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March 31, 2024

Honorable Chair and Members of the Planning Board
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Letter of Intent for a Modification to an Existing Conditional Use Permit
Planning Board File No. PB24-0659 f/k/a 1481-B
1905 Collins Avenue, Miami Beach, Florida

Dear Chair and Members of the Planning Board:

Our Law Firm represents Lipaz Schwartz and/or her assigns (the "Applicant"), the contract purchaser of the leasehold interest in the real property located at 1905 Collins Avenue, Miami Beach, Florida 33139 (collectively, the "Applicant") in this application for a Modification to the Conditional Use Permit ("CUP") previously issued under Planning Board File No. PB1481-B, a copy of which is attached hereto, to change the owner/operator.

Condition No. 4 of the CUP requires "any substantive … change of owners or operators shall require review and approval by the Planning Board as an amendment to this Conditional Use Permit."

As is now standard with applications for a CUP similar in nature to the subject application, the Applicant also requests Condition No. 4 of the CUP be modified to read as follows: "This Conditional Use Permit is issued to Lipaz Schwartz. Any changes in ownership or operator shall require the new owner or operator to submit an affidavit, approved by the City, to the City of Miami Beach Planning Department transferring approval to the new owner or operator and acknowledging acceptance of all conditions established herein."

There are no changes proposed by the Applicant to the existing approved operation, nor are there any changes proposed to the square footage, seating or occupancy approved under the existing approved Business Tax Receipt ("BTR") for the current operation.. Furthermore, the Applicant is in agreement with all of the conditions as contained in the CUP.

Below please find the Applicant's responses to satisfy each of the Sea Level Rise and Resiliency Review criteria pursuant to §7.1.2.4 of the City's Resiliency Code.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

(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.

Not Applicable.

(F) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public right-of-ways 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.

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.

Not Applicable.

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

Not Applicable.

(I) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry floor proofing systems will be provided in accordance with Chapter 54 in General Ordinances.

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

In light of the foregoing, the Applicant respectfully requests that the Planning Board approve this application for a Modification to the existing CUP with regards to the change in owner/operator.

In the case you should require additional information, please contact the undersigned.

Very Respectfully Submitted,

/s/ James E. Rauh.

James E. Rauh

Enclosures as stated.