



ZONING, LAND USE AND ENVIRONMENTAL LAW

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## **VIA ELECTRONIC & HAND DELIVERY**

May 31, 2022

Thomas Mooney, Planning Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: **PB22-0480** - Request for Planning Board Approval of a Conditional Use Permit for the Property located at 1840 Alton Road, Miami Beach, Florida

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Dear Tom:

This law firm represents 1840 Alton Partners, LLC ("Applicant") in their application concerning the property located at 1840 Alton Road ("Property") in the City of Miami Beach, Florida ("City"). Please consider this letter the Applicant's letter of intent in support of a Conditional Use Permit ("CUP") allowing new construction in excess of 50,000 square feet on the Property.

Property Description. The Property is located in the Sunset Harbor neighborhood, between Dade Boulevard and 20<sup>th</sup> Street and fronts Alton Road. The Property is comprised of two lots and is approximately 16,000 square feet (0.36 acres) in size. The Property is identified by Miami-Dade County Folio No. 02-3233-012-0170 and is zoned CD-2, Commercial Medium Intensity District, a zoning district allowing a wide range of commercial uses and office uses as main permitted uses. See Exhibit A, Property Appraiser Summary Report. Currently, the Property is developed with a gas station and car wash ("Commercial Structure").

Proposed Development. The Applicant proposes to demolish the existing Commercial Structure and construct an elegant five-story mixed-use development with ground floor retail, second floor parking garage, two levels of Class A office, and an approximately 7,999 square foot live-work residential unit on the top floor ("Proposed Development").

Specifically, the ground level of the structure will contain approximately 3,300 square feet for retail and a lobby. Level two will serve as a 36-space parking garage. Levels three and four will serve solely as Class A office space with west-facing terraces that vary in width and contain tastefully placed landscaping. Level three will contain an expansive green terrace that can be easily accessed from the interior that overlooks the Sunset Harbor neighborhood. The 7,999 square foot live-work unit will be located on level five, and includes a private roof deck with significant plantings and an artfully designed trellis located along the front property line surrounded by a specular vista of South Beach.

The Proposed Development's east and west elevations features cubic massing, which evokes movement and visual interest from the streetscape along Alton Road and West Avenue. The large, floor-to-ceiling windows create an appearance of a glass wall, and, in combination with the glass balustrades and balconies, create a futuristic aesthetic. The balconies and individual floors on the front façade vary in width, which artfully break up the massing of the Proposed Development. The rear of the Property similarly features different volumes and balcony widths, which contribute to the Proposed Development's cubic appearance. Overall, the Proposed Development will offer unmatched accessibility, privacy and security in the Sunset Harbor neighborhood.

*Circulation and Access.* The general vehicular circulation for the project is southbound on Alton Road, and vehicles use the entry/egress driveway ("Driveway") located on the southeast corner of the Property fronting Alton Road to access the second-floor parking garage and the access entry for loading. The Driveway will be operated by two (2) vehicular gates, which will organize car queuing in and out of the second-floor parking garage, and ground floor parking and loading area. The vehicular gate for general vehicular circulation will be located along the southern property line, fronting the garage ramp, for access to the second-floor parking deck. The vehicular gate for ground level parking and loading area will be located just north of the general vehicle circulation gate, which will provide access to the western half of the Property, where ground floor parking and loading area are located.

*Parking.* The Applicant has provided adequate parking for the Proposed Development. The Property is located in Parking District No. 5. There is no required parking for individual retail establishments of 3,500 square feet or less; 2 parking spaces are required per each residential unit above 1,200 square feet; and 1 parking space is required per 400 square feet of office floor area. The Proposed Development provides for 2,496 square feet of retail space, one 7,999 square foot residential unit, and 17,121 square feet of office space. The Applicant will include 10 short-term bicycle parking spaces to reduce the parking requirements by 1 parking space. Thus, 42

parking spaces are required. The Applicant is providing 44 parking spaces, which satisfies the applicable parking requirement.

*Design Review Board Application.* The Applicant has submitted a separate application to the Design Review Board ("DRB") requesting approval of the design and construction of the new five-story mixed-use building. See DRB File No. DRB22-0788.

