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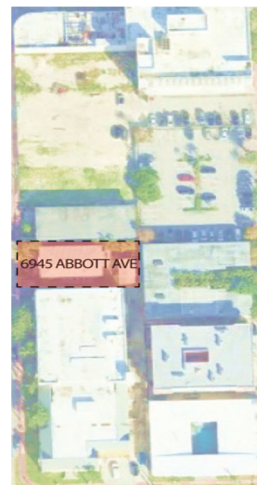
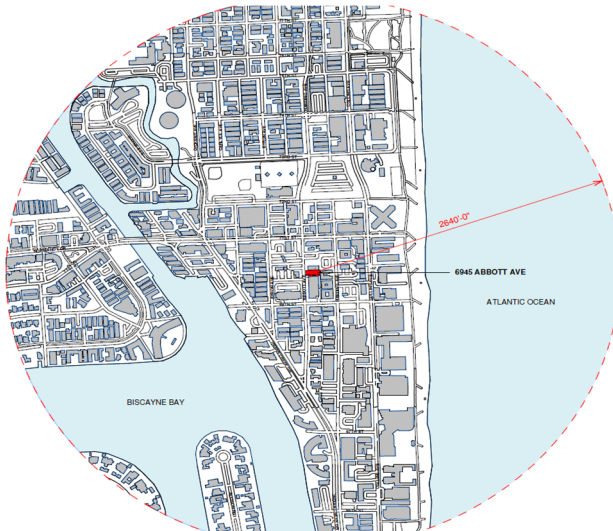
VIA ELECTRONIC DELIVERY

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

RE: 6945 Abbott Avenue (M Hotel)
Folio No.: 02-3211-001-0290
Design Review Board – Amended Letter of Intent DRB25-1088

Dear Mr. Mooney:

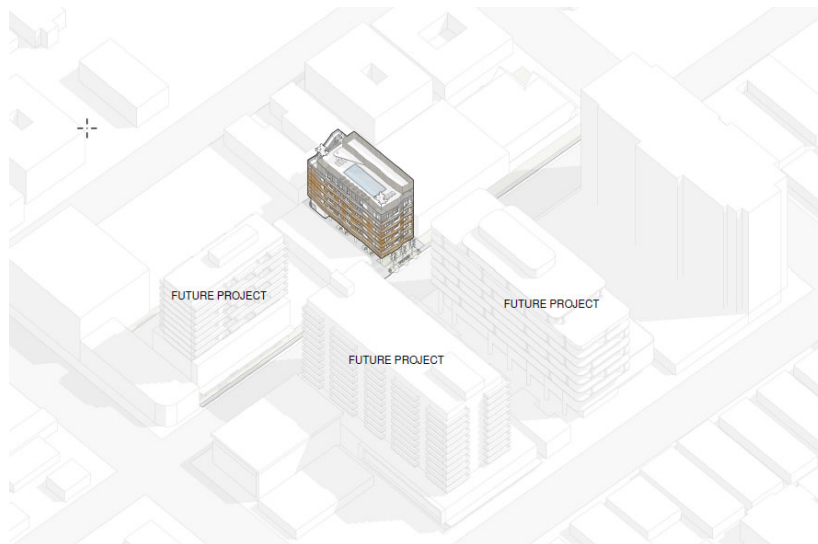
On behalf of Abbott M 6945 LLC (the “Applicant”), please accept this amended and restated letter of intent in connection with the Design Review Board (“DRB”) application number DRB25-1088 (the “Application”) for the proposed hotel redevelopment on that certain +/- 0.14 acre parcel of land generally located at 6945 Abbott Avenue in the City of Miami Beach, Florida (the “City”), as further identified by Miami-Dade County Folio No.: 02-3211-001-0290 (the “Property”). The Applicant seeks a variance to continue the existing use of two on-street parking spots on Abbott Avenue for loading, and the DRB approval of the redevelopment of the M Hotel into a new six-story 48-unit boutique hotel without a hotel warrant commission as required by section 2.7.2 of the City’s Resiliency Code (the “Code”), in accordance with the limitations imposed by SB 180. The Property is outlined in red below:



