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VIA ELECTRONIC SUBMITTAL

August 4, 2024

Rogelio A. Madan, AICP
Development and Resiliency Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **ZBA24-0162** - Variance from Distance Separation Requirements for Speakeasy within 1691 Michigan Avenue "The Lincoln"

Dear Mr. Madan:

This firm represents Black Lion Investment Group, Inc. (collectively the "Applicant"), the master tenant of the leasehold interest in the property located at 1691 Michigan Avenue, identified by Folio Nos. 02-3234-004-0690 and 02-3234-004-0695¹ (the "Property") in the City of Miami Beach (the "City"). This letter serves as the required letter of intent in connection with an application for a variance from the location restrictions in section 6-4(a)(1)-(2) of the City Code of Ordinances (the "Code") applicable to educational facilities and places of worship. The Applicant seeks to convert an area within the existing office building to a Speakeasy and employee lounge.

Property Description. The Property is located at the southeast corner of the intersection of Michigan Avenue and 17th Street and is approximately 76,500 square feet in size. The Property fronts on Michigan Avenue, 17th Street, North Lincoln Lane, and Jefferson Ave, and is located just a few steps north from Lincoln Road. The northern portion of the Property is zoned CD-3 High Intensity District ("CD-3") and the southern portion of the Property is zoned Government Use ("GU") but follows the regulations of the surrounding CD-3 District. The

¹ The City is the owner of the Property. The Applicant is the contract purchaser of the master tenancy under a long-term lease. The Applicant is in the process of obtaining the City's consent to this application in accordance with the Lease Agreement.

Property is improved with an existing six (6) story mixed-use commercial building and attached parking garage structure developed in 2000 known as "The Lincoln."

Ground Lease and Existing Structure. In 1999, the City entered into a ground lease with the Applicant's predecessors for development of The Lincoln (the "Lease").² The Lincoln is a six (6) story building consisting of ground floor retail/general commercial uses, five (5) levels of office space, and a parking garage structure³ that contains 719 parking spaces. The design of the Lincoln is contemporary with a rounded façade and parapet at the corner of Michigan Avenue and 17th Street and concrete eyebrows above the corner-facing windows. The attached garage structure features ground floor commercial storefront and is screened on the upper levels by suspended planters in an irregular geometric pattern. The majority of the Lincoln is finished with white stucco and blue glazing, except for the attached garage structure which is finished with gray painted stucco.

Proposed Speakeasy Lounge. The Applicant seeks to introduce a Speakeasy lounge as an amenity within the building that will serve as an elevated meeting space for the office tenants during office hours, and a Speakeasy lounge open to the public during non-office hours. The proposed Speakeasy is entirely indoors and located on the third level of the building. The main pedestrian entrance to the Lincoln is located on Michigan Avenue, and the main vehicular entrance and valet area is located adjacent to an internal drive aisle on the east side of the Property.

The proposed establishment contains only 97 seats. During office hours between 8:00AM and 5:00 PM the establishment will only be open by reservation to tenants within the office building for private meetings/events in an elevated space. The Speakeasy lounge is proposed to be open to the public from 6:00 PM to 3:00 AM seven (7) days per week. The proposed Speakeasy Lounge will occasionally offer entertainment in the form of a DJ or live performance played at ambient background levels. The Applicant is working with an acoustic consultant to ensure that the interior space is designed with materials and features that ensure no noise will escape the fully enclosed interior space. In addition, the Applicant has provided an operational plan that ensures the establishment will

² The Lease is recorded in Official Record Book 1877. Page 447 of the Public Records of Miami-Dade County. The Applicant shall comply with all provisions of the Lease requiring the City's consent for modifications.

³ The parking structure satisfies the parking requirement of the uses within Lincoln Place and provides public parking. Specifically, the Lease requires that a minimum of 100 spaces are maintained open to the public at all times and ten (10) spaces for monthly parking for members of the general public.

operate seamlessly with the office building and create no impacts to neighboring property owners.

Cost Estimate. The Applicant estimates the cost of the interior buildout to be approximately \$600,000.00.

