

Tracy R. Slavens, Esq.
3800 NE 1st Avenue, Suite 200
Miami, FL 33137
Main: 305.673-2585
tslavens@lsnlaw.com

May 4, 2025

VIA ELECTRONIC DELIVERY

Mr. Rogelio Madan, AICP
Development & Resiliency Officer, Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: DRB25-1086 – 1801 Alton Road (Modification of DRB24-1015)
Amended and Restated Letter of Intent for Design Review Board Application**

Dear Mr. Madan:

This shall constitute our amended and restated letter of intent on behalf of Santa Elena Holdings LLC (the “Applicant”), in support of Application File No. DRB25-1086 (the “Application”) to the Design Review Board (“DRB”) for that certain +/-1.08 acre property located at 1801 Alton Road and identified by folio no. 02-3233-012-0090 (the “Property”). The Property is zoned CD-1 (Commercial, Low Intensity District), and is highlighted in yellow below.



The Property is currently improved with a 2-story concrete office building constructed in 1982 and consisting of approximately 22,071 square feet of floor area. The structure has undergone several internal renovations and improvements over time, but its use as a bank and offices has not changed. The Application is hereby amended to include a waiver from Section 7.1.2.2.f.2 to

legalize the existing conditions and the Applicant affirms its prior requests, described in detail below.

I. Proposed Modification

The Application seeks the approval of a modification of the previously approved DRB order, File No. DRB24-1015 (the “2024 Approval”), which approved the development of a new 1-story commercial building on the Property, to preserve the existing two-story bank building on-site while proceeding with the construction of the previously approved one-story commercial building (the “Project”). Following the issuance of the 2024 Approval, the Applicant determined that the retention of the existing building for the near future will be beneficial to the Project and will allow the existing businesses to continue operating therein. In fact, this modification is being made at the behest of the Applicant’s bank tenant.

The plans approved in 2024 included a rooftop deck and green roof. Following further design development, the Applicant has determined that a stairwell and elevator landing are necessary to provide access to the rooftop deck. The enclosed plans reflect this minor modification to the roof of the new commercial building. Aside from this change, the overall design remains substantially consistent with the 2024 Approval.

The Project complies with the CD-1 land development regulations for permitted floor area ratio (“FAR”) and parking. With the proposed modification, the FAR will be 0.57, where 1.0 FAR is permitted. The Applicant also intends to keep the site’s fifty-five (55) existing parking spaces. However, a waiver and three variances are required to legalize the existing structure and non-conforming parking lot:

1. Variance from Section 5.3.7, which establishes minimum illumination levels for parking facilities.
2. Variance from Section 5.3.11, which requires that parking lots be paved with porous materials, is requested.
3. Variance from Section 4.2.8(b), which requires an eight foot, six inch (8’-6”) landscaping buffer at the end of all parking rows, exclusive of the curb dimension.
4. Waiver from Section 7.1.2.2.f.2, which requires an unobstructed pedestrian "circulation zone" for new construction of nonresidential uses with frontages exceeding 150 feet.

The building proposed by the 2024 Approval will make a meaningful contribution to the streetscape along Alton Road and Dade Boulevard. This includes the expansion of the sidewalk surrounding the site to ten feet (10’) and the incorporation of extensive landscaping, including a variety of shade trees. The Project will promote pedestrian interest at this important intersection, as well as walkability between Sunset Harbor, Palm View, and Lincoln Road.

In addition, the Project enables the bank tenant to continue occupying its existing building, while allowing for the development of the new 4,668 square foot commercial space to go forward. The Project will cost approximately \$1.2 million to complete.

II. Design Review Criteria

The project satisfies the design review criteria set forth in Section 2.5.3.1 of the Land Development Regulations, as follows:

(1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

Satisfied. The Applicant is incorporating additional landscaping and drainage facilities on the Property.

(2) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied. The Applicant's design and layout of the development is considerate of access, circulation, grading, drainage, landscaping, lighting, signage, and screening.

(3) The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Satisfied. The design of the Project is reasonable and only requires a waiver and the minimal variances necessary to legalize existing conditions.

(4) The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.

Satisfied. The new structure and additional landscaping, which were previously approved, have been thoughtfully designed with a modern aesthetic that retains practical utility.

(5) The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.

With the exception of the waiver and variances requested as part of this Application, the proposed site plan satisfies all standards of the City Code.

- (6) *The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.*

Satisfied. The development is comparable to other retail sites in the area and contributes to the character of the Alton Road commercial corridor.

- (7) *The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.*

Satisfied. Special attention was given to pedestrian safety and crime prevention. The design proposes additional lighting at the intersection of Alton Road and Dade Boulevard, promoting pedestrian safety and deterring crime.

- (8) *Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.*

Satisfied. The design of the driveway and pedestrian access is appropriate for the use proposed, particularly with respect to the sidewalk widening and increased bicycle and moped parking.

- (9) *Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.*

Satisfied. The proposed lighting will provide added security to the Property, enhance the Property's appearance, and ensure that pedestrians have ample lighting at night.

- (10) *Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.*

Satisfied. The landscaping proposed will enhance the overall aesthetic of the site plan design.

(11) Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied. The landscaping design, separate from and in addition to the Project's overall design, will include landscaping along Dade Boulevard and Alton Road, shielding some of the proposed Project from sight on the street.

(12) The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied. The Project's design is compatible with the pattern of development in the Alton Road Corridor and Sunset Harbour, and is consistent with the CD-1 development regulations.

(13) The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied. The architectural treatments and buffering yield an integrated design that enhances both the abutting streetscape.

(14) The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied. All rooftop mechanical equipment will be properly screened by a green roof feature.

(15) An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied. The previously approved 4,668 square foot commercial addition creates a more appropriate transition between the existing bank building and the streetscape. It provides a new site that is on a more human scale.

