

May 6, 2019

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 Variances for Property Located at 400 Collins Avenue, Miami Beach, Florida File No. HPB19-0269**

Dear Mr. Mooney:

This firm represents Savoy Hotel Partners, LLC, the applicant ("Applicant") and owner of the property located at 400 Collins Avenue (the "Property"). Please accept this correspondence as the Applicant's letter of intent for the attached application seeking a Certificate of Appropriateness and variances from the Historic Preservation Board (the "Board") for a proposed mixed-use parking garage to be located on the Property.

The proposed project ("Project") will replace a surface parking lot with a 97,242 square-foot primary use parking garage containing commercial and residential uses. Located on the northwest corner of Collins Avenue and 4<sup>th</sup> Street, the Project will create a lively pedestrian realm with approximately 4,200 square feet of commercial retail space and an 64-seat restaurant on the ground floor. Approximately 15 residential units will occupy the top three floors of the structure, promoting a mix of uses and enhancing the walkability of the neighborhood.

The Board previously approved a similar but larger project on this Property on July 12, 2016 through Historic Preservation Board Order HPB0516-0026. That approval remains active and valid. Subsequent to that approval, the City adopted the Alternative Parking Incentives found in Section 130-40 of the LDRs to encourage projects to incorporate parking for alternative vehicles to encourage their use as an alternative to cars, to recognize the rise of the use of ridesharing services such as Uber and Lyft, and to minimize the bulk and scale of parking facilities. This Project fully implements those Alternative Parking Incentives and is therefore able to reduce the size of the parking structure facing Collins Avenue by a full floor, dramatically improving its response to the street and the neighboring historic buildings. The Applicant has been collaborating with City staff on the current design for the better part of a year and is excited to present it to the Board, as everyone who has seen it, including SOFNA and the City Commissioners, have appreciated and approved of this new design.

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The 120-space parking garage was thoughtfully designed to echo the art deco architecture and pastel color palette of the surrounding Ocean Beach Historic District. As noted above, the design also incorporates many of the City's Alternative Parking Incentives for residents and patrons of the commercial space in response to the increasing use of rideshare services and alternative means of transportation. The Project contains 45 long-term bicycle parking spaces and 30 short-term bicycle spaces in addition to designated carpool and scooter parking spaces. Rideshare drop-off and valet spaces available for residents and patrons of the commercial space are located along Collins Avenue adjoining the Project.

Off-street loading will occur in the northwest corner of the Property off of the commercial alley to the west. The proposed Project is a relatively small structure that will be in character with the neighborhood and surrounding commercial uses while providing much-needed parking south of 5<sup>th</sup> Street.

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

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

There are no existing structures on the Property. The Applicant will work with the City to ensure pavement removed from the existing parking lot on site is properly disposed of or recycled.

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

The Project, which consists only of new construction, will meet all Florida Building Code requirements.

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

The architecture will respond to the local climate. An extruded aluminum façade system for the parking garage offers shade for vehicles while still allowing natural ventilation. Protruding overhangs at the apartment levels will offer shade from the sun. Window walls will be operable to allow natural ventilation.

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

Landscaping will include native plant varieties that thrive in the Miami Beach climate.

- (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.*

Based on the Project's location and in response to sea level rise projections, the Applicant has elected to raise the finished floor elevation to NGVD +9'0", where base flood elevation is +8'0" and the City's minimum street elevation is NGVD +5'3", to accommodate future adaptation measures.

- (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.*

See response above. The Project's finished floor elevation will be NGVD +9'0". The ground floor, driveways, and ramping will accommodate future raising of public right-of-ways.

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

With the exception of the FPL electrical room, which FPL requires to be located at street level, all critical mechanical systems will be located at base flood elevation +1'0" or higher.

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

There are no existing buildings on this site.

- (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.*

No habitable space will be located below base flood elevation plus freeboard.

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

The site and building are well landscaped, minimizing stormwater runoff. Any stormwater runoff is retained within two sediment tanks and drainage wells, one located beneath the loading dock and the other located beneath the car parking entrance ramp. All water that falls within the site will be drained into one of these tanks. Additionally, the parking garage will incorporate storm drains that drain to a French drain located beneath the boardwalk outside of the ground floor retail on the eastern edge of the site.

