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June 16, 2021

VIA ELECTRONIC DELIVERY

Mr. Eric Carpenter, Interim Director
Public Works Department
City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, Florida 33139

Re: RWP0421-7301 Revocable Permit Request for 224 2nd Street

Dear Mr. Carpenter:

This law firm represents 224 2nd Street, LLC (the "Applicant"), owner of the property located at 224 2nd Street ("Property") in the City of Miami Beach ("City"). The Applicant is seeking approval of a Revocable Permit, RWP0421-7301, to allow certain necessary safety and accessibility encroachments within the abutting sidewalk on 2nd Street. This request is in compliance with development approvals granted by the Planning Board ("PB") and Historic Preservation Board ("HPB"), and the permit plans review and approved by the City Public Works Department.

Property Description. The Property is located on the southeast corner of the intersection of Washington Avenue and 2nd Street. The Miami-Dade County Property Appraiser identifies the Property with Folio No. 02-4203-003-1250. See Exhibit A, Property Appraiser Summary Report. The lot area is approximately 6,500 square feet (0.15 acres) in size. The Property is zoned Limited Mixed-Use Commercial "C-PS1" and is also located within the Ocean Beach Local Historic District.

The surrounding uses include: a residential apartment to the west across Washington Avenue; Washington Park is located to the north across 2nd Street; City-owned dog park is to the east across the alley, and a City-owned surface parking lot is adjacent to the Property to the south.

Approved Development. On July 11, 2017, the City's Historic Preservation Board ("HPB") approved a Certificate of Appropriateness ("COA") for partial demolition and renovation of the existing site, construction of a 1-story addition, and a waiver for off-site loading. The intent of the previous owner was to reuse the Property for a restaurant. More recently, on July 9, 2019, the HPB approved a modification of the COA for alterations of the prior design for function of the school use, and construction of an addition to the structures for additional classroom space, HPB19-0298 a.k.a. HPB 17-0122. See Exhibit B, HPB Supplemental Order. The Property is currently under renovation in accordance with the modified COA.

Satisfaction of the Revocable Permit Criteria. The City Code of Ordinances (the "Code") provides that a revocable permit is required for any proposed encroachments in the public right of way. The Applicant satisfies the revocable permit criteria stated in Section 82-94 of the Code as follows:

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

The Applicant respectfully requests the revocable permit in order to construct an improved, raised sidewalk to the proposed new school entrance. Given the fact that the existing structure is classified as a contributing building within a local historic district, raising the sidewalk is the only reasonable method to make the entrance of the school accessible. There is not sufficient space within the existing for ramping and the existing condition of the abutting sidewalk on 2nd Street is not pleasant for parents with strollers bring or young children. Additionally, the success of the new schools relies, in part, on providing improved access to the existing structure. Therefore, the proposed sidewalk improvements with railings and proper sloping is critical. The sidewalk complies with all City regulations and provides the necessary access to make this a successful site.

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

The Applicant for the revocable permit and holds title to the Property.

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

The proposed sidewalk will comply with applicable codes, ordinances, regulations, neighborhood plans and laws, as evidenced by the PB and HPB approvals. The Applicant has requested a revocable permit to ensure that sidewalk 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 and use. The sidewalk will be installed at an appropriate height, which will permit pedestrian access to the Property and does not obstruct the abutting right of way. The new sidewalk 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 use and design of the Property as approved by the PB and the HPB. The Applicant has gone through great lengths to preserve much of the existing contributing structures on this site, which will maintain the character of the existing local historic. Additionally, the Applicant is providing public benefits that is compatible with the highly pedestrian environment and proposed use. Overall, approval of the revocable permit will beautify the sidewalk and make it functionally appropriate and safe for the new of the Property. Side walk improvements will directly enhance the neighborhood with enhanced landscaping and improved drainage, as well as improved safety.

- **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 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, while providing accessibility for the students and parents of the school.

Conclusion. Approval of this revocable permit application is necessary to successfully operate a private school at the Property. The sidewalk improvements will directly enhance the walkability of this portion of 2nd Street. We respectfully request your recommendation of approval for the revocable permit to allow the PB an HPB approved use and design for this charming contributing Property in a local historic district.

