



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office
305.377.6222 fax
gpenn@brzoninglaw.com

VIA ELECTRONIC FILING

March 8, 2021

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Certificate of Appropriateness for Demolition and Design, Re-Introduction of Historic Floors, and Related Variances for Existing Nonconforming Building – 1501 Collins Avenue.

Dear Tom:

This firm represents Bancroft Oceans Five Holdings, LLC (the "Owner"), the owner of the commercial condominium units at 1501 Collins Avenue, Miami Beach, Florida (the "Property"). Please consider this letter the Owner's letter of intent for a Certificate of Appropriateness for minor demolition and design as well the re-introduction of historic floors within the Bancroft Hotel building. The Applicant is also requesting variances to preserve the existing setbacks for the building.

Description of Property. The Property is approximately 54,014 square feet in size (1.24 acres) and is located at the northeast corner of the intersection of Collins Avenue and 15th Street. The Property's reference Miami-Dade County Property Appraiser folio number is 02-3234-163-0001 (the Property has multiple folio numbers because it is condominium). The Property is zoned MXE Mixed Use Entertainment and is improved with a five (5) story structure, which was built in 1939. The Property is located within the Ocean Drive/Collins Avenue Historic District and the Miami Beach Architectural District, and the structure existing on the Property is designated as a historic structure within the Ocean Drive/Collins Avenue district.

Description of Development Program. The Applicant is seeking to restore the historic Streamline Moderne structure in the

spirit of the original Bancroft Hotel on the Property. The proposal calls for restoration of the building to preserve the historic nature and revitalize the uses on the Property.

Previous Approvals. In the mid-1990s, the former owner of the Property obtained approvals for renovations to the historic Bancroft Hotel structure and the development of the adjacent Ocean Steps mixed-development. The renovations to the Bancroft building included the demolition of portions of three floors of the historic structure to provide space for a performance venue in the building. The development was completed. The performance venue was never a great success and now the entire commercial element of the building is empty. In 2015, the Planning Board approved a Conditional Use Permit (File No. 2219) for the "Quality Meats" ground floor restaurant space, which included both indoor and outdoor seating. After operating for several years, the restaurant space is now empty.

Proposed Development. The Owner proposes to renovate the Bancroft Hotel building to include a new restaurant on the ground floor (in the former "Quality Meats" location) and the "Collins Club" office use on the remaining floors. Significant portions of the floors removed in the late 1990s are proposed to be re-introduced to the historic building. Minor demolition, focused on the removal of elements introduced to the historic building in the mid-1990s development, is proposed.

The Collins Club office use will offer memberships for Class A+ office space within the building. The Club will offer an unprecedented set of amenities designed to attract high-end professionals and digital nomads to Miami Beach. These amenities include fitness facilities and plunge pool, indoor and outdoor meeting space, and lounge areas. The outdoor meeting areas are proposed for the top of the Bancroft building as well as the existing roof of the Ocean Steps commercial structure. Members will have access to food and beverage service in office spaces, meeting areas, and two lounges within the Club portion of the building. The Club space will not be open to the general public.

The Ocean Steps commercial building will be renovated and developed with three commercial spaces on the ground level and office space above. The ground level development is proposed to include one centrally located restaurant with both indoor and outdoor seating. Two additional commercial spaces on ground level may be small restaurants.

Restoration of Former Floors. Thanks to the recently approved Charter amendment and ordinance, "[a]s applicable to the restoration of a contributing building located within a designated local historic district, the historic preservation board may, at its discretion and subject to the certificate of appropriateness procedure in chapter 118, article X, of this Code, approve

the reconstruction of original internal floors in accordance with historical documentation and/or building permit records if, prior to June 4, 1997, such floors were removed, even if the underlying lot is non-conforming as to floor area ratio (FAR)." The Owner is hereby requesting the reconstruction of portions of the floors removed in the mid-1990s redevelopment project. The re-introduction of these historic floors will allow the use of these floors for office purposes, removing the existing performance/nightclub space.

Plan Review Standards. Below are the standards applied by your Department and the Historic Preservation Board as well as the status of the proposed development with each criterion:

- a. 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 provided plans provide the necessary details.

- b. 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.

The provided plans provide the necessary details.

- c. 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.

The provided plans provide the necessary details.

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

Care has been taken in the design of the proposed development to be compatible as possible with the surrounding development. The renovations to the Bancroft

building have been designed to remove as many of the 1990s modifications as possible.

- e. 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.

The Owner has designed the site plan in a manner that most efficiently utilizes the Property without negatively impacting the surrounding area.

- f. 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.

Care has been taken to enhance the pedestrian experience and minimize the amount of vehicular and pedestrian interaction. The site will retain its single driveway entrance along Collins Avenue.

- g. 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 building elevations have been designed to minimize glare on adjacent parcels while ensuring pedestrian safety.

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

The Owner is proposing to significantly supplement the existing landscaping on the site. The landscaping has been designed in a manner to provide buffering from adjacent uses.

- i. 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.

Care has been taken in limiting the glare and noise escaping the Property. As with the current development, all of the parking will be inside the existing structure and invisible from other properties.