I. Overview of Property's Land Use & Zoning Designations

The Property has a Comprehensive Plan Future Land Use Map (“FLUM”) land use designation of Lodging, Mixed Use and is zoned Town Center- Central Core, (“TC-C”). The purpose of the North Beach Town Center is to promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and attractive residential living environments with compatible office uses and neighborhood-oriented commercial services. Lodging uses such as hotels are permitted uses on properties designated TC-C on the City’s FLUM. Similarly, the main permitted uses in the TC-C zoning district include, but are not limited to: hotels, apartments, apartment hotels, and bed and breakfasts pursuant to the City’s Resiliency Land Development Regulations (the “Code”) Section 142-152(a). Thus, the continuation of the hotel use on the Property is consistent with the FLUM and Code. Additionally, the TC-C zoning district permits restaurant, retail, office, and residential uses. Hotel uses support local businesses such as restaurants, shops, and professional services creating compatibility and linkage between the uses in the district. This integration fosters a vibrant community atmosphere, enhancing the appeal of the area for both living, working, and visiting.

The Property is located on Abbott Avenue approximately midblock between 69 Street and 71 Street. The section of Abbott Avenue that the Property is located on runs north/south for approximately five (5) blocks between 67 Street and 72 Street before veering rightward and connecting to a different grid. Given its unique configuration, the area is a mix of commercial and residential uses, as evidenced by the Ella Miami Beach — a 103-unit luxury condominium building which directly faces the Property (at 6940 Abbot Avenue) — a 12-story tower with 170 residential units anchored by a 25,000-square-foot Target (at 6948-6988 Abbott Avenue and 6957-6965 Byron Avenue), and the Public Storage which is directly adjacent. Based on the recent approvals, proposed projects for the area, and redevelopment trends, this stretch of Abbott Ave could become a potential oasis of for young professionals and business travelers. Thus, the continued use of the Property as a hotel can be justified by its positive economic impact, its role in fostering cultural and social integration, and its compatibility with the surrounding residential and commercial uses.



II. Proposed Project

As noted above, the Property is currently underutilized with an 11-room hotel, known as the M Hotel. The Applicant is seeking to redevelop the site with a new 48-unit boutique hotel (the “Project”). The proposed Project is largely consistent with the applicable land development regulations in terms of use, design, and resiliency. The City’s Resiliency Code is designed to balance growth with community needs, ensuring that developments like hotels are compatible with the surrounding area. This framework is intended to support both residential and commercial interests. Here, the design will be sensitive to the aesthetics and appearance of the North Beach neighborhood, and will be compatible with its surroundings pursuant to City Code Section 2.5.3.1. The Project will be situated among other new developments, and the proposed renovation and redevelopment is designed to be harmonious with both the new and existing structures in the area.

