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July 13, 2025

City of Miami Beach Planning Board  
c/o Michael Belush  
1700 Convention Center Drive  
Miami Beach, FL 33132

**Re: PB25-0763: Conditional Use Permit for Neighborhood Impact Structure at 1600 Washington Avenue and 1601 Drexel Avenue, Miami Beach FL 33139**

Dear Mr. Belush:

Akerman LLP represents 420 Lincoln Rd. Development, LLC (the "Applicant"), Ambassador Paul Cejas' company, which owns the properties at 1600 Washington Avenue and 1601 Drexel Avenue (collectively, the "Property"). Please allow this to serve as our letter of intent in connection with request to the City of Miami Beach's (the "City") Planning Board ("PB") for a Conditional Use Permit ("CUP") for a Neighborhood Impact Structure ("NIS") at the Property.

**Property.** The Property is generally bounded by Washington Avenue to the west, 16th street to the south, Drexel Avenue to the east and the iconic 420 Lincoln Road building to the north. See Figure 1, below. 420 Lincoln Road is also controlled by the Applicant, who effectively owns the full City block.<sup>1</sup> This CD-3 zoned Property sits at the cross-section of Lincoln Road and Washington Avenue which are two of the most important commercial and transportation corridors in the City – this is the City's urban core. Additionally, the Property is located within the Flamingo Park Historic District.

The Property is currently improved with three main structures. On the east side of the Property there is a main use parking garage with ground level commercial space, which last operated as the South Beach Food Hall and Time Out Market. On the west side of the Property there are two structures; a two-story apartment building and a one-story commercial building

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<sup>1</sup> To be clear, no work is proposed within the 420 Lincoln Road folio.

both which are proposed to be demolished to make way for the new residential development. The parking garage will be retained in full and serve as parking for the new development.



**Figure 1.** The Property

**Neighborhood Context.** Lincoln Road and its immediate surroundings are the cultural, commercial and office hub of the City and have historically functioned as the City's downtown. With over 200 businesses including major retailers like Zara and Apple and top caliber restaurants such as Mila and Oro & Elixir, Lincoln Road's pedestrian mall is one of the premier retail streets in the country. This general area also serves as the cultural hub of the City featuring key institutions such as the Colony Theater, the New World Center, the Fillmore and the Miami Beach Convention Center, including the under construction Grand Hyatt hotel. Moreover, Lincoln Road and the parks surrounding it often feature activations such as farmer's markets, free art installations block parties and more, making it one of the most cherished community spaces for City residents. The area is also an employment hub not only for retail and hospitality workers in the various restaurants, stores and civic institutions in the area, but also is the most important office district in the City. Office buildings such as 1601 Washington Avenue, 407 Lincoln Road and 420 Lincoln Road are located here. Washington Avenue, another important commercial corridor in the City, is well-served by transit including stops for both the Miami Beach Trolley and various MetroBus routes.

As such, the intersection of Lincoln Road and Washington Avenue is an ideal location for development of residential units. The City Commission agrees; last year in response to the City's decline in population, which the Commission attributes in part to the lack of competitively priced housing options, various legislative items were proposed to incentivize development of long-term residential projects specifically on Washington Avenue and Lincoln Road. The goal is development of reasonably priced housing options for entry level professionals, young families or others who work in the City. Most of these workers are currently forced to commute in because they are priced out of the City or find the modern housing options in nearby municipalities more appealing than the current housing supply in Miami Beach. Having more long-term residents in this urban core area can support existing and new businesses thereby reducing traffic as employees could walk or use transit to commute to places of employment and a long-term residential population will also enhance public safety and stabilize the neighborhood. The existing low profile buildings at the eastern side of the Property have outlived their useful life, are no longer contextual with the urban core that has developed around them and, they don't serve the current needs of the City and its residents namely middle market housing.

**Project.** Responding to the City's stated need for residential development, particularly in the urban core, the Applicant began working on a new residential project at the Property. Designed by world-renowned architect Enrique Norten, the project proposes 210 residential units and about 7,000 square feet of ground floor retail (the "Project").<sup>2</sup> With almost 40 years of experience and a reputation for expertly blending modernist principles with cultural and contextual sensitivity, Enrique Norten is responsible for some of the most imaginative buildings in north America including the Mercedes House and One York buildings in New York City and the Habita Hotel in Mexico City. Norten's architectural style is characterized by clean lines, the use of modern materials, and a strong connection between the building and its surroundings. The Project stands as an example of contemporary architecture committed to its physical, social, and climatic context. Further, the Project directly answers the City Commission's call for additional housing in the urban core which can support the economy in the area, reduce traffic congestion and stabilize this neighborhood. The Project design will be presented to the City's Historic Preservation Board for approval.

