

September 18, 2017

VIA HAND DELIVERY

The Chairperson and Members of the
Miami Beach Historic Preservation Board
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: Chabad of South Beach, Inc. ("Applicant")
320 Meridian Avenue, Miami Beach ("Property")
Application for Certificate of Appropriateness for New Construction
("Application")**

Dear Chairperson and Members of the Historic Preservation Board:

Our firm represents the Applicant in connection with certain land use and zoning matters relating to the Property. Please accept this Application, on behalf of the Applicant, for a Certificate of Appropriateness for design and demolition ("COA") and variances, to construct a new single story addition to the existing structure on the Property.

I. The Property

The Property is located in the Ocean Beach Historic District and designated Residential Performance Standard, Medium Density District ("RPS-2") on the City of Miami Beach Official Zoning Map. The Property was originally constructed in 1949 and designed by architect Robert Nordin. The Property contains a single platted lot with frontage on Meridian Avenue. Although originally constructed as a six (6) unit apartment house, the existing structure has been remodeled to include a single unit with facilities for a small synagogue use.

II. Request for Certificate of Appropriateness

The Applicant is applying for a COA to improve the Property with a single story addition. The purpose of this renovation is to extend the existing first floor apartment to the second story for the Rabbi and his large family of nine (9) beautiful children. As you can imagine, the Rabbi requires additional living space for his family. Although the synagogue use on the ground floor will remain, the existing residential use will likely be converted to accessory space for the synagogue (e.g., youth group rooms) in the future, after the second floor is constructed.

The Applicant and Project architect have consulted with Planning Staff over the past several months to arrive at an appropriate design that is sensitive to the historic preservation considerations for this contributing building. The goal of this Application is to preserve the existing structure, while adding a modest second floor for family use. As shown on the enclosed elevations, the front façade remains untouched. The second floor addition is stepped back 14'6" from the existing Meridian Avenue frontage and masked by the significant landscaping in the front yard, including two (2) existing Brazilian Beauty Leaf trees, measuring 35 feet in height with a 38 foot tree canopy. Applicant is also proposing minor demolition to several of the exterior raised platforms on the sides of the building, which are no longer in use and obstruct the external pathways.

Applicant and its consultants have analyzed the Florida Building Code life-safety requirements and determined two (2) means of egress are required from the second floor. Note, the Applicant internalized one stairwell in the rear of the property. Because the synagogue is located in the front of the Property, the second stairwell must be external to the structure otherwise the synagogue use would be obstructed. The new exterior stair provides access to the second floor patio.

III. Compliance with COA Criteria

In accordance with Section 118-564 of the Code, the Application complies with the criteria for issuance of a COA. The proposed physical improvements are designed to be compatible with the surrounding properties, which are generally characterized by a mix of two (2), three (3) and four (4) story structures.

The design, scale and massing of the renovation and addition to the Property are appropriate to the size of the lot and compatible with the surrounding properties. The maximum FAR permitted on the Property is 10,500 square feet; the Project addition will result in only 7,536 square feet of total FAR. Additionally, the side and rear setbacks will be maintained. The new second floor front elevation is stepped back from the public right of way and will not create any impact on the neighboring properties. Lastly, although 40 feet in height is allowed, the project will rise approximately 30 feet in height, without a rooftop deck. The rooftop design is intended to create a tranquil outdoor patio for family use, including a sukkah during the Sukkot holiday.

IV. Request for Variances and Waiver

a. Variances

The Applicant is requesting the following Variances:

Sec. 142-697(a) – Setback Requirements

In the RPS-2, residential performance district, the required setback for the side interior is 5 feet and the rear setback is 14 feet.

Sec. 142-1132(j) – Encroachment within rear yard

In all districts, hot tubs, showers, whirlpools, toilet facilities, decks and cabanas are structures which are not required to be connected to the main building but may be constructed in a

required rear yard, provided such structure does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than seven and one-half feet to a rear or interior side lot line...Freestanding, unenclosed facilities including surrounding paved or deck areas shall adhere to the same setback requirements as enclosed facilities.

The Property is a contributing historic structure. The proposed addition to extend the residential use to the second floor will simply extend the existing building walls located in the side and rear of the Property; the existing rear setback is legally non-conforming at 6'9", where 14' is required, and the North side setback is legally non-conforming at 4.65' where 5' is required. Additionally, the existing pavers in the rear of the Property will remain. Aside from the structural benefits of continuing the existing elevation vertically, the second floor extension provides a seamless architectural balance for the proposed expansion of the residential area.

Section 118-353(d) of the City's LDRs delineates the standards of review for a variance application. Specifically, a variance shall be approved upon demonstration of the following:

- (i) 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.

