

August 15, 2022
Updated: October 10, 2022

VIA ELECTRONIC DELIVERY

**The Chairperson and Members of the
City of Miami Beach Historic Preservation Board**

c/o Ms. Deborah J. Tackett
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: Final Submittal / Letter of Intent for Historic Preservation Board Application
HPB22-0518 (the “Application”) / Properties located at 401/407 Lincoln Road,
Miami Beach, Florida – Folio No. 02-3234-072-0001 (the “Property”)**

Dear Chairperson and Members of the Historic Preservation Board:

Our firm represents BH 407 Lincoln Road LLC (the “**Applicant**”), in connection with certain land use and zoning matters relating to the abovementioned Property before the Historic Preservation Board. Please consider this correspondence as the letter of intent requesting a Certificate of Appropriateness (“**COA**”) for the proposed renovation of the 407 Lincoln Road Office building at the Property (the “**407 Office Tower**”).

The proposed renovation and design of the 407 Office Tower is the latest product of prominent real estate developer, Michael Shvo, who has a proven track record of preserving and restoring valued historical components of properties throughout the United States – most notably the Raleigh Hotel Project in Miami Beach. For this Project (defined herein), Shvo has collaborated with world-renowned architect Lord Norman Foster (Foster + Partners) for the renovation of the 407 Office Tower to create a carbon neutral, world Class-A office space with the upgraded clock tower that has become a benchmark in the City for decades.

I. The Property

The Property is generally located at Washington Avenue between Lincoln Rd and Lincoln Lane. Specifically, the Property consists of one (1) individual parcel of land – 401/407 Lincoln Road that currently contains a 14-story office/commercial tower.

The Property is zoned CD-3, Commercial High Intensity District, which allows for a wide array of business and professional office and commercial uses as permitted uses. Currently, the Property is improved with the 407 Lincoln Road office tower. Additionally, the Property is located within the Miami Beach Architectural District and the Flamingo Park Historic District but does not contain any historically designated or contributing structures. Specifically, as referenced on

the City's online Historic Database and the enclosed Historic Resources Report prepared by Arthur J. Marcus and dated June 4, 2022 (the "**HRR Report**"), the existing office building located at the Property is a noncontributing structure.

a. 407 Office Story History

Per the HRR Report, in 1935 the Property was originally constructed with an office building for the Miami Beach Federal Savings and Loan Association. The original bank building contained a 1-story (23 foot), domed structure designed by Roy France, that stood at the Property. In 1955, the 407 Office Tower was designed by Edwin T. Reeder in the MiMO-Miami Modern (aka Mid Century Modern) architectural style. The 407 Office Tower was constructed with 12 stories and designed with turquoise, exterior glass panels in addition to the signature, digital clock tower atop the building. Years later in 1987, the City approved the design change of the building with dark blue, reflective glass panels on the North, South and East elevations and a solid façade designed for signage on the western elevation.

II. The Project: 407 Office Tower Renovations

The Applicant is requesting approval of a Certificate of Appropriateness for the renovation of the existing noncontributing, office tower with state of the art and sustainable design features on the exterior facades, a refurbished digital clock and increased landscaping in order to update the 407 Office Tower with world class office space (the "**Project**"). As detailed in the plans prepared by Foster + Partners and Kobi Karp Architecture & Interior Design, Inc. and dated October 10, 2022 (the "**Plans**"), the proposed carbon neutral refurbishment will provide added greenspace and landscaping, reduced solar radiation, and high-performance elements to reach the net zero aspirations proposed for the Project. Most notably, the Project does not include any additional height or FAR than what currently exists at the Property.

III. Compliance with COA Criteria

In accordance with Section 118-564 of the Code, the Application complies with the criteria for the issuance of a COA for the renovation of the existing 407 Office Tower and the design approval for the Project.

a. 118-564(a)(3)

- i. 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.*

The existing 407 Office Tower is a legal nonconforming site with zero (0) parking spaces provided on-site. The Project, which does not include any additional

proposed FAR, will maintain the existing legal nonconforming status of the building and thereby does not require any additional parking provided on site.

