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**VIA ELECTRONIC &
HAND DELIVERY**

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

**Re: Letter of Intent – Request for Three Conditional Use Permits for Property
Located at 1920 Alton Road, Miami Beach, FL (Folio No. 02-3233-022-0030)**

Dear Mr. Mooney:

This firm represents Alton Office Holdings II, LLC, the applicant (the “Applicant”) and owner of the property located at 1920 Alton Road (the “Property”). Please accept this correspondence as the Applicant’s letter of intent in connection with the enclosed plans and application seeking three (3) Conditional Use Permits (“CUP”) to allow: (i) new construction in excess of 50,000 gross square feet on the Property and (ii) two restaurants (with separate CUPs) each having an occupancy and seat count of 199.¹

The Applicant is simultaneously seeking approval from the Design Review Board (“DRB”) – pursuant to Application No. DRB22-0873 – to demolish an existing two-story commercial building on the Property and to construct a new five-story, mixed-use development in its place. The uniquely designed, curvilinear building will consist of approximately 25,387 square feet of Class A office space, approximately 8,284 square feet of retail/restaurant space at the ground level, three (3) residential units that will total approximately 13,086 square feet, and a screened-in parking garage on the second level of the building (the “Proposed Project”). To achieve the Class A office component, the Applicant has applied to the DRB for two variances from Section 142-306 of the City’s Land Development Regulations (“LDRs”) to allow: (i) a building height of 58 feet where 55 feet is permitted and (ii) to allow a first floor height of 11 feet from Base Floor Elevation (“BFE”) plus maximum Freeboard, where 12 feet is required.

¹ To the extent the Fire Marshal determines that some areas of the restaurants count against occupancy, the respective seat counts will be reduced to ensure maximum occupancy does not exceed 199 persons.

I. The Property

The Property is located on the southwest corner of 20th Street and Alton Road within the Sunset Harbour Mixed-Use Neighborhood Overlay District. The Property is 25,538 square feet in size (+/- 0.586 acres), as confirmed by the enclosed survey, and is zoned CD-2 (Commercial Medium Intensity District), a zoning district that allows a wide range of commercial uses, including office use as a main permitted use. Notwithstanding the foregoing, Section 142-303(a) of the LDRs requires that all new construction over 50,000 square feet be approved through a CUP. Moreover, Section 142-303(b) requires that restaurants in the Sunset Harbour Neighborhood obtain a CUP to the extent the restaurant contains more than 100 seats, or an occupancy of more than 125 and a floor area in excess of 3,500 square feet.

The Applicant's proposed mixed-use development will total 51,038 square feet, including 13,086 square feet of residential use and 8,284 square feet of retail/restaurant use that will be occupied by two separate tenants that will each have more than 100 seats or an occupancy greater than 125. The gross square footage of the Proposed Project, including the parking structure, is 117,296 square feet.

II. General Review Guidelines for Conditional Uses

Pursuant to Section 118-192(a), the Board may approve conditional uses provided that the following standards are met:

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

The Property has a future land use designation and zoning designation of Medium Intensity Commercial (CD-2). The office, residential and restaurant uses proposed for this project are all uses permitted by right within the CD-2 designation. Accordingly, the Proposed Project is consistent with the City of Miami Beach Comprehensive Plan.

- (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.

All proposed uses are compatible with the land use and zoning designation of the Property and are reflective of the mixed-use commercial and residential character of this area. Additionally, as the enclosed traffic impact analysis confirms, the Proposed Project (which will replace an existing 20,682-square-foot retail building) is not expected to have an impact in excess of the thresholds for the level of service provided for in the Comprehensive Plan.

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

Confirmed. Please refer to Responses 1 and 2 above as well as the enclosed plans, which were completed in accordance with the CD-2 district regulations.

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

Confirmed. The Proposed Project will benefit the community by offering the Sunset Harbour Neighborhood a true mixed-use project including: Class A office space, residential uses and restaurant use that will activate the ground level, enhance the pedestrian experience along Alton Road between Dade Boulevard and 20th Street and reinforce the live-work-play goals of the Sunset Harbour neighborhood. Additionally, deliveries, waste removal and other operations associated with the proposed uses will be adequately controlled in accordance with the enclosed Operations Plan, which is subject to further fine-tuning as commercial tenants are identified.

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

After the application of the alternative parking incentives set forth in Section 130-40 of the LDRs, the Applicant is providing 44 off-street parking spaces. This required parking will be accommodated within the building and screened-in at the second level.

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

The Applicant will implement all tools necessary to mitigate any potential harmful effects of the development, as further explained in the Operations Plan included with this application.

- (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 proposed uses are permitted within the CD-2 zoning district and the Proposed Project is consistent with the character and pattern of development in the neighborhood. As designed, the Proposed Project will not create a negative impact on the surrounding neighborhood.

- (8) The structure and site complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

Confirmed. See Section IV below.

III. Supplemental Review Guidelines for Structures Exceeding 50,000 Square Feet

Pursuant to Section 118-192(b) of the LDRs, the Board shall also apply the following supplemental review criteria for conditional uses that include new structures with more than 50,000 square feet:

- (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.