Satisfied; The Property is a contributing historic structure. Maintaining the existing setbacks is critically important for the preservation of the existing structure; relocating the top floor relative to the first floor will require significant alteration and jeopardize the integrity of the historic structure.

- (ii) The special conditions and circumstances do not result from the action of the applicant.

Satisfied; Applicant is requesting to extend an existing condition. As mentioned above, the Property is a contributing historic structure and currently located in the rear and side setback. Maintaining the existing setbacks preserves the integrity of the historic structure relative to its original condition.

- (iii) 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.

Satisfied; The requested variance is minimal and does not interfere with any neighboring properties. The requested variance is common among projects intended to preserve contributing buildings.

- (iv) 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.

Satisfied; Failure to approve the requested variance will create undue hardship on the Applicant by requiring a significant alteration of the project design, which minimally utilizes the available height and FAR. Again, Applicant did not create the original historic condition. Rather, Applicant is proposing a modern addition, which preserves the historic character of the building.

- (v) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Satisfied; Applicant is requesting the minimum variance necessary to maintain the minor encroachments as they currently exist. No additional variance is requested beyond what is already in place.

- (vi) 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.

Satisfied; Applicant has taken care to present a functionally sensitive design, meeting frequently with staff for input. The requested variance will maintain the harmony of the existing structure with the proposed addition on the second floor, while using the architectural design to distinguish between the existing historic component and the new addition.

- (vii) 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.

Satisfied; The requested variance will allow redevelopment of the Property consistent with the comprehensive plan and will not reduce levels of service.

b. Line of Sight Waiver

A waiver of the line-of-sight requirement contained in Section 142-1161(d)(2) of the Code to allow 10' - 2.5" of the second floor rooftop to be visible from the opposite side of the right of way.

Due to the narrow width of Meridian Avenue, Applicant is unable to completely conceal the second floor addition from the opposite side of the street when measured from eye level at 5'-6". Note, the existing landscaping in the front of the Property (measuring 35 feet in height with a 38 foot tree canopy) significantly conceals the new addition when viewed from across the street. However, the Code allows a waiver from this requirement provided the following conditions are met:

- (i) *the addition enhances the architectural contextual balance of the surrounding area. As stated above, the general area is surrounded by compatible uses and structures, including varying heights and architectural styles. The proposed*

addition enhances the existing architecture of the contributing building by creating a visual distinction between the historic and the new construction.

- (ii) *the addition is appropriate to the scale and architecture of the existing building.* Although the LDRs allow a height up to 40 feet, Applicant proposes a single-story addition. The scale of the addition is consistent with the surrounding as built context (made up of 2, 3 and 4 story structures). Note, landscaping in the front yard, including two (2) Brazilian Beauty Leaf trees measuring approximately 35 feet, provide ample coverage to mask any encroachment in to the line-of-sight.
- (iii) *the addition maintains the architectural character of the existing building in an appropriate manner.* The new addition is designed in a modern context and clearly differentiates between the old and the new. Furthermore, creating the addition behind the line of sight would create an unbalanced architectural effect.
- (iv) *the addition minimizes the impact of existing mechanical equipment or other rooftop elements.* The proposed mechanical equipment is located in the rear of the Property, significantly concealed from the Meridian Avenue corridor.

V. Sea Level Rise and Resiliency Review Waiver

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

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

The minor demolition of the steps on the exterior of the Property should not require any recycling or salvaging. To the extent required, Applicant will comply with this requirement.

- (ii) *Windows that are proposed to be replaced shall be hurricane proof impact windows.*

The new windows for the extension on the second floor will be hurricane proof impact windows.

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

Applicant will work with staff to provide passive cooling systems, to the extent appropriate and reasonable in this case.

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

All new landscaping will consist of Florida friendly plants.

- (v) *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 were taken into account. However, the existing building is a contributing structure and Applicant is not proposing any changes to the first floor or exterior walls of the building.

- (vi) *The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.*

Incorporating these types of modifications would negatively impact the historic nature of the Property, as the Applicant is not proposing any significant modifications to the historic features of the building.

- (vii) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.*

The new air-conditioning systems will be located on the roof of the structure.

- (viii) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.*

The existing historic structure is located at or above Base Flood Elevation.

- (ix) *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.*

The building will not contain any habitable space located below the base flood elevation.

- (x) *Where feasible and appropriate, water retention systems shall be provided.*

Applicant will discuss with staff appropriate options for water retention given the contributing status of the building.

VI. Conclusion

The Applicant is requesting a COA, variances and waiver to develop a single story addition to the Property, while at the same time preserving the existing contributing building. The extension of the existing residential component will complement the historic structure and create a functional space for the Rabbi's large family. Moreover, it will allow the future transition of the interior of the existing historic first-floor structure into an improved community synagogue space. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Ethan B. Wasserman