*Estimated Cost of Construction.* The estimated cost of construction is \$11,000,000.00.

Code Amendment. To achieve the Class A Office component, the Applicant is working with the City on a Code Amendment to allow office uses at 75 feet where currently limited to 65 feet<sup>1</sup> for this localized area for properties north of Dade Boulevard, on Alton Road, specifically Lots 1-8, Block 12, Island View Subdivision, PB6, Pg115, Public Records of Miami-Dade County, and Lots 1-2, Block 12-A, Island View Addition, PB9, Pg144, Public Records of Miami-Dade County ("Code Amendment").<sup>2</sup> The purpose is not for extra floors, rather for the additional floor-to-ceiling heights necessary to attract Class A office tenants. Notably, Alton Road is a major transit and commercial corridor with many buildings on both the east and west side at or above 50 feet, including substantial rooftop elements. The Proposed Development carefully places the additional height at the east end abutting the Alton Road corridor and appropriately transitions to the lower scale development to the west fronting the Sunset Harbor neighborhood. Taken together, the additional height necessary for this needed use will be compatible with the surrounding neighborhood.

Conditional Use Request. The Applicant requests a CUP from the Planning Board for the following item: new construction exceeding 50,000 gross square feet, pursuant to Section 142-303(a)(10) of the Code.

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

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<sup>1</sup> The Design Review Board may approve development at a maximum building height of 65 feet on properties fronting Alton Road between 20<sup>th</sup> Street and Dade Boulevard. See Sec. 142-312(b)(2)(b)2, City Code.

<sup>2</sup> In conjunction with the Code Amendment, the Applicant will proffer a hold harmless agreement stating the final orders for DRB File No. DRB22-0788 and PB File No. PB22-0480 will vest if the Code Amendment is adopted.

**(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 development along a major City corridor is consistent with the comprehensive plan and permitted by the underlying CD-2 district regulations.

**(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.**

The construction of the Proposed Development is not expected to have any negative impact in excess of the thresholds of level of service provided for in the comprehensive plan. The Proposed Development will satisfy its own required parking supply, and will also provide desired retail uses and Class A office uses in the Sunset Harbor neighborhood and along Alton Road. A traffic study included with the application materials concludes that the Proposed Development will not adversely impact the traffic in the area as the peak trips will be substantially less than the existing gas station.

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

A mixed-use project is designed to be consistent with the CD-2 district regulations.

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

The Proposed Development will benefit the community by beautifying the Property, offering Class A office space to the Sunset Harbor neighborhood, and enhancing the pedestrian experience on Alton Road between Dade Boulevard and 20<sup>th</sup> Street. The sleek and elegant architecture, 16-foot tall ceilings, and unique 7,999 square foot live-work unit will attract companies and firms to the City. The new uses will generate jobs and increase the tax base, thereby stimulating the local economy and jumpstarting consumer activity. Further, by developing the ground floor into retail and two floors into Class A office, this area will be activated during the daytime and attract more people to the other nearby daytime uses.

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

The Applicant will provide ample off-street parking spaces on-site for all land uses on the Property, as well as provide alternatives, such as bicycle parking, to encourage other modes of transportation. The Proposed Development will utilize the second-floor parking garage, which will offer 36 parking spaces. In total, the Proposed Development will offer 44 parking spaces on-

site, which satisfies the required parking for the Proposed Development once applicable reductions are applied. Specifically, the ground floor will house 8 parking spaces and the second-floor parking garage will house 36 parking spaces.

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

The Applicant's design team has taken great care to design a quality project that will provide for the safety and security of the entire area. The Applicant will be implementing all necessary tools to mitigate any potential harmful effects, including operational vehicle gates to manage vehicle queuing on Alton Road. The Applicant has taken steps to optimize the vehicle access operation to minimize impacts on traffic in the neighborhood by utilizing one main entrance point for entry and exit of vehicles. Overall, the new traffic circulation plan will result in less trips than the existing gas station.

**(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.**

The redevelopment of the Property will provide much needed Class A office space to a major corridor of Miami Beach. The office and ground level retail will complement and service the major corridor and residential uses in the area.