- j. 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).

There are no new structures proposed as part of this application.

- k. 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.

There are no new structures proposed as part of this application and the existing development is consistent with this requirement.

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

The Owner is proposing to improve two rooftop areas in a manner consistent with this requirement.

- m. 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).

There are no new structures proposed as part of this application.

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

There are no new structures proposed as part of this application and the existing development is consistent with this requirement. The modifications to the Bancroft building are intended to improve pedestrian compatibility.

- o. 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.

The loading and trash area will remain as existing along the northern property line.

Variances. Because the commercial development is unified with the existing 1500 Ocean residential building, the overall development is subject to the City's setback standards for oceanfront parcels. The existing building does not comply with three of the required setbacks for an ocean-fronting building in the MXE zone:

1. Front pedestal setback variance to permit the existing building to remain at 29'1" from Collins Avenue where 50' would be required.
2. Rear pedestal setback variance to permit the existing building to remain 60'8" feet from the bulkhead line where 106' would be required.
3. South side pedestal setback variance to permit the existing building to remain at 4'6" from 15 Street where 31'3" would be required.

Appropriateness of Variances. The approval of the proposal variances will not result in a development that is inconsistent with the surrounding area. In fact, all three requested variances are associated with the existing buildings on the site and will not created by the proposed development.

The relevant listed standards in Section 118-353(d) are below and will be followed by a brief analysis.

1. special conditions exist that are peculiar to the applicant's land;

The existing location of the structures on the Property are unique.

2. the special conditions were not created by the applicant;

The Owner did not create the special conditions inflicted on the Property since the variances relate solely to the existing structures on the site.

3. granting the requested variance would not confer upon the applicant special privileges;

The approval of the requested variances will only serve to bring the Property into parity with similarly situated sites, which have not been burdened with the orientation of the existing buildings on the site.

4. literal application of the City's standards would result in unnecessary and undue hardship;

Given that the variances are exclusively related to the existing nonconforming development, reasonable use of the site would be impossible without their approval.

5. the variance would be the minimum necessary for a reasonable use of the land, building, or structure;

The requested variances are the minimum needed to retain the existing development on the Property.

6. the variance would be in harmony with the general intent of the City's regulations; and

The City's regulations are intended to promote compatible development throughout the City. The existing development on the Property is and will remain, compatible with the surrounding area.

7. the granting of the variance would be consistent with the City's comprehensive plan and does not reduce minimum levels of service established in the comprehensive plan.

The requested variances will keep the development consistent with the Comprehensive Plan and will not intensify the development of the land in a manner inconsistent with established levels of service. Specifically, none of the requested variances will lead to the intensification of the potential development of the Property.

Given the none of the requested variances are new and are instead associated with the existing nonconforming structures on the Property, the variance approval will not result in any change in the existing state of development. The granting of the variances will permit a cohesive redevelopment of the Property that will be in harmony with the intent and purpose of the Code and consistent with the neighboring use, will not be injurious to the area involved or otherwise detrimental to the public welfare, and will provide the Owner with a reasonable use of its Property.

Sea Level Rise and Resiliency. Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

The plan will be provided at the time of building permit.

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

All new windows in the development will be hurricane proof.

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

Large doors are proposed to allow for passive cooling of restaurant and lounge areas where appropriate.

4. 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 proposed landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area.

5. 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.

Since the Owner will be working with existing floorplates in the building, there is no ability to raise the structure at this time.

6. 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.

This criterion is inapplicable as the application does not propose new construction.

7. 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.

This criterion is inapplicable as the application does not propose new construction.

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

As part of the 1990s construction, the new portions of the building were raised 3.5 feet. It is not currently feasible to raise the existing Bancroft floors.

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 54 of the city Code.

The improvements have been designed to accommodate this requirement.

10. As applicable to all new construction, stormwater retention systems shall be provided.

This criterion is inapplicable as the application does not propose new construction.

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

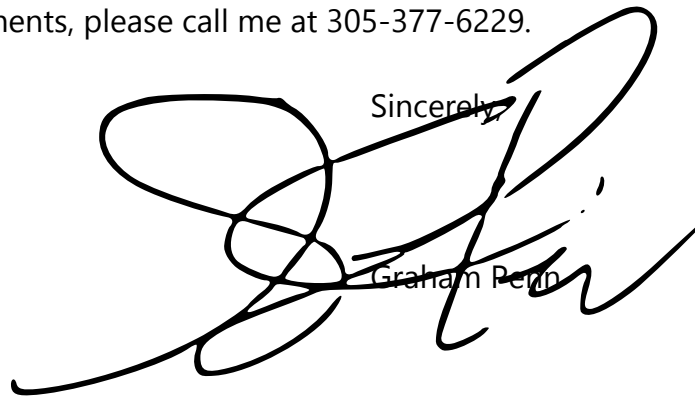
This criterion is inapplicable as the application does not propose new construction.

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

The renovations to the open areas of the project will significantly increase the shading of these areas.

Conclusion. The Owner is excited to bring this new development to a property that has been ignored for too long. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Graham Penn', is written over the typed name.

Graham Penn