



**BERCOW RADELL FERNANDEZ & LARKIN**  
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**VIA HAND DELIVERY AND ELECTRONIC SUBMITTAL**

February 4, 2020

Michael Belush, Chief of Planning and Zoning  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: SUPPLEMENTAL Request for Conditional Use Permit Approval for the  
Properties located at 1234-1260 Washington Avenue

Dear Mr. Belush:

This law firm represents Urbin Miami Beach Partners, LLC (“Applicant”) the contract purchaser of the properties located at 1234 and 1260 Washington Avenue (collectively the “Property”) within the City of Miami Beach (“City”). Please consider this letter the Applicant’s supplemental letter of intent in support of new construction in excess of 50,000 square feet.

Property Description. The Property is approximately 33,488 square feet (0.77 acres) in size, located between Drexel Avenue on the west and Washington Avenue on the east at 13<sup>th</sup> Street. The Miami-Dade County Property Appraiser’s Office identifies the Property’s two parcels with Folio Nos. 02-4203-009-0050 and 02-4203-009-0040. There are currently two (2) structures on the Property. On the portion of the Property associated with the address 1234 Washington Avenue, there is an office building constructed in 1961 (the “1234 Parcel”). On the portion of the Property associated with the address 1260 Washington Avenue, there is a one-story retail building constructed in 1948 and significantly modified overtime (the “1260 Parcel”).

The Property is located in the Flamingo Park Local Historic District and the Miami Beach National Register Architectural District. The Property is zoned CD-2, Commercial, and Medium Intensity (“CD-2”). The CD-2 zoning district provides recently amended development incentives for the Washington Avenue corridor in

which the Property is located. To the north of the Property is the historic U.S. Post Office, and to the east and south are a variety of commercial uses.

Development Program. The Applicant proposes to retain the existing 1234 Parcel, and request through a concurrent Historic Preservation Board (“HPB”) application that it be reclassified as a contributing building. The 1260 Parcel will be redeveloped with a new mixed-use building comprised of retail, restaurants, hotel, and co-living residential units (the “Project”). The Project will be six-stories, and have frontages on three-sides: Washington Avenue, 13<sup>th</sup> Street, and Drexel Avenue.

The programming for the new structure fronting Washington Avenue on the ground floor will consist of two (2) micro-retail units, two (2) restaurants with indoor entertainment and outdoor seating, one (1) bar counter accessible from the internal plaza, and the lobbies for the 1234 Parcel and the 1260 Parcel. Vehicular access will be from 13<sup>th</sup> Street and egress will be onto Drexel Avenue. Parking and one (1) loading space will be internal to the building on the ground floor, as well as eight (8) bicycle racks. Three (3) additional loading spaces will be located on 13<sup>th</sup> Street for the non-exclusive use of the Project.

The second, third, and fourth floors of the new structure will contain the forty-nine (49) co-living units and suites. Two (2) units will be two-bedrooms, six (6) units will be three-bedrooms, and two (2) units will be four-bedrooms. Thirty-nine (39) units will be considered Junior Studios, 275 square feet in size. The fifth and sixth floors of the new structure will contain fifty-six (56) hotel rooms. Two (2) of the hotel rooms will be suites 332-388 square feet in size, and the remaining hotels rooms will be standard size between 208 and 275 square feet in size.

Active uses of the roof top of the new structure are purposefully pushed towards Washington Avenue. A pool and deck areas are parallel to Washington Avenue, and the roof top bar is located at the northeastern most corner of the Property.

Conditional Use Requests. As the total size of new construction exceeds 50,000 square feet, the Property requires conditional use approval from the Planning Board pursuant to Section 142-303(a)(10) of the City of Miami Beach Code of Ordinances (“City Code”). The calculation of new construction includes the ground floor driveways and parking, the covered front porch, balconies and outdoor habitable areas.

General Guidelines for Conditional Uses. Pursuant to City Code Section 118-192(a), review and approval of conditional uses includes evaluation of the proposed use in relation to the following guidelines:

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

A mixed-use Project with on-site parking is consistent with the Comprehensive Plan and permitted by the underlying CD-2 regulations. The purpose of the Medium Intensity Commercial Category is to provide development opportunities that enhance the desirability and quality the commercial areas, which serve the entire City. The Project will activate the intersection of 13<sup>th</sup> Street and Washington Avenue, at the heart of the Washington Avenue Overlay with various types of commercial uses that are permitted, such as professional offices, retail sales and service establishments, and restaurants. The Project utilizes several zoning incentives that were amended into the CD-2 zoning regulations this year.

**(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.**

Construction of the Project is not expected to have any negative impact in excess of the thresholds of level of service provided for in the City comprehensive Plan. The Project will satisfy its own required parking supply, utilizing valet and off-site parking garages, and will also provide desired micro-retail and hotel uses along a mass transit corridor. A traffic study, included with the application materials, concludes that the Project will not adversely impact the traffic in the area. The Applicant is proposing mitigation for any noise impacts, and as many resiliency measures as feasible.