Variance Requests. In order to establish the proposed Speakeasy lounge, the Applicant seeks the following variances from Section 6-4(a) of the City Code:

- 1) Variance from Section 6-4(a)(1) of the Code to permit an alcoholic beverage establishment approximately 189 feet from an educational facility where the minimum distance separation is 300 feet. This distance is measured from the main vehicular entrance/valet area on the east side of the Property. The distance from the pedestrian entrance from Michigan Avenue is 238 feet.
- 2) Variance from Section 604(a)(2) of the Code to permit an alcoholic beverage establishment approximately 216 feet from a place of worship where the minimum distance separation is 300 feet. This distance is measured from the pedestrian entrance from Michigan Avenue. The distance to the vehicular entrance on the east side of the Property is 263 feet.

The requested variances seek to permit access to the proposed Speakeasy lounge from either the pedestrian entrance Michigan Avenue or the vehicular entrance/valet area on the east side of the Property.

Analysis. The project complies with the codified hardship criteria under Section 2.8.3 of the Resiliency 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 Property is located in a transition area between 17 Street and Lincoln Road, a significant commercial center of the City, and the Palm View Historic District to the north. As part of the transitional zoning, the property's located on the north side of 17 Street are zoned "Residential Multifamily, Low Intensity" (RM-1), which permits multifamily residential development, as well some institutional uses such as education facilities and places of worship. The Property, however, is zoned Commercial, High Intensity ("CD-3"), which is

among the most intense zoning categories on the City, permitting uses such as alcoholic beverage establishments by right. The Lincoln's location in this transitional area between the more intense commercial uses along Lincoln Road, and the RM-1 district located across 17 Street where an educational facility and place of worship have been developed, is a peculiar condition applicable to the Property and not applicable to lands, structures, or buildings in the same zoning district.

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

The location of the Property in a transitional area between the commercial uses along Lincoln Road and the Palm View neighborhood on the north side of 17th Street did not result from any action of the Applicant.

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

Other lands, buildings, or structures in the CD-3 zoning district can develop alcoholic beverage establishments similar to the proposed Speakeasy. Thus, granting the variance 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.

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;

Literal interpretation of the distance separation requirements in this case would prohibit the Applicant from operating a use that is permitted by the CD-3 district regulations in an area from the Property that is entirely enclosed and away from the view of the public. Denial of the right to operate a Speakeasy lounge contained entirely within the existing office building would work an unnecessary and undue hardship on the Applicant by depriving the Applicant of a use permitted by the CD-3 zoning regulations.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested variances are minor in scope as they allow an establishment fully enclosed within the third level of an existing office building. The Applicant has proposed an operational plan with mitigating conditions to ensure that the proposed Speakeasy lounge will not be a nuisance to neighboring property owners.

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 granting of the variance in accordance with the proposed operational plan will be consistent with the intent and purpose of the land development regulations and will not be injurious to 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 granting of the variance is consistent with the comprehensive plan and does not impact levels of service.

8. The granting of the variance will result in a structure that complies with the sea level rise and resiliency review criteria in Chapter 7, Article 1, as applicable.

The existing office building where the speakeasy is proposed complies with the applicable sea level rise review criteria.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria provided in Section 7.1.2.4(a) of the Code as follows:

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

No exterior demolition is proposed for this project.

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

New windows 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, passive cooling systems.

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

All landscaping will be Florida friendly and 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 have been considered and appropriate flood mitigation will be incorporated into the design where appropriate and feasible.

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 application is a renovation of an existing building that does not propose to modify driveways or ramping.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All 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 building cannot feasibly be elevated to 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.

To the extent habitable spaces are located below base flood elevation plus freeboard, wet or dry flood proofing systems will be provided to the extent necessary and appropriate.

10. Where feasible and appropriate, water 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 or porous pavement materials will be utilized where any new pavement is proposed.

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

The Project introduces pavers in lieu of concrete, which will reduce heat island effects on-site.

Conclusion. The requested variances would facilitate the establishment of an elegant new venue in close proximity Lincoln Road. The proposed Speakeasy Lounge will be a world class amenity for the office building, as well as a interesting venue for discerning guests. We respectfully request your favorable review and recommendation with respect to this Application. If you have any questions or comments in the interim, please give me a call at 305-377-6231.

Sincerely,



Michael Larkin

cc: Robert Rivani
Nicholas Rodriguez, Esq.