**Request.** Because the Project proposes over 50,000 square feet and is zoned CD-3, a CUP for the NIS from the PB is required. The Applicant respectfully requests approval of same as the Project is consistent with Code criteria, the extent applicable, as follows:

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<sup>2</sup> This Project proceeds under the Washington Avenue Residential Plan legislation which received favorable recommendation from the City's Planning Board on November 26, 2024 and is pending final adoption. The Applicant has provided a hold harmless to the City in order to proceed with this entitlement application prior to adoption of the enabling legislation. The Applicant has also put forth its own private legislative proposal which would enable development of the Project as a backup.

CUP criteria in Sec. 2.5.2.2.a and b. of the Code

a. General standards.

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

CD-3 permits both the multifamily and general commercial uses proposed. In fact, CD-3 permits a density of 150 dwelling units per acre—the highest in the City. The use is particularly appropriate at the Property as the City has already identified Lincoln Road and Washington Avenue as an area where residential use is needed and has proposed multiple pieces of legislation to incentivize same.

2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

The Project is proposed within the allowable density for CD-3 zoned parcels and will be parked at the existing garage. We do not anticipate impacts of the project to exceed thresholds for levels of service as set forth in the comprehensive plan.

3. Structures and uses associated with the request shall be consistent with these land development regulations.

The structures and uses proposed are consistent with the LDRs.

4. The public health, safety, morals, and general welfare shall not be adversely affected.

The public health, safety, morals and general welfare will not be adversely affected by the Project. To the contrary, the Project will bring much needed housing to the area. No short-term rentals are permitted. A community of long-term residents can support the existing businesses, reduce traffic (residents can walk or use transit to commute to work), and can increase security and stabilize the neighborhood.

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

Although the Code does not require parking for the residential units, this Application will provide parking for units at the existing to remain parking garage on the west side of the Property which connects to the residential tower via a secured pedestrian bridge. Parking provided is adequate and we anticipate some residents will take advantage of the urban core's walkability or use the various transit options serving both Lincoln Road and Washington Avenue.

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

Necessary safeguards are provided for the protection of surrounding property, persons, and neighborhood values. For example, parking is provided although not required by Code to ensure that the on-street parking is still available for neighboring properties. Additionally, the construction of new housing and a new permanent resident population can stimulate the economy, increase safety and may result in an increase of property values in the area.

7. *The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.*

This CUP herein requested relates to the size of the structure—residential and general commercial uses proposed are permitted by right. Further, this Project was drafted as a direct response to a City's stated for housing in this area. There is no risk of negative impact from geographic concentration of the herein proposed use.

8. *The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.*

See analysis of same in subsections below.

9. *Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.*

Appropriate consideration was given to the safety of and friendliness to pedestrian traffic. For example, all loading is proposed on the existing alley along 16<sup>th</sup> Street which is the street of less pedestrian importance and the ground floor along 16<sup>th</sup> Street will be activated with commercial uses. Further, a secured pedestrian bridge connects the parking garage with the residential tower internalizing circulation instead of congesting the public sidewalk.

- b. *Supplemental standards for new structures 50,000 square feet or larger.*

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 the use is proposed to be located.*

An operations plan detailing all of the above has been provided as part of this application. Please refer to same.

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.*

We do not anticipate mass delivery of merchandise. The commercial square footage of the building is just 7,000 square feet. Although future commercial tenant(s) have not been determined, we anticipate they will mostly receive parcel deliveries (e.g. Amazon trucks and mini vans) which can be easily accommodated in the seven loading spaces provided for the Project. Loading spaces are located within the alley so there is no on-street loading that can create adverse impacts on the neighborhood. Residential move-ins/outs will be permitted only on weekdays from 10:00AM to 4:00PM to not interfere with peak traffic hours. See also the provided Operations Plan.

