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VIA ELECTRONIC & HARDCOPY SUBMITTAL

September 7, 2021

Debbie Tackett, Historic Preservation Chief
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **HPB21-0480** – Letter of Intent – Application to Condition of Approval of HPB File No. 17-0097

Dear Debbie:

This law firm represents Boos Development Group, Inc. (the "Applicant"), with respect to its application to modify a condition of approval for a CVS store located at 4000 Collins Avenue (the "Property") in the City of Miami Beach, Florida (the "City"). This letter shall serve as the required letter of intent in connection with a request for modification of Historic Preservation Board ("HPB") File No. HPB17-00097, which approved a Certificate of Appropriateness for demolition and design ("COA") of a four (4) story ground level addition to the Property.

Description of Property. The Property, which is identified by Miami-Dade County Tax Folio Nos. 02-3226-034-0001 through 02-3226-034-1200, encompasses the entire City block between from 40th Street to 41st Street, along the west side of Collins Avenue. The Property was originally constructed on April 1, 1948 as a 102-room hotel with dining and swimming pool areas. The Property is approximately 27,914 square feet in size, and contains an existing structure that is approximately 44,520 square feet in size, as well as a four (4) story addition.

The Continental, a condominium-hotel, is situated on the southern portion of the Property, while the four (4) story addition approved under HPB17-0097 ("Prior Approval") is located on the northern portion of the Property. The Property is zoned RM-2, as are the adjacent properties to the north, west and south. The Property is also located within Collins Waterfront Historic District, Collins Waterfront Architectural District and is listed as a

contributing structure in the City's records. The property is separated on three sides from its neighbors. It is surrounded by two State Roads, 41st Street to the north and Collins Avenue to the east. It is also separated from its neighbor to the south by 40th Street. Its only direct neighbors are located to the west of the Property, and those neighbors front on Indian Creek Drive.

Prior Approval. On June 19, 2017, the HPB approved a COA for partial demolition of the Continental Hotel and construction of the four (4) story addition that presently exists on the northern portion of the Property. Notably, Condition C(1)(g) of the Prior Approval required that:

All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback *a minimum of ten (10') feet* from any portion of exterior wall fronting Collins Avenue or 41st Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria.

Through Building Permit No. RV2013970 the Applicant constructed a CVS Convenience Store with retail shelves located five feet (5') from the exterior wall fronting Collins Avenue.

Request. The Applicant respectfully requests the following modification of Condition C(1)(g) of the Prior Approval:

FROM: All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any portion of exterior wall fronting Collins Avenue or 41st Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria.

TO: All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ~~ten (10')~~ five (5') feet from any portion of exterior wall fronting Collins Avenue or 41st Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria.

The Applicant has undertaken substantial expense in designing and constructing its CVS Store. Furthermore, the building permit plans did show a five (5) separation between the

shelving and the storefront windows, and the permit was approved and issued accordingly. As a result, the interior of the CVS Store was constructed consistent with the building permit. Regardless, the building in which the use is located features an expressive façade and substantial glazing that mitigates any impacts that shelving closer than ten feet (10') to the Collins Avenue frontage creates. Importantly, the proposed design does not obstruct views into the store. Thus, the proposed design is consistent with the intent of the condition.

Sea Level Rise and Resiliency Criteria. The project advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code, as follows:

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

A recycling and salvage plan will be provided at the time of permitting.

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

The Applicant does not propose changes to the existing windows at the Property.

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.

The landscaping approved under the Prior Order is salt tolerant and Florida-friendly.

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.

The Applicant has considered the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan.

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 Applicant does not propose any new driveways or ramping.

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

The design approved under the Prior Order located all mechanical and electrical systems above base flood elevation.

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

It is not feasible or appropriate to raise the elevation of The Continental Hotel at this time.

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.

Any areas below base flood elevation plus freeboard will implement appropriate flood mitigation measures to protect the property.

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 materials or porous pavement materials will be utilized where possible.

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

The design of the project will minimize the potential for heat island effects on site.

Conclusion. In light of the foregoing the Applicant respectfully requests approval of the requested modification of condition C(1)(g) of the Prior Order. If you have any questions or concerns regarding this application please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Mickey Marrero', with a stylized, cursive script.

Mickey Marrero