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

The Applicant has filed a companion application to the HPB for Certificates of Appropriateness for the design of the structures and historic reclassification of the 1234 Parcel. The Applicant is proposing forward-thinking co-living units that were recently adopted into the CD-2 Land Development Regulations. This allows additional public spaces and flexibility for offices tenants and retailers to remain in Miami Beach. The three (3) entertainment uses are accessory to the Project, will provide additional amenity space for residents and guests, as well as tenants of the office spaces.

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

The Project will not adversely impact the public health, safety, morals, and general welfare. This innovative redevelopment will preserve the 1961 office building and provide a variety of uses for Miami Beach residents and visitors. It will benefit the

community by serving as a catalyst project to revitalize Washington Avenue with residential and hotel units, and further the efforts to improve the streetscape. The enhanced pedestrian experience opens onto the historic U.S. Post Office. The Project also includes lush shade trees. The intent is of the new uses is to incentivize local retails and generate jobs, thereby stimulating the local economy.

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

The Applicant will provide ample off-street parking spaces onsite with valet services. Based on the recent Washington Avenue incentives, parking is not required for the existing and new uses. The Applicant is utilizing off-street parking spaces and valet services to provide parking for guests, residents, and tenants. The Project also features shaded bicycle parking at the corner of Drexel Avenue and 13<sup>th</sup> Street.

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

The Applicant is proposing 24/7 security on the Property, security cameras at all major entrance and exits points. The point of sale locations and elevators will also be monitored with security cameras. The operator will schedule additional security on high occupancy days, and will ensure additional security at the higher occupancy locations within the Property. There will be additional security at all entertainment locations. The Applicant is also proposing a gate within the breezeway to ensure patrons of the ground floor establishments cannot cross to Drexel Avenue through the Property. This will ensure protection of the Property and the neighborhood.

**(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.**

This portion of the Washington Avenue corridor lacks hotel uses and mixed-use projects, and needs revitalization projects, such as this one. The Project will feature active daytime and nighttime uses. All active uses are focused to and accessible by pedestrians from Washington Avenue. This is an ideal location for redevelopment, as it will pose a positive impact on the surrounding neighborhood.

Supplemental Review Criteria for New Construction. Pursuant to Section 118-192(b) of the City Code, the Planning Board's review of an application for conditional use of new structures 50,000 square feet and over, considers the following:

- (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.**

The Applicant has submitted a business operations plan with the application materials. The operations plan includes pertinent operational characteristics, such as the hours of operation, estimated employees, and goals and objectives of the Applicant and Project. The Applicant has modified certain operational characteristics for the benefit of the residential neighbors to the west. The mixed-use project fronts Washington Avenue, and will provide a variety of uses to improve the corridor. The hours of operations and hours of entertainment are compatible with the commercial and entertainment uses of Washington Avenue, and sensitive to the residential uses to the west.

- (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.**

The operations plan included with the application materials provides specific parameters for the Project's deliveries. Unlike the existing at-grade parking lot fronting Drexel Avenue, the design of the new structure provides an internal driveway for loading. The design to accommodate both large and small-scale deliveries. The driveway will be landscaped and screened for minimal impact on the residential uses, which will enhance the pedestrian experience on Drexel Avenue. There are also three (3) existing loading spaces on 13<sup>th</sup> Street, abutting the Property. The City limits use of these spaces to thirty (30) minutes, and the Applicant agrees to monitor the limited usage of the on-street loading spaces.

- (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 proposed design ensures that there is a minimal impact on the surrounding area, and the uses are compatible with the urban character of Washington Avenue. Specifically, the office use and structure will remain. The new structure on the 1260 Parcel provides an open pedestrian plaza on Washington Avenue, and a portion of the six-story structure abuts Drexel Avenue on the west and the U.S. Post Office to the north. The entertainment uses will be properly managed and controlled with internal sound systems, limited hours of entertainment, and strategically placed sound attenuation walls screened with lush landscaping. The high-quality development and

beautification are consistent with the City's vision for Washington Avenue. The Project's size and uses are also consistent with the existing structures and uses. It will have a minimal impact on the surrounding built environment, and breath new life to the corridor.

**(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 traffic study and parking circulation plan are included with the application materials. The Project maintains the existing ground floor parking spaces for the valet operators use. There is a lengthy, internal driveway for vehicle queuing off the street. All vehicles, including ride sharing options, will be directed with proper signage to enter from 13<sup>th</sup> Street. The proposed plans satisfy the required parking and operational needs of the Project.