(16) All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied. The previously approved 4,668 SF commercial space, fronting Alton Road and Dade Boulevard, provides large glass windows into the interior space, adding visual interest to the streetscape.

(17) The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied. All design, screening, and buffering has been designed to ensure that there are minimal impacts on adjacent properties.

(18) In addition to the foregoing criteria, section 104-6 (t) the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not applicable.

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

Satisfied. See our responses to the Sea Level Rise Criteria below.

III. Waiver Request

The Applicant is seeking approval of a waiver from Section 7.1.2.2.f.2, relating to long frontage standards. A variation of this waiver was previously approved in connection with the 2024 Approval. Given the retention of the site's existing concrete structure and the configuration of its existing driveway, Staff recommended that this Application include a renewed waiver from Section 7.1.2.2.f.2:

1. Waiver from the long frontage standards set forth in Section 7.1.2.2.f.2. Given that the existing building and its driveway along Dade Boulevard will remain, a waiver is necessary to account for their partial encroachment into the pedestrian area. Relocating the building or driveway to achieve a fully unobstructed sidewalk zone would be impractical and cost prohibitive. An almost identical waiver was approved by the DRB in the 2024 Approval.

IV. Variance Requests

The Applicant is seeking approval of three variance requests, variations of which were previously approved in connection with the 2024 Approval. However, the previously approved variances were granted on the assumption that the site would be fully redeveloped at a later date.

Given that the Applicant will retain the existing building and its existing infrastructure permanently, the following variances are requested:

1. Variance from Section 5.3.7. This variance is necessary to allow the continued use of the existing lighting infrastructure, which provides adequate lighting and security to the existing parking lot.
2. Variance from Section 5.3.11.c. This variance is necessary to maintain the existing asphalt hardscape and ensure that the long-standing bank tenant has adequate on-site parking during construction of the Project.
3. Variance from Section 4.2.8.b. This variance is necessary to legalize the existing landscape borders around the parking area, which measure approximately four to five (4' to 5') feet in width. The proposed landscaping will do the most possible to adequately screen the parking area,

The variances requested satisfy the hardship criteria pursuant to Section 2.8.3(a) of the Code, 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;

The existing conditions were constructed prior to the adoption of the current Resiliency Code and are thus legally nonconforming. The requested variances are necessary in order for these conditions to remain. This, along with the unique characteristics of this property, including its irregular shape and three (3) points of ingress and egress, necessitate the requested waiver and variances.

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

The special conditions and circumstances described herein are not the result of the Applicant's actions. In fact, the Applicant seeks to mitigate the impacts the construction and increased density will inevitably have on the Property's long-standing tenant and neighboring property owners.

(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;

Granting the requested variances will not confer on the Applicant any privilege that is not afforded to other, similarly situated property owners with similar existing conditions. The variances are de minimis in nature and in keeping with the commercial nature of the neighborhood.

- (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 the Code would be an undue burden on the Applicant, deprive them of a practical and expected use of Property, and result in conditions that are not practical or economically viable.

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

The variance requested is the minimum variance that will make possible the reasonable use of the Property, specifically the existing parking lot.

- (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;*

The requested variances, if granted, will be in harmony with the spirit and letter of the Code and are sufficiently de minimis such that they will not be injurious to the neighborhood or the public welfare.

- (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; and*

The purpose of the low intensity commercial district is to allow business and retail uses that are designed to service surrounding residential neighborhoods. The Application is consistent with this purpose as it will maintain the long-standing bank tenant's operations, while continuing to provide ample parking during construction.

- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.*

See Section IV below.

V. Sea Level Rise Criteria

Further, the Application meets all applicable sea level rise and resiliency criteria set forth in Section 7.1.2.4(a)(1) of the Code, as follows:

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

A recycling and salvage plan for demolition of the existing home will be provided at permitting.

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

The windows installed will be hurricane proof impact windows.

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

The Applicant will provide, where feasible and appropriate, passive cooling systems.

(4) *Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 4 in Land Development Regulations.*

All landscaping will be Florida-friendly and resilient.

(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.*

The Project includes a concrete base along the ground floor, a raised sidewalk, and an increased first floor ceiling height to ensure the Project can adapt as the abutting roads are raised.

(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 3 additional feet in height.*

The ground floor, driveways, and garage ramping are engineered to be adjustable to future changes in the elevation of public rights-of-way and adjacent lands. The proposed design also accommodates the potential elevation of street height by up to 3 additional feet.

(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 for the proposed development are above base flood elevation.

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

Not applicable. Raising the elevation of the existing building would not be feasible or economically appropriate given the nature of the modified 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 in General Ordinances.

Wet or dry flood proofing systems will be provided where habitable space is located below base flood elevation.

(10) As applicable to all new construction, stormwater retention systems shall be provided.

Where feasible, water retention systems will be provided.

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

Cool pavement materials or porous pavement materials will be utilized where feasible and appropriate.

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

The proposed design includes a green roof and lush landscaping throughout the property, reducing the potential for heat island effects on-site.

VI. Conclusion

The Applicant seeks to optimize the use of the Property and enhance its commercial offerings through the retention of the existing office building and the construction of the new commercial space. The Project, as proposed, will promote walkability, enhance the intersection, and create new jobs. The requested waiver and variances meet all applicable criteria for approval and will not create any negative impacts to public health, safety, or welfare.

Based on the above, we respectfully seek your favorable review and recommendation of approval for the Application. If you have any questions or require additional information, please feel free to contact me directly at tslavens@lsnlaw.com or (305) 673-2585.

Respectfully submitted,

LSN LAW, P.A.

A handwritten signature in blue ink that reads "Tracy Slavens". The signature is written in a cursive, flowing style.

Tracy R. Slavens, Esq.