Additionally, the abutting street to the South (Lincoln Road) is restricted to pedestrian access only. The Project and proposed renovations will accommodate the existing pedestrian friendly frontage along Lincoln Road, with additional pedestrian access from Lincoln Lane – which is consistent with the current conditions of the existing 407 Office Tower.

- ii. 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.***

As reflected in the building cards for the Property, the existing 407 Office Tower is a legal nonconforming structure. Notwithstanding the nonconforming status, the Project's proposed renovations include more eco-friendly design features such as high performance glazing, low carbon materials and light-weight cladding to bring the development more in line with the City's sustainability and resilience standards, discussed further below.

- iii. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.***

Please refer to the Plans that are enclosed with this Application for detailed renderings illustrating the architectural design and landscape materials selected for Project.

- iv. The proposed structure, and/or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.***

The 407 Office Tower, currently improved with 14-stories and an “ultra modern design”, is an instantly recognizable building in the City. As such, the Project intends to usher the existing 407 Office Tower into the 21st century with sustainable design features and open interior floorplans while maintaining the height and scale of the prominent building. The proposed renovations and design features for the existing 407 Office Tower are intended to enhance and compliment the surrounding structures along Washington Avenue, Lincoln Road, and Lincoln Lane.

- v. ***The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces 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 preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.***

As mentioned above, the Project retains the general floor plan for the existing 407 Office Tower containing the lobby entrance and retail at the ground floor and upper level office space. However, the Project is designed to maximize this space with a more efficient arrangement that includes replacing the cramped and divided office cubicles with an open floorplan that allows for collaboration and more open space for each office tenant.

Additionally, the Project also includes open terraces with green space on the office levels that will allow better interaction with the pedestrian realm and views of One Soundscape Park and the busy pedestrian realm down below.

- vi. ***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 any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.***

As mentioned above, the Project does not seek to increase the height or scale of the existing, legally nonconforming building. As such, the City determined no traffic analysis was required for the proposed renovations to the existing 407 Office Tower. However, it is important to highlight that the Project is designed to continue to active the Lincoln Road pedestrian realm, but also provides a more aesthetically appealing and inviting pedestrian entrance along Lincoln Lane.

- vii. ***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 and consistent with a city master plan, where applicable.***

The Applicant will coordinate with Staff to submit an appropriate lighting plan in compliance with this requirement.

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

Please refer to the landscape sheets contained in the enclosed Plans.

- ix. *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.***

As mentioned above, the existing 407 Office Tower and proposed renovations, does not include any on-site parking that would require screening or buffering materials.

- x. *Any proposed new structure shall have 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).***

The Project intends to maintain the current orientation of the existing office building, with access to the building along both Lincoln Road and Lincoln Lane. Although the height of the 407 Office Tower will remain, the proposed renovations designed with glass facades, light cladding and upper level open terraces will reduce the perceived massing of the building with an apparent lighter and more inviting structure that is sensitive to the surrounding buildings in the area and view corridors.

- xi. *All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, 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 sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.***

The Project was designed to maximize both the Lincoln Road and Lincoln Lane frontages to the greatest extent possible. As reflected in the Plans, the ground level along both Lincoln Road and Lincoln Lane contains access to the lobby with the commercial use also situated on the ground level. Both entrances contain open, glass facades to invite pedestrian-friendly activity along these frontages. The enhancement of Lincoln Lane will benefit the City's Soundscape Park.

- xii. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.***

The mechanical systems are located on the roof of the building, and contains substantial landscaping and appropriate screening concealing the equipment from view. Additionally, the renovation of the rooftop digital clock also serves as a screening mechanism for the mechanical equipment.

- xiii. Any 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).***

Not Applicable.