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

**(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 is providing a building designed to accommodate Class A office space with retail space on the ground level. Like other area office and retail, the businesses will hire the necessary employees to manage their operations and will generally be open standard business hours and as appropriate in evenings to serve their clients and customers. The Proposed Development will consist of two levels of Class A office use. The ground level retail and lobby amenity will have

pedestrian access along the street frontage of Alton Road. Please see more details in the operations plan submitted with the application materials.

**(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 Applicant does not anticipate a high degree of deliveries and trash collection due to the small amount of office and very limited retail uses. The Applicant provides three (3) loading spaces along the west property line on the ground floor and will utilize this area as needed for short-term loading and trash collection during off peak hours. Delivery trucks will access the loading bay, which is over 30 feet long, from the loading access point by driving south on Alton Road and turning west, into the northeast corner of the Property fronting Alton Road.

**(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 nearby area contains numerous buildings of similar or greater scale and massing along Alton Road and the Sunset Harbor neighborhood. The building to the south of the Property, located at 1824 Alton Road, is approximately 50 feet tall with rooftop structures even higher. In 2018, the DRB approved a five-story mixed-use project with ground floor retail, including a 5-foot height waiver, for the property located at 1724-1742 Bay Road. See DRB Order DRB17-0198. In May 2021, the DRB approved to increase the height of the mixed-used project to 65 feet. See DRB Order DRB20-0549. Overall, the Project is in harmony with the development in the Sunset Harbor neighborhood. The Lofts, located at 1701 Sunset Harbor Drive, consist of eight (8) stories with a building height of 75 feet. Sunset Harbor Towers (North and South), located at 1800-1900 Sunset Harbor Drive, consist of twenty-five (25) stories, each with a building height of 228 feet. The Sunset Harbor Garage and Retail, consisting of four (4) stories, is 58 feet.

The design of the structure ensures that the Proposed Development's massing does not impact the context and scale of the surrounding built environment. The Proposed Development also incorporates architectural and artistic design features, such as floor-to-ceiling glass facades, to beautify the structure facing Alton Road. The driveway located at the southeast corner of the Property serving as a single entry/exit point is as an appropriate transition from Alton Road into the Property.

**(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 parking plan has been included along with the traffic study. The proposed structure will provide 44 on-site parking spaces. Parking will be provided in the second-floor parking garage using the Driveway located on the southeast corner of the Property. The ground floor will house 8 parking spaces and the second-floor parking garage will house 36 parking spaces. Guests will use two passenger elevators centrally located in the parking garage to access the structure.

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

The Applicant has streamlined the development by offering a main, single exit/entry point to minimize traffic and maximize pedestrian activity. The main traffic to the Proposed Development will be arriving in the morning and departing in the late afternoon via the exit/entry point located on the southeast corner of the Property. As such, vehicle queuing will be appropriately managed to accommodate the volume. The use of the Driveway on the southeastern corner of the Property in conjunction with appropriate signage will facilitate successful circulation within the Property and Alton Road.

**(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.**

Safety on the Property will be maintained by on-site security personnel, as well as a comprehensive security system employing video camera monitoring within all areas throughout the Property. Additional security will be provided through access-controlled entry to the offices, via key card, fobs or similar.

**(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 has engaged a traffic engineer to determine the effect of the project on the roads and traffic. The original report and supplemental analysis produced by David Plummer &

Associates have been submitted with the application for peer review. The proposed Project will not adversely impact the neighborhood.

**(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 proposes an off-street loading area at the west side and anticipates low volume of deliveries due to the nature and small scale of the Proposed Development. Loading will take place during off peak hours, outside of the morning arrival and afternoon departure times. This location does not abut residential uses. Further, all parking is enclosed, either on the ground floor or the new parking structure to mitigate for sound.

**(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 Applicant will contract with a waste collection company for refuse collection via the loading area as needed during daytime hours only from the trash area. Internally, cleaning and maintenance staff will monitor the Property and its adjoining rights-of-way to maintain the areas clean and free from debris.

**(10) Whether the proximity of the proposed structure to similar sized structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

The Proposed Development is comparable in size to other existing commercial structures and approved projects along Alton Road and in the Sunset Harbor neighborhood. Its unique design reduces the building's presence when viewed from the north, south and east. The Proposed Development is buffered to the south by the 50-foot tall structure located at 1824 Alton Road, thus providing an appropriate transition to the other uses to the south.