As always, we look forward to your review. Should you have any questions, please do not hesitate to contact me at (305) 377-6231.

Sincerely,



Michael W. Larkin

Enclosures

CC: Emily K. Balter



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 6/16/2021

Property Information	
Folio:	02-4203-003-1250
Property Address:	224 2 ST Miami Beach, FL 33139-7214
Owner	224 2ND STREET LLC
Mailing Address	120 OCEAN DR STE 1000 MIAMI BEACH, FL 33139 USA
PA Primary Zone	6502 COMMERCIAL
Primary Land Use	1209 MIXED USE- STORE/RESIDENTIAL : MIXED USE - RESIDENTIAL
Beds / Baths / Half	4 / 4 / 0
Floors	1
Living Units	4
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	4,987 Sq.Ft
Lot Size	6,500 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2020	2019	2018
Land Value	\$3,250,000	\$3,250,000	\$2,600,000
Building Value	\$270,730	\$260,969	\$900,000
XF Value	\$6,210	\$6,300	\$0
Market Value	\$3,526,940	\$3,517,269	\$3,500,000
Assessed Value	\$3,526,940	\$3,517,269	\$3,500,000

Benefits Information				
Benefit	Type	2020	2019	2018
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
OCEAN BEACH FLA SUB PB 2-38 LOT 16 BLK 9 LOT SIZE 50.000 X 130 OR 21245-2166-67 05/03 5	

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,526,940	\$3,517,269	\$3,500,000
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,526,940	\$3,517,269	\$3,500,000
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,526,940	\$3,517,269	\$3,500,000
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,526,940	\$3,517,269	\$3,500,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
01/18/2019	\$4,800,000	31305-4169	Qual by exam of deed
03/31/2017	\$4,150,000	30491-1622	Qual by exam of deed
08/23/2013	\$2,150,000	28792-3696	Qual by exam of deed
05/01/2003	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: July 9, 2019

FILE NO: HPB19-0298 a.k.a. HPB 17-0122

PROPERTY: 224 2nd Street

APPLICANT: 224 2nd Street, LLC

LEGAL: Lots 11 & 12, Block 6 of Ocean Beach Florida, according to the plat thereof, as recorded in Plat Book 2, Page 38, of the Public Records, of Miami-Dade County, Florida.

IN RE: An application for modifications to a previously issued Certificate of Appropriateness for the partial demolition and renovation of the existing 1 and 2-story buildings on the site and the construction of an attached 1-story addition. Specifically, the applicant is requesting design modifications including the construction of an additional attached addition.

S U P P L E M E N T A L O R D E R

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

A. The subject site is located within the Ocean Beach Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) in Section 133-50(a) of the Miami Beach Code.
2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
4. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.



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5. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'e' for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. No variances were filed as a part of this application.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. A copy of all pages of the recorded Supplemental Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- B. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- D. The previous Final Order dated July 11, 2017 shall remain in full force and effect, except to the extent modified herein.
- E. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- F. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer

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specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- J. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled **"224 2nd Street" as prepared by Shulman + Associates, dated May 6, 2019** and **"Exhibit A" as prepared by Shulman + Associates, dated July 9, 2019** and as approved by the Historic Preservation Board, as determined by staff and the previously approved plans.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.



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If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application

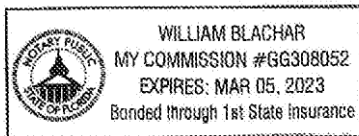
Dated this 10 day of July, 2019

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
 DEBORAH TACKETT
 CHIEF OF HISTORIC PRESERVATION
 FOR THE CHAIR

STATE OF FLORIDA)
)SS
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 10th day of July, 2019 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



William Blachar
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: March 5th, 2023

Approved As To Form: [Signature] (7/9/2019)
 City Attorney's Office: [Signature]

Filed with the Clerk of the Historic Preservation Board on [Signature] 7/10/19)

[Signature]