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## VIA PHYSICAL AND ELECTRONIC DELIVERY

July 11, 2022

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

RE: **DRB22-0788** – Request for Design Review Approval, Variance and Waiver for a Proposed New Mixed-Use Office Structure Located at 1840 Alton Road, Miami Beach, Florida

Dear Mr. Belush:

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 Design Review Board approval, variance and waiver request for the construction of a five-story mixed-use development on the Property.

Property Description. The Property fronts Alton Road, between Dade Boulevard and 20<sup>th</sup> Street. It 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. The Property is located in Sunset Harbour neighborhood 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. Currently, the Property is developed with an Exxon 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 8,000 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. The approximately 8,000 square foot live-work unit will be located on level five, including a private roof deck with significant plantings and 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, ground floor parking and loading area. The vehicular gate for general vehicular circulation will be located on the southern property line, fronting the garage ramp, for access to the second-floor parking deck ("General Vehicle Circulation Gate"). The vehicular gate for ground level parking and loading area will be located 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 Parkin District No. 5. As a result, there is no required parking for individual retail establishments of 3,500 square feet or less; 2 required parking spaces per each residential unit above 1,200 square feet; and 1 parking space per 400 square feet of office floor area. The Proposed Development provides for 2,496 square feet of retail space, one 8,000 square foot residential unit, and 17,109 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, thus meeting the requirement.

*Planning Board Application.* The Applicant has submitted a separate application to the Planning Board ("PB") requesting conditional use approval of the design and construction of the new five-story mixed-use building in excess of 50,000 square feet set to be heard by the Planning Board on July 26, 2022 (the "Planning Board Application"). See PB File No. PB22-0480. Since the Applicant's submittal of the Planning Board Application, the Applicant has revised the elevations of the Proposed Development.

Specifically, the Applicant included a geometric patterned, stone façade that evokes architectural interest from the streetscape. The architectural treatment provides a human scale to the Proposed Development while make it more cohesive to the surrounding area.

*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 fronting Alton Road between 20<sup>th</sup> Street and Dade Boulevard (“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 north and south 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.

Variance Request. The Applicant is seeking the following variance request:

1. Trellis Setback Variance – A variance from the requirement of Section 142-312(b)(3)(e) to provide a 6’-11” setback for the rooftop trellis where a 20’ setback is required (“Trellis Setback Variance”).

The Applicant respectfully requests the Trellis Setback Variance. The Applicant proposes to transform the Property into a modern mixed-use apartment building. The rooftop trellis significantly contributes to the overall interest of the Project because the trellis is seamlessly configured along the Project’s front façade, which creates an uninterrupted presentation from the streetscape. Aside from its setback, the rooftop trellis complies with all applicable Code requirements and contributes positively to the Project’s design. The rooftop trellis complies within the applicable height requirements and will not negatively impact the Sunset Harbor neighborhood

Practical Difficulty. The location of the Property is a practical difficulty inhibiting the Applicant from meeting all of the land development regulations in constructing the Project. The Property is uniquely located in that it overlooks Collins Canal and the Miami Beach Golf Course. Due to its unique

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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.

location, users of the roof deck will naturally gravitate towards the Property's frontage along Alton Road to enjoy uninterrupted views of the Canal and Golf Course. The Trellis Variance is necessary to provide shade to users who will stand along the Property's frontage. Considering this difficulty, the Applicant has proposed the best development plan for the Property by placing the trellis near the Property's frontage so users can enjoy the unique positioning of the Property's location.

Satisfaction of Hardship Criteria. The Applicant's request satisfies all hardship criteria as follows:

**(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;**

There are special conditions and circumstances that exist which are peculiar to the land and uses, such as the location of the Property and design of the Project. The Trellis Variance is necessary to provide shade to users who will stand along the Property's frontage. If the trellis is set back 20', the users of the roof deck will not be able to enjoy the unique positioning of the Property. Further, the trellis' 6'-11" setback significantly contributes to its design by providing a unique, seamless silhouette, which will distinguish the Project from other buildings in the City.

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

The Applicant did not create the special conditions and circumstances. The trellis' 6'-11" setback will enhance the roof deck experience as users can enjoy the special conditions of the Property by standing along the front property line and be protected from the sun. The Applicant's proposed trellis accommodates the futuristic and seamless design of the Project and provides functionality for the roof deck.

**(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 Trellis Setback Variance is consistent with the future of the neighborhood, the CD-2 district, and the City's Comprehensive Plan. The Trellis Setback Variance does not reduce the quality of the Project and will provide a new, unique Class A office building for the Sunset Harbour neighborhood. The purpose of the CD-2 District is to provide development opportunities for and to enhance the desirability and quality of existing

and/or new medium intensity commercial areas which serve the entire City. The Trellis Setback Variance achieves this purpose by enhancing the Project's roof deck by providing a shaded structure to protect users who will stand on the roof deck along the front property line.

**(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;**

A literal interpretation of Section 142-312(b)(3)(e) of the Code would require the trellis to be set back 20'. This would deprive the Applicant of a viable roof deck to service the residential and office uses and reduce the architectural integrity of the Project's design. The trellis satisfies the Code requirement in regard to height, while allowing for viable development that will benefit the surrounding area.

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

The Trellis Setback Variance request is the minimum variance necessary to allow for the Project while still satisfying the intent of the Code and allowing for successful redevelopment of the Property to serve the community.

**(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 Trellis Setback Variance will be in harmony with the intent and purpose of the Code as the proposed structure is designed to break up the scale and massing of the building, while providing a seamless design. The roof deck and trellis provide a development opportunity that enhances the desirability and quality of the Property and services the Sunset Harbour neighborhood.

**(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 of adjustment voting on the applicant's request.**

The Trellis Setback Variance is consistent with the City's Comprehensive Plan and does not reduce the levels of service as set forth in the plan.

Waiver Request. The Applicant is seeking the following waiver request:

1. A waiver from the requirement of Section 133-61(b) to provide a ground floor façade 13'-11" setback from the back of curb where a 15' setback is required ("Waiver Request").

The Applicant respectfully requests Design Review Board approval of the above waiver pursuant to Section 133-61(b) of the Code, to permit a ground floor façade 13'-11" setback from the back of curb where a 15' setback is required. The Waiver Request is feasible and compatible with the adjacent structures. For example, just to the north of the Property is 1850 Alton Road, which has a similar ground floor façade setback. Approval of the Waiver Request will provide continuity amongst the buildings located north of Dade Boulevard and south of 20<sup>th</sup> Street that front Alton Road. Further, approval of the Waiver Request will contribute positively to the design of the Proposed Development as the silhouette of the building will run seamlessly from the ground floor façade to the rooftop trellis.

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 blue ink handwritten signature, appearing to read "Michael W. Larkin", with a stylized, wavy flourish.

Michael W. Larkin

Attachments

cc: David Butter, Esq.