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

This urban, mixed-use area is active with a variety of uses, pedestrian activity and automobile activity. The Proposed Development will bring Class A office to this major commercial corridor, and thus add to the mixed-use environment and service the area and the needs of the City.



Sea Level Rise and Resiliency Criteria. The Applicant's proposal is compliant with the sea level rise and resiliency review criteria provided in City Code Section 133-50(a) as follows:

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

For the demolition of the Existing Structure, the Applicant will provide a recycling or salvage plan during the permitting phase of the project.

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

The Applicant's project will include hurricane impact windows.

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

The terrace and balcony of the office levels will be operable and will allow passive cooling system. The central atrium opening to the rooftop provides additional passive cooling.

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

The Applicant will be providing landscaping on the Property, at ground level, on the third level terrace and on the rooftop, which will be resilient.

**(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.**

Sea level rise projections, land elevation and elevation of surrounding properties were considered, as was the City's general plan to elevate the adjacent roadways. The Project has been designed to accommodate the raising of the roads, both now and in the future (see response to item (6) below), and complies with the minimum elevation requirements of the Florida Building Code.

**(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, driveways, and garage ramping will be adaptable to raising of the adjacent public rights-of-way, both for the minimal raising in the short-term and potential for significant raising in the future. The future first floor will be at 9 feet NGVD, where BFE is 8 feet. Also, the height of the first floor will be able to accommodate any future need to increase the height of the ground level. This will ensure continued use of the lobby and retail.

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

All critical 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 existing structure will be demolished. The new structure will be above base 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 of 54 of the City Code.**

Habitable space is not located below the BFE, and the lowest floor may be substantially raised above BFE.

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

The Applicant will analyze and provide a water retention system, if feasible, during the permitting phase.

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

Cool pavement materials or porous pavement materials will be utilized where possible.

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

The proposed design provides a number of shaded open spaces and non-air-conditioned shaded spaces to strategically minimize the potential for heat island effects on site.

Conclusion. We believe that the approval of the proposed request will promote quality infill redevelopment on the Property by attracting much needed Class A office in a beautifully designed new building. We look forward to your favorable review of the Project. Please contact me on my direct line at (305) 377-6236 should you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, flowing line that forms a wave-like shape.

Michael W. Larkin

Attachments

cc: David Butter, Esq.



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 1/6/2022

Property Information	
Folio:	02-3233-012-0170
Property Address:	1840 ALTON RD Miami Beach, FL 33139-1505
Owner	ALTON ROAD SUPREME SERVICES INC
Mailing Address	1840 ALTON ROAD MIAMI BEACH, FL 33139-1505
PA Primary Zone	6400 COMMERCIAL - CENTRAL
Primary Land Use	2626 SERVICE STATION : SERVICE STATION - AUTOMOTIVE
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	4,594 Sq.Ft
Lot Size	16,000 Sq.Ft
Year Built	1997



Assessment Information			
Year	2021	2020	2019
Land Value	\$4,200,000	\$3,080,000	\$2,800,000
Building Value	\$270,777	\$274,204	\$265,013
XF Value	\$32,689	\$33,102	\$33,517
Market Value	\$4,503,466	\$3,387,306	\$3,098,530
Assessed Value	\$3,216,417	\$2,924,016	\$2,658,197

Benefits Information				
Benefit	Type	2021	2020	2019
Non-Homestead Cap	Assessment Reduction	\$1,287,049	\$463,290	\$440,333
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
ISLAND VIEW SUB PB 6-115 LOTS 5 & 6 BLK 12 LOT SIZE 16000 SQ FT OR 17439-4212 0696 4

Taxable Value Information			
	2021	2020	2019
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,216,417	\$2,924,016	\$2,658,197
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$4,503,466	\$3,387,306	\$3,098,530
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,216,417	\$2,924,016	\$2,658,197
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,216,417	\$2,924,016	\$2,658,197

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/01/1996	\$0	17439-4212	Sales which are disqualified as a result of examination of the deed
05/01/1996	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
09/01/1991	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
01/01/1978	\$135,000	10049-0924	Sales which are qualified

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