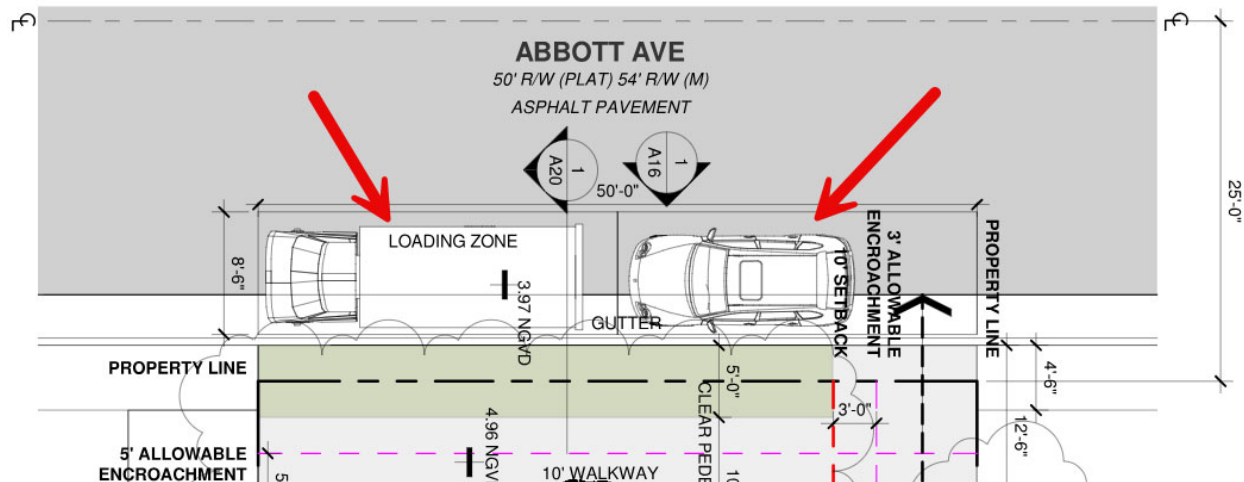


The building’s modern facade is a consonant blend of sophisticated yet vibrant materials that speak to the Miami Beach aesthetic. Intentionally placed large glass windows provide for functional design with framed views while ensuring safety and energy efficiency. The clean lines of the structure are accentuated by sleek curves, polished stone and/or concrete elements, creating a clean modern aesthetic. This architectural gem creates a sense of solidity and permanence that seamlessly blends into Abbott Avenue’s existing landscape and future feel.

III. Variance & Hardship Analysis

The Applicant respectfully requests DRB approval of one (1) non-use variance from Sec. 7.2.14.6(c)(6)(E) of the Code, to continue the Property’s existing use of two street parking spots

on Abbott Avenue (Class B frontage) for on-street loading and drop off of hotel guests, as indicated by the arrows in the following diagram:



The Application meets the criteria for variances set forth in Section 2.8.3 of the Code as follows:

- Special conditions and circumstances which are peculiar to the Property are resulting from its size, dimension, and location. The Property is located in an area dedicated to pedestrianism and with a required pathway that encumbers the Property's entrance.**

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

The requested variance is a continuation of the existing practice, and thus not the result of the Applicant.

- (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;

Approval of this non-use variance request will not result in the any special privilege. The proposed pedestrian centric design of the Property's front entrance aligns with the objective and purpose of the Town Center zoning district. The variance is consistent and appropriate for the character of this portion of North Beach and existing development in the area.

- (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;

Without the requested variance, the Property would not be able to be developed with the permitted hotel use and appropriately meet the frontage requirements.

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

The Applicant is committed to developing the Property with a timeless and attractive design that adds to the experience of the residential community, visitors and pedestrians. The requested variance merely allows for development of the Property according to a permitted use, and consistent with the existing practice as well as the overall character of the neighborhood.

- (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; and

The granting of this variance will not have a detrimental impact to the area. The requested continuation of using two on-street parking spaces for loading and hotel guest drop-off will be neutral as it is not taking away any spaces utilized by the public. Moreover, the Applicant intends to develop the Property in a walkable manner that will benefit and enhance Abbott Avenue.

- (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.

TC-C zoning allows for hotel uses and encourages pedestrianism and walkability. Similarly, the proposed non-use variance request to continue use of the on-street parking and enable an enhanced pedestrian walkway is consistent with the comprehensive plan and does not reduce levels of service.

- (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 7, article I, as applicable.

Confirmed. The sea level rise criteria is analyzed in part V.

- (9) In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if applicable, shall be mandatory for board of adjustment review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may serve as a basis for the approval or denial of a variance application.

Not applicable.

IV. Design Review Criteria

The Project satisfies the design review criteria set for in Section 2.5.3.1 of the City's Resiliency Code as follows:

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

Satisfied. All dimensions, materials, architectural elements, and the proposed site plan will conform to the relevant design guidelines, including addressing the lot's topography, vegetation, drainage, and all site elements such as buildings, drives, parking, utilities, and landscaping.

- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied. The proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures will conform to the design review criteria.

- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Satisfied. All dimensions, materials, architectural elements, and the proposed site plan will fully conform to the relevant design criteria, including setbacks, parking spaces, floor area ratio, height, and lot coverage.

- d. The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in Section 2.5.3.2.

Satisfied. All color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas will conform to the design criteria.

- e. The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.

Satisfied. The proposed site plan is consistent and compatible with the comprehensive plan and applicable standards and design guidelines, as it is replacing an existing hotel in an area designated for horizontal and vertical integration of uses. The hotel use is consistent with the City's Future Land Use Map (FLUM) and the vision for the Town Center-Central Core (TC-C) zoning district, which has over 1,658 allocated hotel rooms available for development. The redevelopment of the M Hotel into a new boutique hotel will enhance economic vitality, foster cultural and social integration, and support local businesses. The proposed hotel development furthers the following objectives of this article and Article VII, specifically section 7.2.14. The purpose of the TC-C district is to "create a place that represents a unique, attractive and memorable destination for residents and visitors; enhance the community's character through the promotion of high-quality urban design; and promote high-intensity compact development that will support the town center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment. Additionally, the project use and design contributes positively to the North Beach community's vibrancy and appeal.

- f. The proposed structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.

Satisfied. The proposed structure is sensitive to and compatible with the character of the neighborhood and development trends in the area.

- g. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied.

- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles

a rapid and safe ingress and egress to the site.

Satisfied.

- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Satisfied.

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied.

- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied.

- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied.

- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied.

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied.

- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not Applicable.

- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied.

- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied.

- r. In addition to the foregoing criteria, subsection 118-104(6)(1) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a, wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable, none proposed.

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

Satisfied, as demonstrated below.

V. Sea-Level Rise and Resiliency Criteria

The Applicant has carefully considered seal-level rise protections and resiliency measures, and the proposed Project has been designed, and will be developed, to ensure resiliency and protection from sea-level rise and storm surges. The proposed Project complies with the criteria set forth in City Code Section 7.1.2.4, as follows:

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

A recycling or salvage plan for demolition of the existing structure will be provided as and when required.

- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied. All proposed windows will be hurricane proof impact windows.

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

Satisfied. The Applicant is considering passive cooling systems where feasible and appropriate.

- 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.

Satisfied. The Applicant is considering resilient landscaping, where feasible and appropriate, to incorporate into the landscape design particularly at the front entrance and the boundaries which border the neighbors.

- 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, including a study of land elevation and elevation of surrounding properties.

Satisfied. Adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, including a study of land elevation and elevation of surrounding properties were considered and the appropriate principles were incorporated into the Project design.

- F. 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 3 additional feet in height.

Satisfied. The ground floor will be adaptable to the raising of public roads and adjacent land.

- 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

Satisfied.

- H. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation, plus City of Miami Beach Freeboard.

Not applicable because the existing building will be demolished.

- I. 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 of 54 of the General Ordinances.

Not applicable because habitable space is above the threshold.

- J. As applicable to all new construction, stormwater retention systems shall be provided.

All stormwater will be retained on the Property as per City of Miami Beach requirements, which will be calculated and designed during the permit process.

K. Cool pavement materials or porous pavement materials shall be utilized.

The Applicant has incorporated cool pavement materials or porous pavement materials where feasible and appropriate.

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

Satisfied. The Applicant has designed the Project to minimize the heat island effects, through the use of cooling massing and design materials, and addition of lush landscaping to provide further shade.

Thank you in advance for your considerate attention to these requests. If you have any questions or require additional information, please feel free to contact me at (305) 789-7453.

Sincerely,

HOLLAND & KNIGHT LLP