and to have as little impact on the surrounding neighborhood as possible. Please do not hesitate to contact the undersigned should you need any additional information.

Sincerely,



Carter N. McDowell

CNM
Enclosures