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

The architectural drawings, operations plan, traffic study and letter, provide details of the indoor and outdoor customer circulation. Pedestrians will enter the site from Washington Avenue, and vehicles will enter from 13<sup>th</sup> Street and exit onto Drexel Avenue. Vertical circulation is accessible from the ground floor lobby, pedestrians can access the lobby from Washington Avenue, and vehicles can access the lobby from the internal driveway area. The public will be limited to certain elevators that access the Rooftop Bar.

**(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 operations plan included with the application materials provides detailed security measures supporting the entire Project. The Applicant's goal is to provide safe accommodations for the residents and hotel guests, as well as the public and patrons of the retail and restaurants. There will be 24-hour security, and each entertainment venue will be staffed with its own security personnel. Cameras will be located at all entrances and exits, at all points of sale, and within the elevators. Additional security will be allocated during high occupancy days.

- (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.**

The Applicant engaged a traffic engineer to determine the effect of the Project on the roadways. The traffic engineer's report, produced by TrafTech Engineering, Inc., is included with the application materials. The study included analysis of the existing land uses and access and parking, existing conditions of the roadway system surrounding the Project, traffic counts, trip generation, trip distribution, traffic assignment, and traffic impact. The trip generation counts show that the Project generates 124 daily trips (in 24-hours). The new net peak hour trips are approximately nine (9) less trips than the existing uses. There is no difference in the weekend net trips for the proposed uses, and approximately fourteen (14) new weekend peak hour trips, which is minimal. Additionally, all intersections are currently operating adequately and are anticipated to operate at a good level of service in 2022 when the Project is built. The exit-only driveway is also project to operate at an acceptable level of series.

- (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 Applicant engaged a sound engineer to determine and provide recommendations on the sound effect of the proposed uses. The sound engineer's report, produced by Edward Dugger and Associates, P.A. provides specific areas where sound will travel and the decibels at which it will be audible by neighbors. The report also provides specific recommendations for sound attenuate walls, which the Applicant has agreed to implement with a living hedge along the ground floor. Currently, there is nothing buffering the residential neighborhood to the back-of-house areas on the ground floor. The Project will beautify this parking area and have contained waste areas, with sound absorption concrete walls.

- (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 operations plan included with the application materials provides specific parameters for the Project's collections. They will be scheduled no earlier than 8:00 AM. Management will ensure minimal impact to guests and residents, as well as traffic by

keeping refuse internal to the site. The refuse and recycling will be stored within the building and visually blocked from the public right of ways. Additionally, management will provide cleaning and maintenance services for the entire Property and its adjoining rights of way.

**(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.**

The Project complies with the City Code requirements for intensity and density. It is not larger in size than certain existing structures and approved projects along Washington Avenue. Its purposefully layout reduces the tower's presence from Drexel Avenue, and with the public plaza provides breathing room and public amenity space on Washington Avenue. The Applicant is proposing several sound attenuation walls and lush landscaping to mitigate any adverse impacts.

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

The Washington Avenue corridor is one of the main corridors of Miami Beach. The Project is designed to compliment the surrounding mix of uses and designs, and promote pedestrianism while accommodating vehicle circulation. The residents and guests will benefit the existing commercial uses on Washington Avenue, and provide a transition to the residential uses on the west.

Sea Level Rise and Resiliency Criteria. The Project advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code as follows:

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

Yes, a recycling and salvage plan for the demolition of the one-story building will be provided at permitting.

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

Hurricane proof impact windows will be provided.



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

Yes, the Applicant will provide, where feasible, passive cooling systems.

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

Resilient landscaping will be provided.

**(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.

**(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

The ground floor areas will be adaptable to raised public rights-of way and adjacent properties.

**(7) Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.**

All mechanical and electrical systems will be located above base flood elevation.

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

The office building on the 1234 Parcel will be designated as a historic contributing structure, and the Applicant proposes to renovate and preserve it in place.

**(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 of 54 of the City Code.**

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Yes, when habitable space is located below base flood elevation, wet or dry flood proofing systems will be provided.

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

Water retention systems will be provided as part of the resiliency goals of the Project.

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

Yes.

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

Yes, the Applicant is proposing rainwater retention on site, and specific materials and landscaping to minimize any potential for heat island effects on-site.

Conclusion. Approval of the Project, and conditional use, will promote quality redevelopment and reuse of the Property. The Project respectfully revitalizes the heart of the Washington Avenue corridor by providing a quality mixed-use project that activates the area both day and night with appropriate safeguards. The Applicant has considered the dual-frontages and variety of surrounding uses to include several mitigation efforts for any potential adverse impacts. Granting of the requested Conditional Use Permit for new construction greater than 50,000 square feet will be in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations, and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application. If you have any questions or comments with regards to the application, please give me a call at (305) 377-6231.

Sincerely,

Handwritten signature in blue ink that reads "Emily K. Balter" with "for" written below it.

Michael W. Larkin

cc: Emily K. Balter