Bilzin Sumberg

Carter N. McDowell
Tel 305.350.2355
Fax 305.351.2239
cmcdowell@bilzin.com

April 6, 2020

Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Letter of Intent for Design Review Board Approval for Mixed-Use Project Located at 1910 Alton Road, Miami Beach, FL

Dear Mr. Mooney:

This firm represents Alton Office Holdings, LLC, the applicant ("Applicant") for a proposed mixed-use project to be developed on the property located at 1910 Alton Road (the "Property"). Please accept this correspondence as the Applicant's letter of intent for the attached plans and application seeking review and approval by the Design Review Board ("DRB").

The proposed project consists of a five-story, mixed-use building containing a small lobby and art display area facing the street on the ground floor, an art gallery on the second floor, a combined total of 7,068 square feet of office space on the third and fourth floors, and a 3,622-foot residence on the fifth floor. As designed, the project requires three (3) variances from the Design Review Board: 1) a variance for the location of loading areas within the vehicular access drive, 2) a variance permitting three (3) additional feet of building height, and 3) a variance to allow a first floor height of eight (8) feet as measured from Base Flood Elevation ("BFE") plus 1 foot of Freeboard, where a height of 12 feet is required. The Applicant is also seeking approval of mechanical parking lifts from the Planning Board.

In order to authorize the requested variances, the Design Review Board 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 Property has a unique location and setting, requiring three variances in order to respond to these characteristics.

   First, the Property is located directly abutting a major Florida Power & Light ("FPL") substation facility on its western boundary. Unlike most of the substations in the City,

which are enclosed within buildings, this substation is completely open and unenclosed, creating significant aesthetic and noise issues and potential health issues for the Property and project. In response to these issues, the Applicant had to push the new mixed-use building as far away from the FPL substation as reasonably possible, much as the existing building on the site was. As a result, the available footprint for the building is smaller than would otherwise be possible. This smaller footprint and the mixed-use nature of the building has created the need for the three-foot height variance the Applicant is seeking.

It is also important to note that while the Applicant is requesting the three-foot height variance, due to the commercial nature of the street frontage and desire to maintain the grade at the sidewalk frontage and the small size of the lot, the Applicant is not seeking to add the available five feet of Freeboard or the additional five feet of height the DRB is authorized to grant. Hence, while the Applicant is seeking a three-foot height variance, the actual building measured from sidewalk is as much as seven to ten feet shorter than it otherwise could be, so the design is compatible with the surrounding area.

Second, the Property is located on a portion of Alton Road that has existing street level retail and restaurant frontage at or only slightly above the existing sidewalk level. Likewise, the lot is very narrow and small. In order to maintain the project relationship to the existing sidewalk elevation and adjoining retail/restaurant frontage, the Applicant has not sought to significantly raise the Property elevation by including substantial Freeboard in the overall height. However, due to the narrowness and size of the lot, the Applicant is proposing to utilize parking lifts in order to provide slightly more parking (15 spaces) than is otherwise possible. So, the ground floor does have 12 feet of clearance from the slightly raised ground level parking and lobby level to the underside of the second floor slab as required by the Land Development Regulations ("LDRs"), but it is measured from that finished parking level and not from BFE plus 1 as the LDRs would require. If the Applicant were to attempt to meet that requirement, it would necessitate raising the ground level so much that it would not be possible to access the parking. Due to the small size of the lot, the ramps to access the parking would become much too steep and it would completely change the project's relationship to the street.

Consequently, the Applicant is seeking approval of a variance to allow eight (8) feet of clearance as measured from BFE plus 1 foot of Freeboard while actually maintaining the required 12-foot clearance. It should also be noted that if the street level were raised in the future, the Applicant could easily raise the ground level of the site to accommodate that change. In that case, the Applicant would no longer be able to use parking lifts and would be limited to providing only the minimum required parking of 12 spaces.