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 scale of the proposed development is compatible with the urban character of the surrounding area and does not create adverse impacts on the surrounding area. As discussed, Lincoln Road and Washington Avenue are the urban core of the City. They are the biggest commercial, employment and civic hubs in the City. The Commission has specifically identified a need for residential use in these areas so it can become better mixed-use neighborhood in line with current planning ideology. The existing low-profile buildings are inconsistent with the urban core that has developed around it and the Project is contextual, considering the much taller buildings in the immediate vicinity of the Property such as the Loews Hotel and the recently approved Ritz Carlton residential tower, or more intense uses like the Grand Hyatt Convention Center Hotel that is currently under construction.

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.*

Although parking is not required by Code for the residential uses, parking will be provided in the existing parking garage on the western side of the Property. Further the Property is well served by transit and within a walkable neighborhood. See also the provided Operations Plan.

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

Again, the proposed commercial square footage is just 7,000 square feet. We do not anticipate, nor would permit, any customer queuing spilling into the right-of-way.

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.

The Property will have 24/7 security personnel which will do routine walk throughs of the main building and parking garage. Adequate security access controls and security cameras will be installed throughout the Project as appropriate. See also the provided Operations Plan.

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 study has been submitted to the City and peer reviewed by the City's consultants.

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 Project is mostly a residential building. No entertainment uses are proposed. Further the service area is located in the existing alley along 16<sup>th</sup> Street (the street of least pedestrian importance) and will be screened from public view by a solid wall and a decorative metal access/security gate. These elements are designed not only to restrict unauthorized access but also to significantly reduce noise transmission from the alley.

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.

A trash room is located at the ground floor next to the alley where loading will occur for seamless collections. Commercial trash and recycling containers will also be located in the service alleyway, concealed from public view by a solid wall and a decorative metal access/security gate.

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 Applicant controls the entire City block, so there will be not negative impact to the abutting property. Cross Washington Avenue is the Lincoln Place office building, which is approximately 105.25 feet high (+/- 111.37' NGVD) tall. Office employees will not be negatively impacted by our Project. The Project's massing is concentrated along Washington Avenue which is a commercial corridor. Additionally, the architect has

employed different materials such as glass, aluminum "Z" louvers, and smooth stucco and has strategically placed balconies in order to break up the building's massing and curtail any visual impacts.

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

We do not anticipate any negative cumulative effect from approval of this Project. Nearby structures of similar height and massing are office or lodging uses. The Project proposed residential use and serves a different need. Further, the design choices were intentionally made to break up the building's massing and minimize visual impacts of the structure.

**Sea Level Rise and Resiliency Criteria.** The Project is consistent with the criteria in Section 7.1.2.4.a.1. of the Code, to the extent applicable, as follows:

- A. A recycling or salvage plan for partial or total demolition shall be provided.  
A recycling or salvage plan will be provided as part of the demolition permit application.
  
- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.  
All windows proposed are hurricane proof impact windows.
  
- C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
Passive cooling systems including operable windows and sliding doors are provided throughout the Project.
  
- D. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 4 in Land Development Regulations.  
Resilient landscaping, salt tolerant, highly water-absorbent, native, or Florida-friendly plants, is provided in the planting plan.
  
- E. 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.

Applicant considered the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan and specifically studied the land elevation of the subject

property and the elevation of surrounding properties when designing the Project. Proposed elevations reflect that study.

- F. 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 3 additional feet in height.

The ground floor of the Project is adaptable to the raising of public rights-of-way and adjacent land and 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 3 additional feet in height. The parking garage is existing to remain, but was recently constructed in 2012 and its first level is 14' tall.

- G. 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 are located above base flood elevation.

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

New construction is proposed at NGVD 9' (BFE + 1). The existing garage structure was built in 2012; elevation of same is not necessary nor economically appropriate at this time.

- I. 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 in General Ordinances.

No habitable space below BFE is proposed.

- J. As applicable to all new construction, stormwater retention systems shall be provided.

Stormwater retention systems are provided.

- K. Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement materials utilized.

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

Design employs light colors, lush and dense landscaping and integrates passive cooling systems to minimize potential heat island effects.

We look forward on working on this Project with you. Should you have any questions or concerns, please feel free to contact us.

Sincerely,

**AKERMAN, LLP**



Neisen O. Kasdin

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