No tenants have been identified at the time of this filing so the Applicant cannot purport to know the number of employees expected or the exact characteristics of the restaurant operations for this Proposed Project, but the Applicant is committed to the goals and general scope of operations outlined in the enclosed Operations Plan.

The Applicant can confirm that vehicular circulation for the Project will occur along 20th Street, where a full access driveway will provide ingress and egress to the second-level screened-in parking garage. It is also likely that at least some employees will live in the surrounding neighborhoods and many will arrive by bike or public transit. Although the Applicant has not identified the tenants who will occupy the restaurant spaces, the Applicant is committed to future restaurant use that is consistent with the caliber of the existing restaurants within the Sunset Harbour Neighborhood.

It's also important to note that the western portions of the building facing north will be residential uses. Accordingly, the Proposed Project will have minimal impact on the residential uses to the north (i.e. Palau Sunset Harbor Condominium), which currently face a commercial parking lot and other commercial uses that will be replaced on the upper levels with residential uses.

- (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.

All deliveries to the restaurant spaces will be done through the loading area located on the western portion of the Property, as depicted on sheet A-60 of the enclosed architectural plans. Delivery and loading will operate during customary business hours from 7 a.m. to 4:30 p.m. Moreover, the path of travel for loading uses will not intersect with the path for restaurant or office patrons or residents.

- (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 Project contains only three dwelling units, much needed Class A office space and restaurant use that will be in keeping with the scale and urban character of the neighborhood, which is predominately mixed-use.

- (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.

The project meets all parking requirements that correspond with the proposed uses within the structure. Additionally, the Proposed Project includes secure on-site bicycle storage for both long and short-term use, designated scooter/motorcycle parking spaces and other components to encourage public transportation, walking and cycling, including wide hallways and elevators that accommodate bikes and locker shower facilities. Please refer to sheet A-61 of the enclosed architectural plans for additional details.

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

Pedestrian access to the building is from a 10-foot-wide sidewalk that runs parallel with the restaurant frontage facing Alton Road. The sidewalk is continuous and curves around 20th Street where pedestrian access is provided to the office and residential lobby areas. Vehicular access is limited to entry and exit along 20th Street at the northwest corner of the Property, where a full access driveway also leads to a commercial loading and service area and the second-level screened-in parking for the site.

- (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.

Cameras will be provided throughout the building to assist with ongoing security needs. Additionally, offices will have best-in-class security access controls including cards, key fobs or other devices to facilitate off-hour and on-hour access. The residential owners will ultimately decide whether they want to have the residential lobby manned.

- (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.

A traffic impact analysis and a maneuverability analysis have been provided and have undergone peer review by the City consultants. Please refer to those documents for additional information.

- (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 Proposed Project is limited to three dwelling units, Class A office space, and restaurant use on the ground floor. Any noise associated with the Proposed Project will be absorbed within the context of the existing commercial uses within the Sunset Harbour Neighborhood. Additionally, the off-street loading zone, second-level parking, and sanitation areas will be configured, designed and engineered to minimize noise, odors and any related adverse impacts to the residents, commercial tenants, patrons, and neighboring properties. There is no need for an unusual noise attenuation plan.

- (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.

Garbage service pick up frequency will be consistent with the City's regulations and adjusted to reflect the tenant needs over time.

- (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 Proposed Project is in keeping with the scale of the neighborhood and the buildings within the immediate area, including the Palau Sunset Harbor Condominium. No adverse impacts will be created. To the contrary, the Proposed Project will enhance the desirability of this unique neighborhood.

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

The Proposed Project is designed to be compatible with the neighborhood and will be a positive addition to the Sunset Harbour neighborhood. Additionally, the building has been designed to reflect the scale and architectural forms of the surrounding properties.

IV. Sea Level Rise and Resiliency Criteria

The Planning Board shall also consider how the project addresses the City's Seal Level Rise and Resiliency Review Criteria set forth in Section 133-50(a) of the City Code:

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

Prior to the total demolition of the existing structure on the Property, the Applicant will work with staff to ensure an adequate recycling and salvage plan is provided 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 incorporate 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 will 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.

Adopted seal level rise projections and the study of the land elevation of the Property and adjacent parcels were considered by Gensler when designing the Proposed Project.

- (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, although the streets in this area have already been raised by the City and there are no current plans to further elevate the roadways.

- (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 BFE.

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

The existing buildings will be demolished as part of the Proposed Project.

- (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 BFE 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 Proposed Project eliminates the existing surface parking lot and relocates parking to a garage to minimize the heat island effect. Hardscape areas will be limited and landscaped areas will be planted with shade trees.

V. Conclusion

The Proposed Project complements and enhances the surrounding neighborhood's existing developments, reinforces the City's live-work-play goals and is in keeping with the character and spirit of the Sunset Harbour Neighborhood. For the foregoing reasons, we respectfully request the Board support this application. Thank you for your consideration and please do not hesitate to contact me should you need additional information.

Sincerely,


on behalf of
Carter N. McDowell

CNM
Enclosures

cc: Liana Kozlowski, Bilzin Sumberg