- xiv. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.***

All portions of the ground floor, including both Lincoln Road and Lincoln Lane frontages, incorporates transparent features and glass materials intended to complement the existing pedestrian-friendly realms along both streets. As mentioned above, both Lincoln Road and Lincoln Lane frontages include entrances in order to connect these pedestrian streetscapes to the ground floor lobby and ground floor retail.

- xv. 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.***

There are no service or delivery bays on site due to the historic nature of the Property. Any trash rooms and refuse receptacles provided on site will be enclosed so as to have a minimal impact on the adjacent properties. The proposed new trashroom will not be located on the Property instead of public right of way as currently existing.

- xvi. In addition to the foregoing criteria, subsection [118-]104(6)(t)], and the requirements of chapter 104, of the City Code shall apply to the historic preservation 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.

- xvii. 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 133, article II, as applicable.*

Not Applicable; the proposed renovations for the Project does not require any variances. Please see Section IV herein for an analysis of the sea level rise and resiliency review criteria.

IV. Sea Level Rise and Resiliency Review Waiver

Section 133-50(a) provides review criteria for compliance with the City's sea level rise and resiliency criteria.

- a. A recycling or salvage plan for partial or total demolition shall be provided.**

The Applicant will provide a recycling or salvage plan prior to the submittal of a building permit, as may be necessary.

- b. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

As reflected on the Plans, all windows for the Project will be impact resistant and is also designed with hurricane proof glass railings.

- c. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

The Project renovations include passive cooling systems, such as high performance glazing, orientation responsive shading, mixed mode ventilation, and integrated PV.

- d. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.**

The Project will include resilient landscaping, in accordance with Chapter 126 of the City Code.

- 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.

The Project will evaluate the Southeast Florida Regional Climate Action Plan.

- 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 three additional feet in height.**

Not Applicable.

- 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 mechanical systems and equipment are internal to the building. Those mechanical structures located on the roof of the building are designed with landscaping and appropriate screening concealing the equipment from view.

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

In order to maintain the structural integrity of the 407 Office Tower, it is not appropriate to raise the existing building.

- 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 of the city Code.**

Not Applicable.

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

Applicant will work with staff on an appropriate water retention system, as applicable and appropriate for the Project renovations.

k. Cool pavement materials or porous pavement materials shall be utilized.

Applicant will work with staff on an appropriate cool pavement or porous materials, as applicable and appropriate for the Project renovations.

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

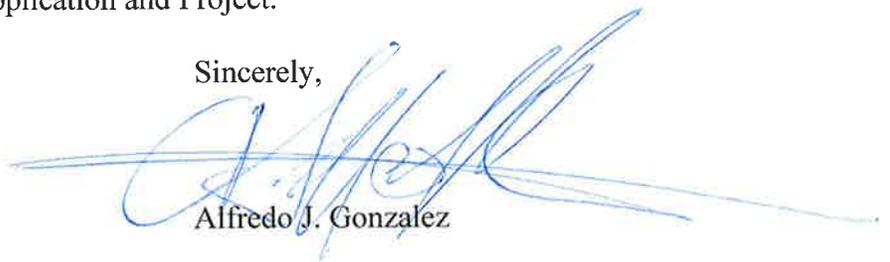
As provided in the Plans, the rooftop terrace includes significant landscaping that consists of various trees, shrubs and other vegetation that will help reduce the urban heat island effect by shading the building surface. Additionally, the rooftop is further protected with a permeable canopy that intended to minimize the potential for heat island effects.

The Project is also designed with light material cladding/fins on the frontages that deflects and absorbs heat by integrating high-performance elements to combat and reduce solar radiation. The addition of these architectural elements to the building's facades substantially reduces the amount of solar radiation that permeates the building (reduction of between 33% up to 69%) , creating a cooler and more energy efficient building.

V. Conclusion

The Applicant is requesting the approval of the above-mentioned COA for the refurbishment of the existing noncontributing, office building to provide a state of the art, world class-A office building. Based on the foregoing, we respectfully request your favorable consideration and approval of this Application and Project.

Sincerely,



Alfredo J. Gonzalez