Finally, as a result of the narrow lot and reduced available building footprint due to the adjacent FPL station, the loading area must be placed within the drive aisle, necessitating a variance to allow a reduced drive aisle width of 11 feet where a width of 22 feet is required. Due to the nature of the uses within the project, delivery activities on site will consist primarily of short trips made by couriers and smaller delivery vehicles. No food or large retail delivery or loading activities will take place. Delivery vehicles will park and exit the Property in the southernmost portion of the drive within the exit lane,

causing no interference with vehicles entering the property or with any of the proposed parking spaces. Additionally, because the project includes mechanical parking lifts, a valet will be on site to manage all parking and deliveries to ensure no conflicts arise.

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

The proximity of the FPL substation and the narrow and small size of the lot did not result from an action 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;

The CD-2 zoning district imposes a height limitation of 50 feet, but that height is measured from BFE plus Freeboard and the DRB is authorized to grant up to an additional five (5) feet in height. So, the project with the three-foot height variance as requested is substantially (7-10 feet) shorter than it could be if Freeboard and the additional height were maximized.

Although when measured from BFE +1 the ground floor height is eight (8) feet, the ground floor maintains a clearance of 12 feet when measured from finished floor to the underside of the second floor slab.

The loading area within the drive aisle will not affect traffic entering the project or any of the proposed parking spaces and due the narrowness of the lot providing more typical loading areas is simply not possible. Moreover, the deliveries to this property will be almost entirely small vehicles or cars and will be of very short duration.

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;

Confirmed. The Property has a unique location and setting, requiring three variances in order to respond to these characteristics. Please refer to the responses under numbers 1 and 3 above.

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

Confirmed. The Applicant is requesting the minimum variances necessary to allow the proper design of and circulation within the proposed project. Please refer to the responses under numbers 1 and 3 above.

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;

Confirmed. Granting of the requested variances will allow the functional use of the site within the significant constraints discussed above for a project that is in harmony with the surrounding neighborhood, both in design and proposed uses. Please refer to the responses under numbers 1 and 3 above.

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

   Confirmed. The proposed uses within the project are permitted within the CD-2 zoning district and are compatible with the surrounding neighborhood. If granted, the variances requested will not reduce the applicable levels of service. Please refer to the response under number 1 above.

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.

   See the Applicant's response to the sea level rise and resiliency criteria below.

The Design Review Board shall also consider how the project addresses the City's Sea Level Rise and Resiliency Review Criteria:

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

   Prior to the total demolition of the existing structure, the Applicant will provide a recycling and salvage plan to the City.

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

   All windows within the proposed building will be hurricane proof impact resistant windows.

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

   Where appropriate, operable windows will be incorporated into the project design to allow for a passive cooling system.

4) Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.

   Landscaping shall comply with all code requirements.

5) 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. The applicant shall also

specifically study the land elevation of the subject property and the elevation of surrounding properties.

Kobi Karp Architecture and Interior Design has studied the land elevation of the property and adjacent parcels, and has proposed a design that is compliant with the current Florida Building Code.

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, 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 three additional feet in height.

The ground floor, driveways, and garage ramping are adaptable to future raising of public rights-of way and adjacent land. The ground floor height of the proposed design is flexible such that the right-of-way can be raised in height of up to three (3) additional feet and not affect the ground floor and building functions.

7) 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.

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

8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

All habitable portions of the proposed new design are located above flood elevation.

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.

Habitable space located below base flood elevation plus City of Miami Beach Freeboard will be wet or dry flood proofed in accordance with Chapter 54 of the City Code.

10) As applicable to all new construction, stormwater retention systems shall be provided.

Stormwater retention systems will be provided per civil engineer design at time of permitting.

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

Porous pavement materials will be utilized where most effective.

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

The heat island effects on site will be reduced per mechanical engineer design.

The project is consistent with the scale and character of the surrounding neighborhood and will complement the local architectural identity. The Applicant respectfully submits the proposed project for review and approval by the Design Review Board.

Sincerely,

Carter N. McDowell

CNM
Enclosures

CC: Carly Grimm, Bilzin Sumberg