



# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6237  
E-Mail: MEntin@BRZoningLaw.com

## VIA HAND DELIVERY & EMAIL

August 6, 2018

Roy Coley, Director  
Public Works Department  
City of Miami Beach  
1700 Convention Center Drive, 4<sup>th</sup> Floor  
Miami Beach, Florida 33139

Re: Revocable Permit Application for 1824 Alton Road, Miami Beach, Florida

Dear Roy:

As you know, this law firm represents Saber 1800 Alton, LLC (the "Applicant"), the owner of the property located at 1824 Alton Road (the "Property") in Miami Beach (the "Property"). Please consider this letter the Applicant's required letter of intent requesting City Commission approval of a Revocable Permit to permit an 8.5" encroachment into the City's right of way by an overhang on the exterior of the approved building along SW 18<sup>th</sup> Street in compliance with development approvals granted by the Planning Board ("PB") on January 26, 2016 and Design Review Board ("DRB") on March 1, 2016, October 10, 2016 and Supplemental Order on February 6, 2017 (the "Prior Orders"). See PB Order PB16-2293, DRB Order File No. 23233 and DRB Supplemental Order DRB16-0048 attached.

Property Description. The Property, which is identified by Miami-Dade Tax Folio No. 02-3233-012-0130, is located at the northwest corner of Alton Road and 18<sup>th</sup> Street. Pursuant to the City's Zoning Map, the Property is zoned CD-2, Commercial Medium Intensity District, and is not located within a Local Historic District.

Approved Development. Pursuant to PB Order PB16-2293 and DRB Order DRB16-23233, a 4-story structure consisting of two (2) commercial levels and structured parking has been approved at the Property. The Property is currently in the final stages of construction. The approved design requires an 8.5" encroachment into the abutting public rights of way along 18<sup>th</sup> Street. The 18<sup>th</sup> Street façade provides an overhang which extends 8.5" (less than a foot) from the building façade for a length of approximately 80'.

See Plans attached. Accordingly, the Applicant seeks a Revocable Permit in accordance with Section 82-94 of the Code to allow this minor encroachment.

Satisfaction of the Revocable Permit Criteria. The City Code provides the ability to obtain a revocable permit for encroachments into the public rights of way. The Applicant satisfies the revocable permit criteria stated in Section 82-94 of the City Code as follows:

- **The Applicant's need is substantial.**

The Applicant respectfully requests the revocable permit in order to comply with the plans approved through the Prior Orders. Additionally, the proposed overhang encroachment will support the necessary signage for the new building. Signage is a critical component of any business' success. The success of any business relies, in part, on providing signage that is clearly visible and identifiable. The Property is also located in an area where vehicular traffic is prominent. Therefore, visible signage is critical. The proposed signage complies with all City regulations and provides the necessary visibility to make this a successful site.

Part of the success of this project requires viable tenants that are prepared to make a long term commitment to Miami Beach. In order for those tenants to succeed in this City they need visibility and name recognition. The proposed signage meets all the requirements of the Code and affords the tenant visibility for vehicular and pedestrian traffic and provides the brand recognition, which draws in the clientele. The revocable permit will allow for an overhang to slightly encroach on the City's right of way and in turn permit the provision of necessary visible signage.

- **The Applicant holds title to an abutting property.**

The Applicant owns the Property.

- **The proposed improvements will comply with applicable codes, ordinances, regulations, neighborhood plans and laws.**

The proposed overhang will comply with applicable codes, ordinances, regulations, neighborhood plans and laws, as evidenced by the DRB and PB approvals. The Applicant has requested a revocable permit to ensure that encroachment of the required overhang complies with the applicable regulations.

- **The grant of the application will have no adverse effect on governmental/utility easements and uses on the property.**

The grant of the revocable permit will allow the Applicant to improve the Property with the approved design. The encroachments will be installed at an appropriate height, allowing for a minimum clearance of 14'3", which permits free pedestrian passage below the overhang and does not obstruct the right-of-way. The encroachment will have no adverse effect on governmental/utility easements and uses on the property.

- **That the grant of the revocable permit will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.**

The proposed encroachment will allow for the redevelopment of the Property as approved by the DRB and PB. The approved development will make better use of the Property by providing for needed retail use in the area and improving the pedestrian experience of the neighborhood.

- **That granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district.**

Granting the revocable permit will not confer any special privilege upon the Applicant. Any property owner within the City of Miami Beach can apply for a revocable permit provided that the application meets the criteria stated in the Code, does not interfere with the utilization of public property, and enhances the community.

- **That granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.**

Granting the revocable permit will not devalue any of the adjacent properties and will not have a detrimental effect on the public welfare. In fact, it will allow for an improved design upon the Property and a favorable use in the neighborhood.

Conclusion. The approval of this revocable permit application is necessary to successfully complete the redevelopment of the Property as provided by the DRB and PB approvals. We respectfully request your recommendation of approval for the revocable

Roy Coley, Director  
August 6, 2018  
Page 4 of 4

permit to allow the redevelopment of the Property. We believe that the granting of the revocable permit is compatible with the City's requirements and will ultimately result in a great improvement to the Property and the surrounding area. As always, we look forward to your favorable review. Should you have any questions, please do not hesitate to contact me at: (305) 377-6237.

Sincerely,



Monika H. Entin

Attachments