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October 5, 2018

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

Re: Letter of Intent for Certificate of Appropriateness and Height Variance
Address: 2340, 2322, and 2318 Collins Avenue, Miami Beach, Florida
File No.: HPB18-0239

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 a Certificate of Appropriateness and a three-foot height variance from the Historic Preservation Board for new construction of a mixed-use Class A office building (the "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 is located within the Collins Waterfront Historic District and 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. There are two minor structures on the Property, a remnant drive through facility and the Avis rental office. Both structures are listed as non-contributing in the property inventory included in the Collins Waterfront Historic District designation report.

The proposed Project consists of a Class A office building 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 infill connection for the surrounding urban fabric and create new pedestrian corridors. An approximately 25-foot wide pedestrian paseo on the south side provides a new landscaped pedestrian through-block connection between Collins Avenue and Liberty Avenue along with the primary entries to the building. This paseo will provide an almost direct pedestrian connection to the beach from the

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Collins Park neighborhood and the existing pedestrian bridge over the Collins Canal on Liberty Avenue and the new pedestrian connector to the Museum Park neighborhood to the south being created by the City. Likewise, new restaurant and retail offerings open to the public are located on a raised platform level three feet above the street along Collins Avenue and the internal paseo. The vehicular entry and exit on Liberty Avenue allows access to the four-story parking garage, which is embedded within the structure and surrounded by active uses on two sides to minimize the visibility and impact on the surrounding areas. Loading and delivery will also take place on Liberty Avenue, across the street from a Florida Power and Light utility substation.

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 floorplates, 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 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 with the maximum five feet for purposes of floodplain management in the future as may be required. 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 new parking garage being constructed 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 variance and Sea Level Rise and Resiliency criteria are included below:

Variance Criteria - Section 118-353(d)

In considering an application for a variance, the City's land use boards shall find that:

- (1) *Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;*

The CD-3 zoning district imposes a height restriction of 75 feet. However, in order to provide the floor to ceiling heights required to create a truly Class A office facility--a first on Miami Beach--a height variance of three feet is required. While the existing 75-foot height allowance is sufficient for construction of residential condominiums and hotels uses, it is simply inadequate to create Class A Office space. As further demonstrated in the application plans, Class A office space in the Miami office market provides a minimum of 13 feet floor to ceiling height and often even greater floor to ceiling heights of 14 feet floor to ceiling. This Class A office building will be unique on Miami Beach and will hopefully create opportunities for more high quality employment in the City, enabling more people to live and work on Miami Beach, thereby lessening the traffic and commuting pressures on the causeways. It will also diversify the uses in this neighborhood. Without the requested variance, construction of a functional and sustainable Class A office facility on this Property is not possible.

- (2) *The special conditions and circumstances do not result from the action of the applicant;*

The design requirements of a Class A office use were not created by the Applicant; no other actions of the Applicant created the special conditions or circumstances.

- (3) *Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;*

The proposed Project is unique to this neighborhood and Miami Beach at large. The construction of a Class A office building in this location is a distinctive and highly valuable asset and amenity to the community. The need for a certain floor to ceiling height is specific to this type of use and the granting of the requested variance to make this Project possible will not confer any special privilege on the Applicant.

- (4) *Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;*

As noted above, a Class A office building requires a specific and exceptional floor to ceiling heights as compared to residential, hotel, or other commercial uses within the CD-3 zoning district do not have this design requirement. The strict imposition of the 75-foot height limitation will preclude the design and construction of the proposed Class A

Office building Project, thereby depriving the Applicant of rights commonly enjoyed by other properties in the same zoning district.

- (5) *The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;*

Three additional feet is the minimum additional height required in order to ensure the architectural integrity of the structure and proper functioning of the proposed Project and this minor variation in height will be virtually imperceptible in the context of the surrounding buildings, especially the huge 17-story building located directly across the street.

- (6) *The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

This six-story Project is bordered to the north by an eight-story hotel, to the south by the two-story commercial structure, and to the east by a 17-story Hotel Condominium building 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.

- (7) *The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board voting on the applicant's request; and*

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. The Project meets all applicable levels of service levels and will pay all applicable connection and mitigation fees in the Middle Beach transportation management area. Likewise, by providing high quality employment opportunities on Miami Beach that do not currently exist, it will actually lessen commuting traffic across the causeways by allowing people to live and work on Miami Beach.

- (8) *The granting of the variance will result in a structure and site that 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.

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 flood proofing systems will be provided in accordance with chapter 54 of the City Code.*

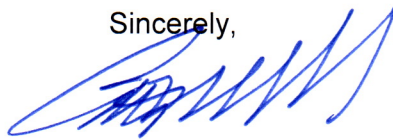
Not applicable.

- (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 a Certificate of Appropriateness and a height variance of three feet in order to deliver an exceptional and context-sensitive Class A office building to the neighborhood. Please do not hesitate to contact the undersigned should you need any additional information.

Sincerely,



Carter N. McDowell

CNM
Enclosures