## **Height Variance**

The Applicant is requesting a variance from the provisions of Section 142-698 to allow a structure of 78 feet in height where a height of 75 feet is permitted. Pursuant to 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 C-PS2 zoning district imposes a height restriction of 75 feet for mixed-use and residential structures. However, due to the physical size of the Property, the elevation of the first floor as required by the City's Freeboard regulations, and the necessary ramping lengths and angles for proper vehicle circulation within the parking garage, the structure must extend slightly beyond the 75-foot limitation in order to accommodate these various design restrictions.

The unique circumstances of this site—ground floor retail at an elevation dictated by flood control measures, parking garage ramping and circulation, and residential floor to ceiling heights—are unique to this Property. Without the requested variance, construction of a functional mixed-use parking garage 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 functional mixed-use parking garage within the physical restraints of the Property 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 to Miami-Beach at large. There are very few, if any, other locations where this type of project may be developed. A mixed-use parking garage with ground level retail and restaurant uses and the incorporation of residential units in this location is a distinctive and valuable amenity to the community. The need to accommodate set floor elevations, parking garage vehicle circulation, and residential floor to ceiling heights all within one structure is specific to this Project. 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, parking garages require a specific design to provide functional ramping and circulation for vehicles, specific to this use within the C-PS2 zoning district. With the addition of certain required floor elevations as dictated by the City's Freeboard regulations, the strict imposition of the 75-foot height limitation will preclude the design and construction of the proposed 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.

- (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;*

The Project will replace an existing surface level parking lot in the middle of an urban neighborhood, thereby improving the Property's compatibility with the character of the surrounding community 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*

The Property has a future land use designation of "C-PS2 Commercial performance standard, general mixed use", which permits residential and commercial uses along with certain conditional uses. The Project contains only residential and commercial uses and is 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 transportation management area.

- (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 above.

#### **Drive Aisle Width Variance**

The Applicant is requesting a variance from the provisions of Section 130-64 to allow a one-way drive aisle width of 10 feet at the entry where 11 feet is required. Pursuant to 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;*

Due to the restrictive dimensions of the site, the fixed location of the egress stairs and elevators running the height of the building, along with the required dimensions of the parking spaces and mechanical rooms above, there is a burden in enlarging the drive aisle at the entrance to the garage adjacent to the barrier equipment.

Cars will need to pull over to the side of the aisle in order to access the parking garage machines as they enter the garage. Drive aisles of 11 feet in width are therefore unnecessary in this location. The project's parking consultants have recommended 10-foot aisles at the entrance to the parking garage due to the unique nature of how one positions a car when entering a parking garage. The width of the drive aisle directly behind the entrance is 23'-0" plus 6" curbs on each side.

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

The design requirements of a functional mixed-use parking garage within the physical restraints of the Property 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 to Miami-Beach at large. There are very few, if any, other locations where this type of project may be developed. A mixed-use parking garage with ground level retail and restaurant uses and the incorporation of residential units in this location is a distinctive and valuable amenity to the community. The need to accommodate egress stairs and elevators running the height of the building, along with the required dimensions of all parking spaces and mechanical rooms above, and parking garage barrier equipment at the vehicle entrance all within one unique structure necessitates the requested variance. The granting of the 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, this project must accommodate a number of unique design elements in addition to parking garage barrier equipment on a restrictive site. Drivers must pull to the side of the drive aisle to enter the garage. Denial of the variance will preclude the design and construction of the proposed 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;*

The one-foot reduction in permitted drive aisle width at the entrance of the garage is the minimum variance that will make possible the reasonable design of the project and use of the site.

- (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;*

The Project will replace an existing surface level parking lot in the middle of an urban neighborhood, thereby improving the Property's compatibility with the character of the surrounding community 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*

The Property has a future land use designation of "C-PS2 Commercial performance standard, general mixed use", which permits residential and commercial uses along with certain conditional uses. The Project contains only residential and commercial uses and is 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 transportation management area.

- (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 above.

### **Conclusion**

The proposed Project complements the surrounding neighborhood's existing developments and is in keeping with the character and spirit of the area. For the foregoing reasons, we respectfully request the Board support this application. Thank you for your consideration and please do not hesitate to contact me should you need additional information.

Sincerely,

  
for Carter N. McDowell

CNM/Enclosures